

**GUIDE FOR
DESOTO PUBLIC OFFICIALS**



**A GUIDE FOR CITIZENS WHO ARE
APPOINTED AND ELECTED TO SERVE THE
CITY OF DESOTO**

APPROVED NOVEMBER 2023

COUNCIL RESOLUTION #13-08

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GUIDE FOR DESOTO PUBLIC OFFICIALS

The following is intended to be a guide to citizens who are elected to City Council or appointed to any board, commission, corporation or committee of the City of DeSoto sometimes collectively referred to in this Guide as “boards and commissions.” Members of the City Council¹ and City boards and commissions are sometimes referred to in this Guide as “public officials” or “officers.”² If you have any questions or concerns regarding these matters, please contact the City Secretary’s Office or City Attorney for further assistance.

SERVING ON A BOARD OR COMMISSION

The City of DeSoto boards and commissions consist of concerned citizens who volunteer their time and knowledge to make a difference in their community. Some of these groups serve as advisory boards, examining issues in depth, such as park development or planning and zoning, and making recommendations to the City Council. Other groups hear requests from citizens on variances to City ordinances and make decisions as to whether the variances should be allowed.

¹ *City Council* and/or *Council* shall mean the legislative and governing body of the City of DeSoto, consisting of the Mayor and City Councilmembers.

² *Officer* or *official* is also defined as the Mayor, any member of City Council, any appointed or confirmed member of any City board or commission, corporation, or committee established by ordinance, Charter, State Law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the City Council. Such term(s) shall include the City Manager, City Secretary, Municipal Judge, and Health Officer.

The work of these citizens assists the City Council and directly contributes to the quality of life in DeSoto. Each board or commission member is selected by the City Council after applications are reviewed.

Service on a board or commission is voluntary. DeSoto board and commission members are not paid or compensated.

DESOTO BOARDS AND COMMISSIONS

Planning and Zoning Commission: This Commission makes recommendations regarding land use, public improvements, planning and zoning, the thoroughfare plan, the Comprehensive Plan, subdivision plats, preliminary plats, site plans and zoning changes. This Commission has final approval authority over final plats filed with the City.

Zoning Board of Adjustment: This Board is a quasi-judicial body that hears citizen requests for variances to the Comprehensive Zoning Ordinance as well as additional authority as set forth in Sections 211.008 through 211.011 of the Texas Local Government Code. For example, the Board may hear a request from a property owner to reduce the minimum size of the side yard under the Comprehensive Zoning Ordinance to allow a building to be located in the area normally required for the side yard.

Civil Service Commission: This Commission provides oversight to the municipal Civil Service system for the Police and Fire departments, and when necessary hears appeals of police officer and firefighter disciplinary actions. For example, the Civil Service Commission may hold a hearing for an appeal when the Chief of Police terminates the employment of a police officer for a violation of Police Department rules and regulations.

Building and Standards Commission: The Commission hears requests by City Code Enforcement officials relating to repair, removal and demolition of substandard buildings and structures. The power and duties of the Commission are set forth in Chapter 54 of the Texas Local Government Code. For example, the Commission will make recommendations to the City Council as to amendments or changes to be made to the City Building Code, or may be requested to order a property owner to demolish or repair a substandard building.

DeSoto, Texas Cultural Arts Foundation – This Foundation Board consists of citizens challenged to assist in the implementation of the City’s Cultural Arts Master Plan for transforming Nance Farms into a historical Artist Hub, as well as nurturing and promoting the history of the City by collecting and preserving basic materials of history in the forms of art and artifacts and historical landmarks and sites. The Board will also receive, invest and utilize funds and property acquired through the solicitation of contributions, donations, grants, gifts, bequests for the Corporations purposes and perform charitable activities within the meaning of the Internal Revenue Code 501©(3) and Texas Tax Code 11.18©.

Library Board: This Board acts as advisory board to the City Council and makes recommendations concerning Library policies and regulations, provides a conduit for citizen input on Library related matters and may serve as a lay representative to library system cooperatives and committees in the North Texas area.

Tri-City Regional Animal Shelter Advisory Board: This Board consists of citizens appointed by the Cities of DeSoto, Duncanville and Cedar Hill and acts as advisory board to the City Councils for the Cities of DeSoto, Duncanville, and Cedar Hill and makes recommendations concerning policies governing the regional animal shelter operated by the three cities. The Board assists City staff in complying with applicable State Law and considers animal shelter policies.

DeSoto Development Corporation: Though established by the City, this is a separate non-profit Type B corporation whose Board of Directors is appointed by the City Council. This Board is responsible for promoting economic development through grants and incentives, which are funded from local sales tax proceeds, to encourage business expansion and relocation to the City.

Parks and Recreation Board This Board shall act only in an advisory capacity to the city council and city staff in all matters pertaining to parks and recreation and shall provide input and participate in the Parks and Recreation Master Planning. Oversees funds earmarked for the use of improving and developing DeSoto's parks through the 4-B sales tax proceeds. May raise funds through issuance of bonds, notes, or other debt instruments, and matching funds from the Texas Parks & Wildlife Department.

DeSoto Housing Finance Corporation: Established by the City, this is a separate non-profit corporation whose Board of Directors is appointed by the City Council. This Board is responsible for providing the means to finance the cost of residential ownership and development that will provide decent, safe and sanitary housing at affordable prices.

Keep DeSoto Beautiful Corporation: This is a separate non-profit corporation established by the City. Its Board of Directors is appointed by the City Council. This Board is responsible for promoting and conducting various beautification activities for the City.

DeSoto Health Facilities Corporation: This is a separate non-profit corporation established by the City. Its Board of Directors is appointed by the City Council. This Board is responsible for financing, promoting and establishing affordable healthcare facilities in the City.

