



CODE OF ETHICS AND CONDUCT
FOR
ELECTED AND APPOINTED OFFICIALS OF
THE TOWN OF SUNNYVALE

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POLICY PURPOSE

The Sunnyvale Town Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials in an effort to provide guidelines for which members of the Town's Council, Boards and Commissions to assure public confidence in the integrity of local government through effective and fair operation. Town staff and employees shall be mindful of this Code as more particularly implemented by the Personnel Policies of the Town in order that they also will serve to assure public confidence in the integrity as well as the effective and fair operation of the Town's government.

A. GLOSSARY OF TERMS

Confidential information - any information to which an Elected or Appointed Official (EAO) is privy to through 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. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.

Elected and Appointed Officials (EAO) – Members of the Town Council, Town Boards, Commissions, Committees and Town Manager

Gift- anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions, which are regulated by federal, state, and/or local laws or ordinance.

Relative - any person related to an officer within the second degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the EAO.

Substantial financial interest - means (i) the ownership of ten (10) percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten (10) percent or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten (10) percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) A Member is considered to have a substantial interest under this Ethics Policy if a person related to the Member in the second degree of consanguinity or affinity

has a substantial interest under this Code of Ethics and Conduct for Elected and Appointed Officials. Subject to change based upon Section 171.002 of Texas Local Government code

B. ETHICS

The citizens and businesses of Sunnyvale are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity.

To this end, the Sunnyvale Town Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials ("Code of Ethics and Conduct") for all EAOs to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Express Prohibitions**—the following prohibitions apply to all EAO's, and, for purposes of Section 3.06(B)(2) of the Town Charter, shall be considered Express Prohibitions:

1. Bribery
2. Release of Confidential Information to the detriment of the Town: EAO shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, political or other private interests. This includes matters discussed in executive sessions or obtained through official capacity which are not public knowledge.
3. Conflict of interest accordance with state law: No EAO or employee of the Town or a relative thereof shall:
 - a. Have an undisclosed financial interest in any contract, job, work, or service of or to the Town, or the sale to the Town of any supplies, equipment, material, or real or personal property.
 - b. Participate in a vote or decision on any matter in which the officer has a substantial personal or financial interest.
 - c. Act or serve as surety for the performance of any person doing business with the Town or as surety for any Town officer or employee required to make a surety bond.
 - d. Accept any gift from any person that might reasonably tend to influence such EAO or officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - i. A lawful campaign contribution;
 - ii. An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - iii. Meals, lodging, transportation in connection with services rendered by the EAO at a conference, seminar or similar event that the EAO is providing services or is more than merely perfunctory;
 - iv. Complimentary copies of trade publications and other related promotional materials;
 - v. Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;

- vi. Any gift or occasional item with value less than fifty dollars (\$50.00);
 - vii. Gifts on account of kinship, personal, professional, or business relationship independent of the officer's status, in accordance with state law; and,
 - viii. Complimentary attendance at political or charitable fund-raising events.
4. Repeated or multiple violations of any Town policy or provisions of the ethics code
 5. Actions that interfere with the Town Staff's ability to operate, violations of Chapter 36, sexual harassment, and physical violence
2. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, Elected and Appointed Officials (EAO) will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale Town Council, boards and commissions.
 3. Comply with both the spirit and the letter of the **law** and Town **policy**. Members of the Town Council and the Town's boards and commissions shall comply with the laws of the nation, the State of Texas and the Town of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and Texas Constitutions; State laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, offenses against public administration (Chapter 36 of the Texas Penal Code) and open processes of government; and Town Charter, ordinances and policies.
 4. Conduct of Elected and Appointed Officials ("EAO"). EAO shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff, or public.
 5. Respect for Process. EAO shall perform their duties in accordance with the processes and rules of order established or practiced by the Town Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.
 6. Conduct of Public Meetings. EAO shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; attempting to monopolize the discussion at public meetings; or otherwise interfering with the orderly conduct of meetings.
 7. Decisions Based on Merit. EAO shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
 8. Communication. EAO shall publicly disclose substantive information that is relevant to a matter under consideration by the Town Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
 9. Use of Public Resources. EAO shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal, political purposes. EAOs desiring use of

such Town resources for public meetings shall first obtain permission from a majority of the Council at a duly called, posted Council meeting.

10. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the Town, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies, nor voluntarily participate on behalf of others in any litigation to which the Town is, or might be, an adverse party.
11. Advocacy. EAO shall represent the official policies or positions of the Town Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, EAO shall explicitly state they do not represent their body or the Town of Sunnyvale, nor will they allow the inference that they do.
12. Policy Role of EAO. EAO shall respect and adhere to the council-manager structure of Sunnyvale Town government as outlined by the Sunnyvale Town Charter. In this structure, the Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards and commissions, and Town staff. Except as provided by the Town Charter, EAO shall not interfere with the administrative functions of the Town or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.
13. Independence of boards and commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
14. **Non-Interference.** EAO shall not intervene in personnel or Municipal Court matters.
15. **Purchasing.** EAOs shall adhere to the same Town purchasing policy as utilized by Town staff.
16. Positive Work Place Environment. EAO shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. EAO shall recognize their special role in dealings with Town employees so in no way do they create the perception of inappropriate direction to staff.