Domestic Violence Advisory Commission: This Commission Provides advice and recommendations to the City Council and

DeSoto Police Department on how to improve the city's response to violence against victims, with a specific focus on successful interventions with children and teens who are witnesses to and/or victimized by domestic violence, dating violence and sexual assault. This commission brings together experts, advocates, researchers and criminal justice professionals for the exchange of innovative ideas and the development of practical solutions to address and prevent domestic violence

TERM LIMITS

In order to provide diversity and to encourage participation by all DeSoto citizens, individuals may not serve for more than two (2) full terms on the same board or commission. A full term consists of three (3) consecutive years. This requirement does not prevent a person appointed to a board, commission, or corporation from being appointed to a different board, commission, or corporation, after the term of office on the previous board/commission is complete. In addition, a person may be appointed to the same board, commission, or corporation after one (1) year has elapsed from the expiration of such person's previous term of office on such board, commission or corporation.

ATTENDANCE

Any member of a board or commission should be able to attend all required meetings. Any person absent from two (2) or more consecutive regular meetings of such board, commission or corporation without approval of the City Council may be removed from such board or commission by the City Council after a notice and a public hearing. Also, any member of a board or commission who is absent from thirty percent (30%) or more of the regularly scheduled meetings within each of any two (2) consecutive six (6) month periods may be removed from such board or commission by the City Council after a notice and a public hearing.

TERM OF OFFICE

Except for the Keep DeSoto Beautiful Corporation and the DeSoto Development Corporation, and as otherwise provided by State Law, City Charter or City ordinance, the term of office of a member of any board or commission expires on September 30th of the year in which such person's term of office expires. The term of office for a member of the Board of Directors for the Keep DeSoto Beautiful Corporation expires March 31st of the year in which such person's term of office expires. The term of office for a member of the DeSoto Economic Development Corporation Board expires December 31st of the year in which such person's term of office expires. A person will continue to serve on the board or commission until a successor is appointed. Any vacancy on a board or commission is filled by an appointment for the remainder of the unexpired term.

APPLICATIONS/INTERVIEW

Citizens interested in serving on any board or commission may make application to the City Council, on a form provided by the City. The City Council reviews the applications and then may conduct interviews of available applicants for board and commission vacancies.

The City Council reserves the right to conduct background investigations on all applicants.

STAFF LIAISON ATTENDANCE

Attend all meetings for the advisory board, commission or sub-committee to which they are assigned. If this is not possible, then the Staff Liaison will organize an alternative staff member, generally the supervisor of the Staff Liaison.

COUNCIL LIAISON ATTENDANCE

In the event a Council liaison is unable to attend a meeting of the board or commission, the liaison may give notice to City Secretary and/or staff liaison within a reasonable timeframe and City Secretary shall request a council representative for that meeting. If a council representative is unavailable to attend in the council liaison's stead, it shall be documented in the meeting minutes by the staff liaison for the assigned board or commission. Additionally, if the Council liaison has repeated conflicts over consecutive months, the Council liaison may submit a request to the Mayor and City Secretary to be reassigned to a board/commission that fits more closely in line with their schedule.

ROLES AND RESPONSIBILITIES

STAFF LIAISON ROLE –

Staff liaisons are City of DeSoto employees who usually have significant staff responsibilities that relate to the same work area as the advisory board, commission or sub-committee to which they have been assigned. They do not work "for" or "at the direction of" the board or commission they support. They are professionals who work with their advisory board, commission or sub-committee to develop information and recommendations for council consideration. As the city staff representative, the staff liaison provides factual information as needed and clarifies city policy if there is uncertainty on a particular issue. Staff liaisons should not participate in the deliberations of items before the advisory board, commission or sub-committee.

The staff liaison is responsible for ensuring that advisory board, commission or sub-committee members have all the necessary information to allow them to make informed decisions or recommendations to council. the staff liaison works with the chair to develop the agenda and packet information. the staff liaison is

responsible for ensuring that the requirements of state law and city policies pertaining to advisory boards, commissions and sub-committees are met. this responsibility includes compliance with the open meetings act and the posting of minutes to the city website and in the city's records repository.

The staff liaison may also find, coordinate, and encourage participation in training opportunities for members.

STAFF LIAISON RESPONSIBILITY

The Staff Liaison is responsible for the following:

Establish onboarding process for all new board members (do's/don'ts SOP)

Coordinate with the Chair in scheduling and creating an agenda for the advisory board, commission or sub- committee meetings.

Organize details of meetings such as room booking, publish a calendar of meeting dates, application deadlines, and public meeting notice dates. Staff Liaison is also responsible for submitting board/commission member attendance to the City Secretary's office on a monthly basis, as well as work with the City Secretary's office to communicate any board/commission member attendance issues, including but not limited to recommendation of member removal to City Council.

Provide professional guidance, recommendations, and support.

Coordinate with Board/Commission President to provide an annual update/report to the City Council highlighting the board/commission's goals/objectives and accomplishments of the past year and also review of the upcoming year's goals/objectives.

COUNCIL ROLE –

When attending a meeting of a City board or commission as liaison, Council members will: (1) Not attempt to lobby or influence the board, commission or committee on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them. However, nothing in this section precludes the Council member from explaining what the Council expects from the board, commission or committee, or explaining Council policy. (2) Not vote at the body's meeting on any item. **It should be further noted, that city council members are not members of the board or commission and are expected to refrain from participating in the deliberation process unless they are specifically called upon to do so.**

(This policy aims to ensure that the deliberation process for the board or commission is conducted by its appointed members without interference or undue influence from outside parties. It also helps to promote fairness and impartiality in the decision-making process by ensuring that council members only participate in the deliberation process when it is deemed necessary and appropriate.)

COUNCIL RESPONSIBILITY –

Serve as a communication link between the advisory board, commission or sub-committee, other City staff and departments, and Council, as appropriate.

COUNCIL LIAISON BOARD/COMMISSIONS ASSIGNMENTS

Council liaisons who wish to be reassigned following the May election of each year, may submit a request to the Mayor via email, however, they must also relinquish one of their current board or commission positions in order to be considered for a new assignment. If the request for reassignment is rejected, the Mayor

will notify the council member directly via email. The final decision is to the Mayor's discretion.

Please note: During the mayoral election, board and/or commission reassignments will be considered at the newly elected Mayor's discretion.

ETHICS AND DECISION MAKING FOR DESOTO PUBLIC OFFICIALS

Ethical considerations in the decision-making process of DeSoto public officials are at the forefront of public scrutiny. Even the mere appearance of impropriety impacts the effectiveness of DeSoto public officials. Public confidence and respect can best be promoted if DeSoto public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.

Ethics is often defined as the principle of right and good conduct; a system of moral turpitude; the study of the general nature of morals and the specific moral choices to be made by the individual in his or her relationship with others.

The conduct of DeSoto public officials is governed by the City Charter³, the Code of Conduct Ordinance⁴ and State Law. Members of the City Council and the members of all boards and commissions appointed or confirmed by the City Council must be knowledgeable of the City Charter, the Code of Conduct and State Law regarding ethics when participating in and making decisions while serving on a board or commission.

³ City of DeSoto Home Rule Charter

⁴ DeSoto Code of Ordinances, Article 1.1400 Code of Conduct Ordinance

The City Charter expressly prohibits certain conduct by DeSoto public officials which is covered by State Law. For example, the Charter prohibits any City Councilmember or any board or commission member of the City from having a direct or indirect interest in any contract⁵ with the City. For example, a business owned or controlled by a City Councilmember or board and commission member may not have a contract with the City to provide goods, materials or services. Similarly, the Code of Conduct which adopts the State Law governing conflicts of interests by local public officials also contains similar or more stringent prohibitions. Thus, a DeSoto public official should be familiar with the City Charter, the Code of Conduct and applicable State and Federal Law to ensure there are no provisions which govern the official's conduct.

CODE OF CONDUCT

These ethical standards are in the form of an Ordinance⁶ codified in the City Code of Ordinances, and apply to the Mayor, any member of the City Council, any appointed or confirmed member of any City board, commission, corporation, or committee established by ordinance, City Charter⁷, State Law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the City Council. The Code of Conduct applies to the City Manager, City Secretary, Municipal Judge, Health Officer, members of the Planning and Zoning Commission, the Zoning Board of Adjustment, the Civil Service Commission, the Building and Standards Commission, the Library Board, the Arts Commission, Tri-City Regional Animal Shelter Advisory Board, the DeSoto, Texas Historical Foundation Board, the Board of

⁵ *Contract* means any lease, claim, account or demand against or agreement with any person, whether expressed or implied, executed or executor, oral or written.

⁶ DeSoto Code of Ordinances, Article 1.1400 Code of Conduct Ordinance

⁷ City of DeSoto Home Rule Charter

Directors of the DeSoto Economic Development Corporation, the DeSoto Park Development Corporation Board, the Keep DeSoto Beautiful Corporation Board, the DeSoto Housing Finance Corporation Board, and the DeSoto Health Facilities Corporation Board.

The Code of Conduct does not apply to employees⁸, including those individuals employed on a full-time, part-time or internship basis or to independent contractors of the City. The ethical standards of conduct for employees are governed by the DeSoto Personnel Policies and Procedure Manual. Any complaint that an employee has violated these standards is referred to the Director of Human Resources or to the City Manager. The Code of Conduct adopts the State Law governing conflicts of interest for local public officials under Chapter 171 of the Texas Local Government Code and contains additional and stricter standards than found in State Law or the City Charter⁹. For your convenience, the ethical standards under the State Law are discussed below.

PURPOSE OF THE CODE OF CONDUCT

The purpose of the Code of Conduct is to ensure that DeSoto public officials are independent, impartial and responsible only to the citizens of the City; to prevent any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity of a DeSoto public official to conflict with the proper discharge of their duties in the public interest; to prevent public office from being used for personal gain; and to ensure that the DeSoto boards and commissions are at all times maintained as nonpartisan bodies. The Code of Conduct serves not only as a guide for the conduct of the City's boards and commission members, but also as a basis for discipline for those

⁸ *Employee* means any person employed by the City, including those individuals on a full-time, part-time or internship basis, but does not include independent contractors.

⁹ DeSoto Home Rule Charter, Section 2 "Conflict of Interest"

who refuse to comply by its terms, the overriding interest being that officers of the City shall at all times strive to avoid even the appearance of impropriety. In addition, the Code of Conduct standards apply if a close relative (spouse, parent, child) of the DeSoto public official has a conflict or has a prohibited situation or business relationship¹⁰.

SPECIFIC CODE OF CONDUCT STANDARDS

No DeSoto public official or a relative¹¹ thereof shall

1. Have a financial interest, direct or indirect, in any contract with the City nor shall such person be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. An actual financial benefit¹² from the transaction shall not include
 - (a) an ownership in the entity transacting business with the City where the ownership interest is less than one (1%) percent¹³; or
 - (b) compensation as an employee, officer or director of the entity transacting business with the City where such compensation is not affected by the entity's transaction with the City.¹⁴For example: a board or commission member or

¹⁰ Code of Conduct Ordinance, Section 1.1403 "Definitions"

¹¹ *Relative* means any person related to an officer within the first degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father- and mother-in-law, or son- and daughter-in-law of the officer.

¹² *Benefit* means anything reasonably regarded as pecuniary or economic gain or pecuniary or economic advantage, including benefit to any other person in whose welfare the beneficiary has a Substantial Interest.

¹³ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection a.1

spouse of such board or commission member may not have a contract to sell goods, materials or services to the City, nor may such persons purchase property sold by the City including property sold at an auction.

2. Participate in a vote or decision on any matter in which the officer has a Substantial Interest, which is defined as follows.

A Substantial Interest in a business entity¹⁵ occurs when

- (a) the DeSoto public official owns at least a ten percent (10%) share of the voting stock or shares of the business entity, or owns either at least ten percent (10%) or at least \$15,000 of the fair market value of the business entity¹⁶;
or
- (b) funds received by the DeSoto public official from the business entity exceed ten percent (10%) of the DeSoto public official's gross income for the previous year¹⁷.