C. CONDUCT

The Town Charter provides detailed information on the roles and responsibilities of members of the Sunnyvale Town Council, the Mayor Pro Tem, and the Mayor. The Town's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

This Code of Ethics and Conduct is designed to describe the manner in which EAOs should treat one another, Town staff, citizens, and others they come into contact with in representing the Town of Sunnyvale.

The constant and consistent theme through all of the conduct guidelines is "respect." EAOs experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these

pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide EAOs to do the right thing in even the most difficult situations.

COUNCILMEMBER ROLES AND RESPONSIBILITIES

Please refer to the [Town Charter](#)

GENERAL POLICIES AND PROTOCOL

Ceremonial Events

Invitations addressed to Councilmembers shall be shared with the Town Secretary's Office in order to assure posting for compliance with the Texas Open Meetings Act, if applicable.

Travel Expenses

All Council travel in which the Councilmember expects to officially represent the Town and be reimbursed by the Town for travel costs, should be disclosed to the Mayor, Town Council, and Town Manager in advance. The travel budget for Council shall be reviewed at each annual budget cycle.

Rules of Order for Meetings

Unless and until the Council or Boards and Committees shall adopt a set of Rules and Procedures for the conduct of meetings, the presiding officer shall determine the most reasonable and orderly way to conduct meetings subject to review and approval, on proper motion, by a majority of the Council or Board or Committee in attendance at the meeting.

Non-agenda Items (Public Forum)

During a designated period of the agenda, referred to as "Public Forum," citizens may bring forth issues or questions that are not on the meeting's agenda. Each citizen may be limited to three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings).

Public Forum may not be used as a forum to make personal attacks against individual citizens, Town employees or Councilmembers. Such remarks will result in the speaker being asked to step back from the podium and a forfeiture of the remaining time to speak.

Public hearings

EAO will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by EAO are not appropriate until after the close of the public hearing. EAO should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Appeal Protocol

The applicant or appellant shall have the right to speak first. The Mayor or Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Mayor or Chair will determine how much time will be allowed for each speaker, with 3 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Mayor or Chair has the

responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

EAO CONDUCT WITH ONE ANOTHER

EAO are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office to preserve and protect the interests of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

Use formal titles

EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate

Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow EAO to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Chair in maintaining order

It is the responsibility of the Chair to keep the comments of EAO on track during public meetings. EAO should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other EAO

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches

EAO have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

IN PRIVATE ENCOUNTERS

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as "public" communication.

Even private conversations can have a public presence

Elected and appointed officials are always on display - their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves-dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

CONDUCT WITH TOWN STAFF

Governance of a Town relies on the cooperative efforts of elected officials, who set policy; appointed officials who advise the elected, and Town staff, who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

EAO questions/inquiries to Town staff

1. Town Manager has the ability to assign members of Town staff to support the Town's Commissions, Boards and Town Council. The EAOs will utilize this designated Town Staff member for all communications, requests, meetings and inquiries related to the duties of the EAOs position. EAOs cannot provide direction for town staff, EAOs can only contact the Town Manager and designated Town Staff Member support person assigned to the commission, board or council for matters related to the respective EAO role.
2. EAOs shall not use town staff to accomplish purposes outside the EAOs responsibilities.
3. Routine requests for Information and Inquiries. EAO may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the EAO no differently than they would the general public, and the EAO shall not use their elected or appointed status to secure preferential treatment. The Town Manager does not need to be advised of such contacts.
4. Non-Routine Requests for Readily Available Information. EAO may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the Town?" or "Under what circumstances does the Town lower its flags to half-mast?").
5. Non-Routine Requests Requiring Special Effort. Any EAO request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the Town Manager, or to the Town attorney, as appropriate. The Town Manager shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such

requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the Town Manager, the Town Attorney as appropriate and affected department directors. The Town Manager, at his or her option, may choose to seek clarification from the Town Council for non-routine requests that might be considered extraordinary.

Do not disrupt Town staff from their jobs

EAO's should not disrupt Town staff while they are in meetings, on the phone, or otherwise engaged in performing their job functions to have their individual needs met. Do not attend Town staff meetings unless requested by staff - even if the elected or appointed official does not say anything; his or her presence implies support, shows partiality, intimidates staff, and hampers staff ability to do their job objectively.

Never publicly criticize an individual employee

EAO's should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

Do not get involved in administrative functions

EAO's must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, the payment of claims against the Town or granting of Town licenses and permits.

Check with Town staff on correspondence before taking action

Before sending correspondence, EAOs should check with the Town Manager to see if an official Town response has already been sent or is in progress. Board and Commission members shall not send correspondence except as authorized by the Town Council.