Alternatively, a DeSoto public official has a Substantial Interest in real property if

¹⁴ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection a.2

¹⁵ *Business entity* means any person, entity, joint venture, unincorporated association or firm, institution, foundation, sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law, whether profit or non-profit.

¹⁶ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 1

¹⁷ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 1

- (a) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public¹⁸; and
- (b) the DeSoto public official's interest is an equitable or legal ownership with a fair market value of \$2,500 or more¹⁹.

Note that *Specific economic effect* is not defined by the statute; therefore, DeSoto public officials should file an affidavit and abstain from participation if any economic effect is foreseeable.²⁰For example: (1) a board or commission member may not vote on a matter affecting or concerning such person's residence or real property; (2) a Planning and Zoning Commissioner or City Councilmember may not vote on a zoning change or on plat approval for property owned by such person, or which is owned by a business that is owned by the City Council or Planning and Zoning Commissioner; (3) a Planning and Zoning Commissioner or City Councilmember may not vote on a zoning case or on plat approval for property owned by a person or entity if funds received by the public official from such person or entity are more than ten percent (10%) of the public official's gross income during the previous 12 months.

- 3. Represent or appear on behalf of private interests of others before the City Council, or any agency, board, commission, corporation, or committee of the City, nor represent any private

¹⁸ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 2

¹⁹ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 2

²⁰ *Specific economic effect* is an economic effect on a business entity that is distinguishable from the effect on the public.

interests of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is a party or to which there is a substantial likelihood that the City will be a party.²¹

Examples: A board or commission member may not represent a property owner before the Zoning Board of Adjustment, or a police officer or firefighter in a disciplinary hearing before the Civil Service Commission.

4. Accept any gift²² from any person that might reasonably tend to influence such officer in the discharge of official duties, or that the officer knows or should know is being offered with the intent to influence the officer's official conduct. The prohibition against gifts shall not apply to
 - (a) a lawful political contribution as defined by the Texas Election Code;
 - (b) an honorarium in consideration for services unless the officer would not have been asked to provide the services but for the Officer's position;
 - (c) meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (d) complimentary copies of trade publications and other related materials;

²¹ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection c

²² *Gift* means anything of value, regardless of form, including a favor offered or given in the absence of adequate and lawful consideration.

- (e) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
- (f) an item with a value less than fifty dollars (\$50);
- (g) tee shirts, caps, mementos and other similar promotional material or items with a value less than fifty dollars (\$50);
- (h) gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status;
- (i) complimentary attendance at political or charitable fund-raising events; or
- (j) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public events.²³

For example: (1) a board or commission member may accept a campaign contribution if a candidate for elective public office; (2) a board or commission member may not accept a cash payment for attendance or participation as a speaker at a seminar or conference if such person is invited to speak or participate because of such person's service or position on a DeSoto board or commission.

- 5. Use such person's official position to secure special privileges or benefits for such person or others.²⁴

²³ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsections d.1 through d.11

²⁴ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection e

For example: A board or commission member should not secure additional consideration of a matter because such public official is a member of the same service organization, church or other organization.

6. Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group.
7. Disclose confidential information.²⁵

For example: A board or commission member should not disclose or release to the public confidential City records or documents.

8. Use City supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance or City policy.²⁶

For example: A City Councilmember or member of the Planning and Zoning Commission may not use City property (computers, vehicles, stationary, office supplies) or personnel for personal use.

²⁵ *Confidential information* means any information, to which an official has access in such person's official capacity, which may not be disclosed to the public except pursuant to State and/or Federal Law and which is not otherwise a matter of public record or public knowledge.

²⁶ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection h

9. Act as a surety on any official bond required of any officer or employee of the City, or for a business that has a contract with the City.²⁷

ADDITIONAL STANDARDS

There are additional standards applicable to some boards and commission members and former officials:

1. No member of the City Council, the Planning and Zoning Commission, or Board of Adjustment shall participate in, or vote on, any land use matter (e.g. zoning, variances, plats, permits) in which such officer has a Substantial Interest in any real property within 200 feet of the real property, the subject of the land use matter.²⁸

For example: A City Councilmember or Planning and Zoning Commissioner may not vote on a zoning case or on plat approval for property located within 200 feet of real property owned by such DeSoto public official.

2. No member of the City Council who is on the governing body of a nonprofit organization shall vote on any funding request by that nonprofit organization other than for membership or subscription dues or fees, or as part of the City's annual budget, unless the nonprofit organization has a governing body appointed in whole or in part by the City Council.²⁹

²⁷ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection i

²⁸ Code of Conduct Ordinance, Section 1.1405 "Additional Standards", Subsection a

²⁹ Code of Conduct Ordinance, Section 1.1405 "Additional Standards", Subsection b

For example: A member of the City Council who is a director of the Chamber of Commerce or a member of the governing body of a church or performing arts organization may not vote on a request for public funds unless, the funding request is for membership dues (City membership in the Chamber of Commerce) or a part of the City’s annual budget (hotel/motel tax revenue allocated in the City budget to fund authorized activities such as the Chamber of Commerce, promotion of the arts or historical preservation).

3. With the exception of those proceedings allowed under this Code of Conduct, City Councilmembers shall not personally appear in their own behalf before the City Council, or any City board, commission, corporation or committee but may designate and be represented by a person of their choice in any such personal matter.³⁰

For example: A City Councilmember should not personally appear on such person’s own behalf before the City Council or Planning and Zoning Commission to request a zoning change or plat approval, or before the Zoning Board of Adjustment to request a variance; or before the Board of Directors of the DeSoto Economic Development Corporation to request funding an economic development grant for such person’s business or property.

4. No past officer of the City shall, for a period of one (1) year after the date of termination of such relationship with the City, appear before the City Council, or any City board, commission, corporation, or committee, to represent the interests of another on any matter.³¹

³⁰ Code of Conduct Ordinance, Section 1.1405 “Additional Standards”, Subsection c

³¹ Code of Conduct Ordinance, Section 1.1406 “Appearance by Past Officer”

For example: A former member of the City Council or Planning and Zoning Commission may not appear before the City Council or the Planning and Zoning Commission to request a zoning change or plat approval for the property of another unless a year has elapsed since such person served on the City Council or Planning and Zoning Commission.

5. No person related to an employee, the mayor or any member of the city council within the first degree by consanguinity or affinity shall be eligible to serve on the planning and zoning commission, board of adjustments, civil service commission, building and standards commission, or the city's development corporation.

DISCLOSURE OF INTERESTS

If a DeSoto public official has a Substantial Interest in a matter pending before the body of which the DeSoto public official is a member, the person must, before a vote or decision on such matter, file an affidavit on a form provided by the City, disclosing the interest, abstain from further participation in such matter, and not be physically present when such matter is discussed, or when action is taken.³²

REAL PROPERTY DISCLOSURE

Additionally, a DeSoto public official must upon the election, appointment, or confirmation of appointment, and on or before January first of each calendar year, disclose on a form provided by the City, the existence and location of any real property in the City in which the official or relative of the official, has any equitable or ownership interest, including any interest of one (1) percent or more in any entity which has an equitable or ownership interest in any real property in the City. Said disclosure shall also include the

³² Code of Conduct Ordinance, Section 1.1407 "Disclosure of Substantial Interest; Affidavit"

entity and location of all real property within the City in which the officer has acquired or conveyed any interest since the filing of the last report required by this Code of Conduct. If any officer has an interest in an entity that will not disclose to the officer whether or not the entity has a financial interest in real property in the City, the officer may satisfy this disclosure requirement by stating such fact in writing to the City Secretary.³³

CODE OF CONDUCT COMPLAINTS

The Code of Conduct permits any person to file a complaint that a DeSoto public official has violated the Code of Conduct. All complaints must be made in writing on a form provided by the City, sworn to before a notary public and filed with the City Secretary. The complaint must describe in detail the act or acts complained of and the specific section(s) of the Code of Conduct alleged to have been violated. A general complaint lacking detail and anonymous complaints will not be considered.³⁴

CODE OF CONDUCT COMPLAINT PROCESS

Code of Conduct complaints concerning employees, except the City Manager, will be referred to the Director of Human Resources or the City Manager. Complaints concerning a DeSoto public official will be referred to the City Attorney to initially review the complaint to determine factual and legal sufficiency.³⁵

The City Attorney or City Attorney's designee will provide the City Council with a written report within fourteen (14) days after

³³ Code of Conduct Ordinance, Section 1.1408 "Disclosure of Real Property Interest"

³⁴ Code of Conduct Ordinance, Section 1.1409 "Complaints Against Officers", Subsection a

³⁵ Code of Conduct Ordinance, Section 1.1409 "Complaints Against Officers", Subsection a

receipt, unless an extension has been granted by the majority of the City Council. If the City Attorney determines that a criminal violation may exist, the matter will be referred to the appropriate law enforcement agency. If the City Council determines that the complaint does not allege a violation of the Code of Conduct or there is insufficient evidence of the alleged violation, the matter will be considered concluded. If the City Council determines that the complaint alleges a violation of the Code of Conduct and there is sufficient evidence of a prima facie violation the City Council will conduct a hearing.

CODE OF CONDUCT COMPLAINT HEARING

A DeSoto public official who is the subject of a Code of Conduct complaint has a right to be represented by counsel, to call and examine witnesses and present evidence. The City Council, upon completion of a hearing, will render a decision whether a violation occurred or setting forth any requirements for voluntary compliance.

ACTION TAKEN ON CODE OF CONDUCT VIOLATIONS

The City Council may take any one or more of the following actions in an open meeting concerning a Code of Conduct complaint:

1. Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
2. Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the Officer of any steps to be taken to avoid future violations.
3. Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.

4. Issue a reprimand when a violation has been committed knowingly or intentionally.
5. Remove from office a DeSoto public official, other than a City Councilmember, for a serious or repeated violation of this Code of Conduct.
6. Pass a resolution of censure or a recommendation of recall when the City Council finds that a serious or repeated violation of this Code of Conduct has been committed intentionally by a member of the City Council.

STATE LAW

As previously stated, the Code of Conduct adopts the State Law governing conflicts of interests of local public officials.³⁶

Chapter 171 of the TEXAS LOCAL GOVERNMENT CODE also governs the conflicts of interest of DeSoto public officials. The purpose of Chapter 171 is to prevent local public officials from using their positions for hidden personal financial gain. Texas Law governing conflicts of interest applies to all local public officials, whether appointed, elected, paid, or unpaid, who exercise more than advisory responsibilities, including the City Council, Planning and Zoning Commission, Civil Service Commission, Zoning Board of Adjustment, and the Building and Standards Commission. However, these statutory provisions are minimum standards for ethical conduct. State Law governing conflicts of interest normally does not apply to boards that are purely advisory, such as the Arts Commission, Library Board or the Boards of Directors of the DeSoto Development Corporation, the DeSoto Parks and Recreation Board, the DeSoto Housing Finance

³⁶ Code of Conduct Ordinance, Section 1.1411 “Adoption of State Statute”

Corporation, the DeSoto Health Facilities Corporation, the DeSoto, Texas Historical Foundation, and the Keep DeSoto Beautiful Corporation. However, the City Council has determined that the law governing conflicts of interest of local public officials should apply to all board and commission members even though the State Law provisions normally apply only to members of boards and commissions that perform more than advisory functions. The Code of Conduct requires members of all boards, commissions, corporations and committees of the City to comply with the following rules of Chapter 171 of the Texas Local Government Code which are summarized below.

ECONOMIC CONFLICTS OF INTEREST

Rule: A DeSoto public official commits a criminal offense if the DeSoto public official knowingly participates in a vote or decision on any matter involving a business entity or real property in which the DeSoto public official has a “*Substantial Interest.*”

1. Required Filing Affidavit & Abstaining

A DeSoto public official who has a Substantial Interest in a business entity or real property must

- (a) file an affidavit with the City Secretary revealing the nature and extent of the interest with the governing body³⁷; and
- (b) abstain from further participation in the matter³⁸.

³⁷ Code of Conduct Ordinance, Section 1.1407 “Disclosure of Substantial Interest; Affidavit”

³⁸ Code of Conduct Ordinance, Section 1.1407 “Disclosure of Substantial Interest; Affidavit”

Also, State Law requires a separate budget vote on matters in which a DeSoto City Councilmember has a Substantial Interest.

2. What Constitutes a Substantial Interest?

A Substantial Interest in a business entity (sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law) occurs when

- (a) the DeSoto public official owns at least a ten percent (10%) share of the voting stock or shares of the business entity, or owns either at least ten percent (10%) or at least \$15,000 of the fair market value of the business entity³⁹; or
- (b) funds received by the DeSoto public official from the business entity exceed ten percent (10%) of the DeSoto public official's gross income for the previous year.⁴⁰

Alternatively, a DeSoto public official has a Substantial Interest in **real property** if:

- (a) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public⁴¹; and

³⁹ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 1

⁴⁰ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 1

⁴¹ Code of Conduct Ordinance, Section 1.1403 "Definitions", "Substantial Interest", Subsection 2

(b) the DeSoto public official's interest is an equitable or legal ownership with a fair market value of \$2,500 or more.⁴²

“*Specific economic effect*” is not defined by the statute; therefore, DeSoto public officials should file an affidavit and abstain from participation if any economic effect is foreseeable.

3. Substantial Interest Also Extends to Relatives in the First Degree

A DeSoto public official is considered to have a Substantial Interest if a relative in the first degree to the DeSoto public official, by either consanguinity (blood) or affinity (marriage), would have a Substantial Interest in a business entity or real property under the above tests.⁴³

Moreover, the affinity relationship continues after death or divorce if there is a living child of that marriage.⁴⁴

(a) Relatives in the First Degree

Consanguinity:

Parents
Children
Sisters & Brothers

Affinity:

Spouse of those listed
under consanguinity
Spouse
Spouse's parents
Spouse's children

⁴² Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 2

⁴³ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 3

⁴⁴ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Relative”

Stepparents or stepchildren

(b) Relatives in the Second Degree

Consanguinity:

Affinity:

Grandparents
Grandchildren

Spouse of those listed
under consanguinity
Spouse's grandparents
Spouse's grandchildren
Spouse's siblings

c) Relatives in the Third Degree

Consanguinity:

Great grandparents
Great grandchildren
Aunts & uncles
Nieces & nephews

4. Acting as a Surety Prohibited

A DeSoto public official is prohibited from acting as surety for

- (a) any business entity contracting with the governmental entity; or
- (b) any official bond.⁴⁵

5. Majority of DeSoto Board or Commission Members Substantially Interested

⁴⁵ Code of Conduct Ordinance, Section 1.1404 "Standards of Conduct for Officers", Subsection i

When a majority of the members of the board or commission have a Substantial Interest or conflict, and are required to file and do file affidavits, then all of the members of such board or commission, including those substantially interested, may participate and vote on the matter.

6. Actions Not Voided by a Board or Commission Member's Participation

An action will be voided (as if the action never took place or occurred) because of a DeSoto public official's participation in a decision **only** if that participation is determinative.

7. Penalty for Failure of DeSoto Public Official to File an Affidavit or for Participation

Failure to file the affidavit and to abstain constitutes a Class A Misdemeanor, and if convicted may be punishable by a fine of up to \$4,000 and one-year confinement.

ADDITIONAL STATUTORY REQUIREMENTS FOR
MUNICIPAL AUTHORITY RESPONSIBLE FOR
APPROVING PLATS

Members of the City Council and the Planning and Zoning Commission must also be aware of the requirements of Section 212.017 of the TEXAS LOCAL GOVERNMENT CODE. These provisions are similar to those of Chapter 171 discussed above. Both City Council and Planning and Zoning Commission must comply with the following standards. A member of the City Council and Planning and Zoning Commission are held to have a Substantial Interest in a subdivided tract if such person:

- (1) has an equitable or legal ownership interest with a fair market value of \$2,500 or more⁴⁶; or
- (2) acts as developer of the tract; or
- (3) owns ten percent (10%) or more of the voting stock or shares or ten percent (10%) or more of \$5,000 or more of a business entity which:
 - (a) has equitable or legal interest with a fair market value of \$2,500 or more⁴⁷; or
 - (b) acts as developer
- (4) receives funds equal to ten percent (10%) or more of annual gross income from a business entity meeting (3), above⁴⁸; or
- (5) is related in the first degree by consanguinity or affinity to someone who has Substantial Interest.⁴⁹

Members of the City Council and the Planning and Zoning Commission are required to (1) file an affidavit disclosing their Substantial Interest with the recordkeeper clerk; and (2) abstain from participating in the discussion or vote. Failure to do so is a Class A Misdemeanor punishable by a maximum fine of \$4,000 and/or up to one year in prison.

⁴⁶ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 2

⁴⁷ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 2

⁴⁸ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 1

⁴⁹ Code of Conduct Ordinance, Section 1.1403 “Definitions”, “Substantial Interest”, Subsection 3

NEPOTISM

The City Charter, the Code of Conduct and State Law contains nepotism provisions (the employment or appointment of relatives of public officials).

State Law provides that DeSoto public officials may not appoint, confirm the appointment of, or vote for appointment or confirmation of appointment of an individual to a position which will be directly or indirectly compensated from public funds if that individual is related to the public official within the third degree by consanguinity or second degree by affinity. State Law applies only to paid or compensated positions. State Law provides a continuous employment exception for a relative who was previously and continuously employed for a period of 30 days if the DeSoto public official is appointed or for a period of 6 months if the DeSoto public official is elected.

For Example: City Councilmember may not vote to confirm the appointment by the City Manager of a relative of the City Councilmember to the position of Chief of Police or Fire Chief.

City Charter Article XII, Section 3 contains a similar provision. The City Charter provides that a person related within the second degree by affinity or third degree of consanguinity to the Mayor or City Councilmember may not be appointed to any paid office, position, or clerkship of the City.⁵⁰

For Example: The spouse or child of the Mayor or City Councilmember may not be employed by the City unless such relative was employed for 6 months prior to the election of the Mayor or affected Councilmember.

⁵⁰ DeSoto Home Rule Charter

MISUSE OF OFFICIAL INFORMATION

DeSoto public officials may have access to confidential information that is not available to the public or that has not been made public.⁵¹ Members of the City Council, Planning & Zoning Commission, boards of directors of City corporations, and other boards and commissions routinely have access to confidential official information, which would be valuable to land spectators and investors. DeSoto public officials should not use such information to assist another person or entity to acquire any property or enterprise or aid another to speculate on the basis of such information. It is a crime for a DeSoto public official to profit, or help someone else profit, from inside information acquired by the DeSoto public official by virtue of the official position on a board or commission.

INCOMPATIBILITY

Often times citizens may serve on boards and commissions at different levels of government or have employment positions which overlaps or conflicts with their duties as a member of a DeSoto board or commission. The Doctrine of Incompatibility⁵² prohibits an individual from serving on two boards or commissions of conflicting loyalties. An individual may not promote the interest of one office to the detriment of the interests represented by the other office. The Doctrine prohibits one individual from occupying two offices where one office might impose its policies on the other or subject it to control in some way.

For example: An individual may not simultaneously serve as the Dallas County Auditor and as a DeSoto City Councilmember.

⁵¹ Code of Conduct, Section 1.1404 “Standards of Conduct for Officers”, Subsection g

⁵² Refer to “2012 Texas Dual Office Holding Laws Made Easy”, Texas Secretary of State website

https://www.oag.state.tx.us/AG_Publications/pdfs/dualoffice_easy.pdf

The Doctrine of Incompatibility also applies to situations of self-appointment or self-employment. Generally, it is incompatible to be both a member of a body making the appointment and an appointee of that body.

For example: the DeSoto City Council may not appoint one of its own members as the City Manager.

CITY CHARTER

WHO IS SUBJECT TO THE CHARTER

The City Charter was adopted by popular vote of the citizens of DeSoto. It is the constitution and framework for the DeSoto City government. The City Charter prohibits certain conduct by DeSoto public officials that is not covered by State Law. The City Charter prohibitions apply to officers and employees of the City.

The City Charter can be accessed via the City website (www.desototexas.gov)⁵³ or by submission of a request to the City Secretary's Office.⁵⁴

OPEN GOVERNMENT

Open government is inherent in a democracy. In Texas, citizens have the right to observe their government in action. Every regular, special, or called meeting of boards and commissions that have *rule making authority* or *quasi-judicial authority* must be open to the public and are subject to the Open Meetings Act. Citizens also have the right of access to including the right to examine and copy information and records collected, maintained and prepared by the City including the boards and commission. It

⁵³ DeSoto Home Rule Charter, City of DeSoto website <http://www.ci.desoto.tx.us/documentcenter/view/5560>

⁵⁴ City of DeSoto, City Secretary's Office, Office Phone 972.230.9646 or City of DeSoto website <http://www.ci.desoto.tx.us/index.aspx?nid=40>

is essential that persons appointed to DeSoto boards and commissions of the City are aware of citizens' rights to access to open government and public information.

OPEN MEETINGS ACT

The Open Meetings Act codified at Chapter 551 of the Texas Government Code⁵⁵ is designed to provide citizen access to meetings of the City Council and boards and commissions, except in certain limited instances. Every regular, special or called meeting of the City Council and certain DeSoto boards and commissions is open to the public unless a closed meeting is authorized by the Act. For authorized closed meetings please consult the City Secretary or City Attorney.

The Open Meetings Act applies to the DeSoto City Council, as well as any DeSoto board or commission that has rule making or quasi-judicial power.

All regular, special or called meetings of the City Council and the DeSoto boards and commissions must be open to the public. Notice of the date, time, place and subject of each meeting must be posted 72 hours prior to the scheduled meeting. The board and commission members may only discuss or take action on the items described in the posted notice.

The Open Meetings Act applies to any discussion or verbal exchange between a quorum of the City Council or a board or commission, or between a quorum of a City Council or a board or commission and another person about public business or policy which the City Council or a board or commission controls or supervises, or during which formal action is taken.

⁵⁵ Texas Local Government Code, State website
<http://www.statutes.legis.state.tx.us/SOTWDocs/GV/hm/GV.551.htm>

SOCIAL MEETINGS

Social meetings (purely social in nature) unrelated to public business, conventions and seminars are not subject to the Open Meetings Act and the notice requirements, if no formal action is taken and any discussion of public business is incidental.

COMMITTEES

Committees consisting of members of a board or commission even though less than a quorum are subject to the Open Meetings Act when the committee meets to discuss public business. Although a committee less than a quorum may not bind the board or commission, the public is deprived of access to the decision-making process if the board or commission becomes “the rubberstamp” of the committee if the meeting notice is not posted.

VIDEO CONFERENCE MEETINGS

Members of the City Council and DeSoto boards and commissions may participate in an open or closed meeting via video conference when a quorum of such body is present at one meeting place. There are, however, special notice, recordkeeping, and two-way communication requirements. Citizens have the right to attend the meeting at the remote location and the meeting place where a quorum is present. For further information, please contact the City Secretary or City Attorney.

EMERGENCY MEETINGS

DeSoto boards and commissions may conduct emergency meetings subject to different time and notice requirements.

1. It must be an emergency – an imminent threat to the public health or safety or a reasonably unforeseen situation requiring

immediate attention. Destruction of the City by a tornado would qualify as an emergency, while consideration of a settlement offer relating to litigation would not constitute an emergency. Failure to post notice on time or the board's or commission's prior delay in taking necessary action does not constitute an emergency.

2. Notice must be posted at least two (2) hours before the scheduled emergency meeting and must clearly describe the urgent public necessity or emergency.
3. Emergency item can be added to the agenda of a previously-scheduled meeting by posting a supplemental notice, but non-emergency items cannot be added to an emergency meeting agenda with less than the seventy-two (72) hours' notice.
4. Must give notice of an emergency meeting by telephone or via electronic media to any news media that have previously requested notice of public meetings and agreeing to pay cost of providing the notice.

ACTION/VOTING

The board or commission must make a decision or vote in a public meeting. No voting by secret written ballot.

CLOSED MEETINGS

If a closed meeting is authorized, the board or commission must first convene in an open meeting with a quorum present for which proper notice has been given.

PROCEDURE FOR CLOSED MEETINGS

The Chairperson must publicly announce that a closed meeting will be held and identify the section or sections of the Open Meetings Act under which the closed meeting is to be conducted. The board or

commission must keep either a certified agenda or make a tape recording of the closed meeting, except for private consultation with its attorney. The certified agenda is a written statement of the subject matter of the closed meeting, any action taken, and the date and time of the beginning and at the end of the meeting. A decision or vote on a matter discussed in a closed meeting must be made in an open meeting.

VIOLATION OF OPEN MEETINGS ACT

Any action taken by a board or commission in violation of the Open Meetings Act may be set aside by the Court.

Any board or commission member who knowingly⁵⁶ engages in at least one communication among a series of communications that each occur outside of a board or commission meeting and that concern an issue within the jurisdiction of that board or commission in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and knew at the time that the member engaged in the communication that the series of communications involved a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications commits a misdemeanor punishable by a fine of not less than \$100 or more than \$500, and/or confinement for not less than one month or more than six months.

A member of a board or commission who knowingly calls or aids in calling an unauthorized closed meeting commits a misdemeanor

⁵⁶ *Knowingly* means a person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or to circumstances surrounding the conduct when the person is aware of the nature of the contact or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct whether the person is aware that the conduct is reasonably certain to cause the result.

offense punishable by a fine of not less than \$100 nor more than \$500 and/or confinement for not less than one month or more than six months.

A member of a board or commission commits a Class C Misdemeanor if the member participates in a closed meeting of the board or commission knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

A member of a board or commission or any individual who without lawful authority knowingly provides to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under the Open Meetings Act commits a Class C Misdemeanor and is liable to the person who was injured or damaged by the disclosure for damages, lost wages, defamation, mental or emotional distress, reasonable attorneys' fees and court costs.

Although a board or commission member may not give the public the certified agenda or the tape recording of a closed meeting, the Open Meetings Act does not preclude a member from ~~may~~ making a public statement about the subject matter of the closed meeting. However, Board and commission members are highly encouraged not to make public statements about the subject matter of a closed meeting so as not to injure or damage any person affected. Further, each member of the board or commission should respect the privilege afforded to the board or commission to conduct a closed meeting. If members of the board or commission do not intend to keep the matter confidential, then the board or commission should not conduct a closed meeting.

CITIZEN RIGHT TO SPEAK AT OPEN MEETINGS

The citizens have a right to see its government and public officials in action. This means the right to prior notice of meetings, right to attend, and the right to record or videotape the meeting. The public has the right to address the City Council on any item listed

on the agenda. However, this right does not extent to boards and commissions. If a board or commission allows the public to speak, it must do so in a nondiscriminatory manner. Additionally, a citizen may have a right to speak on a particular item if a statute explicitly provides such a right. For example, citizens may speak at the Planning and Zoning Commission meeting during a public hearing on requested zoning changes.

PUBLIC INFORMATION ACT

Texas has adopted a Public Information Act to secure public access to the records and information held by state and local government. It is similar to the Federal Freedom of Information Act. The Public Information Act applies to information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official City business. It includes information that the City owns or has a right of access. The general forms in which public information exists may include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communications, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, drawing, voice, data, video representation held in computer memory.

REQUEST FOR ACCESS

A citizen may request copies of information or to inspect information on-site.⁵⁷ The City may not inquire into the requestor's motives but may require the request to be in writing. Public information must be made available to the public during normal business hours within ten (10) business days after the request is made. If the City is unable to provide the information

⁵⁷ Refer to the Texas Local Government Code, Section 552 "Public Information"

within ten (10) days, it must notify the requestor and establish a reasonable date for production.

Some information is protected by statute or other law and may not be disclosed to the public. Other information may be withheld from disclosure but the City must within ten days request an opinion from the Texas Attorney General as to whether the requested information should be disclosed. The City must also submit comments and responsive materials within fifteen (15) days to the Attorney General and notify the requestor that an Attorney General opinion has been requested. The information is not released to the requestor until the Texas Attorney General issues a written opinion requiring the disclosure of the requested information.

Some common types of information that may be withheld are

1. the identity of a person (confidential informant) who reports an ordinance or other criminal violation;
2. information relating to litigation in which the City is, or may be, a party, or to which a DeSoto public official or employee of the City is or may be a party;
3. trade secrets and certain commercial or financial information; and/or
4. information relating to economic development negotiations between the City and business prospects.

CONCLUSION

Public service on a DeSoto board and commission is an honor. Your voluntary service directly contributes to the quality of life in DeSoto. Although this public service is not paid or compensated the contributions and benefits to the DeSoto community and its

citizens are invaluable. Citizens fortunate enough to serve on boards and commissions do so with pride, integrity and with the highest of ethical standards.

REFERENCE MATERIALS

- DeSoto Home Rule Charter, 2023 or as amended
- DeSoto Code of Conduct Ordinance, amended 06-04-13
- Public Information Act Handbook, Texas Office of the Attorney General
- Texas Open Meetings Act Handbook, Texas Office of the Attorney General
- Publications by the Attorney General (JG to specify)
- Texas Local Government Code
- Parliamentary Training