Limit requests for staff support

Routine secretarial support will be provided to all EAOs. The Town Secretary (or designee) opens mail addressed to Mayor and forwards information as appropriate. The Town Secretary also opens mail for other EAOs, unless an EAO requests other arrangements.

Do not solicit political support from staff

EAO's shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the Town's email system for political purposes or communications is not allowed.

CONDUCT WITH THE PUBLIC

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual EAO toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and respect

Be fair and equitable in allocating public hearing time to individual speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.

Give the appearance of active listening.

It is disconcerting to speakers to have EAO not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. EAOs shall refrain from texting or other cellular phone functions during public hearings.

Ask for clarification, but avoid debate and argument with the public.

Only the Mayor (Chair) - not individual EAO - can interrupt a speaker during a presentation. However, a member can ask the Mayor (Chair) for a point of order if the speaker is off the topic or exhibiting behavior or language that is disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the Mayor (Chair) to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by EAO to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Personal opinions or inclinations of EAO about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance.

EAO should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The Town Secretary serves as advisory parliamentarian for the Town Council and is available to answer questions or interpret situations according to parliamentary procedures. In her or his absence, the Town Attorney serves as advisory parliamentarian. The Mayor (Chair), subject to the appeal of the full Council or board/commission, makes final rulings on parliamentary procedure

IN UNOFFICIAL SETTINGS

Make no promises on behalf of the Council, board/commission or Town.

EAO will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other EAOs.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other EAOs, and their opinions and actions.

Remember that Sunnyvale is a small town at heart.

EAOs are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by EAOs, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

Be clear about representing the Town or personal interests.

When representing the Town, the Councilmember must support and advocate the official Town position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the Town or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose and with the Town Manager’s knowledge.

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When representing another organization whose position is different from the Town, the EAO should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town’s interest. EAOs should be clear about which organizations they represent and inform the Mayor, the Town Council, and the Town Manager of their involvement.

Be equally clear in correspondence about representation.

Town letterhead may be used when the Councilmember is representing the Town and the Town’s official position. A copy of official correspondence should be given to the Town Secretary to be filed with the Town as part of the permanent public record.

Town letterhead should not be used for non-Town business or for correspondence representing a dissenting point of view from an official Council position.

COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS

The Town has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the Town Council. They are a valuable resource to the Town’s leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful of personal opinions.

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire Town Council.

Limit contact with board and commission members to questions of clarification.

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Councilmembers.

The Town Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council; but board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions but must be fair and respectful of all citizens serving on boards and commissions.

Keep political support away from public forums.

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office but not in an official forum in their capacity as a Councilmember.

CONDUCT WITH THE MEDIA

Board and commission members are not authorized to represent the Town outside of official board/commission meetings unless specifically authorized to do so by the Town Council.

The best advice for dealing with the media is to never go "off the record".

Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the Town on Town positions.

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Councilmember is contacted by the media, the Council member should be clear about whether their comments represent the official Town position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

Public Disruption.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior.

EAO's shall refer any Town staff member or volunteer who does not follow proper conduct or protocol in their dealings with EAO, other Town staff, or the public, to the Town Manager. These employees may be disciplined in accordance with standard Town procedures for such action. (Please refer to the section on Council Conduct with Town Staff for more details on interaction with Staff.)

Councilmembers Behavior and Conduct.

Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale Town Council, boards and commissions. EAO themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of EAO that appears to be in violation of the Code of Ethics and Conduct are brought to their attention.

Town Councilmembers who intentionally and repeatedly do not follow respectful conduct may be reprimanded or formally censured by the Council, be removed from committee assignments (both within the Town of Sunnyvale or with inter-governmental agencies) or be subject to other appropriate action by the Council.

Councilmembers should point out to the offending Councilmember infractions of the Ethics Policy. If the offenses continue, then the matter should be placed on a council agenda in closed session under the provisions of Section 551.074 of the Texas Government Code.

The affected Councilmember may request that the complaint be considered in a public meeting. The affected Councilmember shall be provided by the Town Attorney a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present in detail to the Town Council the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials.

The affected Councilmember shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated Town Councilmembers in attendance shall conduct a hearing in open session and review the complaint. The Town Council may reject the complaint and take no action or take action to formally reprimand or censure the offending Councilmember. If the Town Council finds that the affected Council member has violated an express prohibition of this Ethics Code, then the Council shall by resolution declare the office forfeited and shall call an election to fill the vacancy

Board and Commission Members Behavior and Conduct.

Counseling and verbal reprimands may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with Town policy. These lower levels of sanctions shall be kept

private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective board or commission member, the board or commission chairperson, the Town Secretary, the Town Manager, and the Town Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The Town Council may impose sanctions on any EAO whose conduct does not comply with the Town's policies, up to and including removal from office in the case of non-council EAO's. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act.

When deemed warranted, the Council may call for an investigation of an EAO's conduct. Should the Town Manager or Town Attorney believe an investigation is warranted, they shall confer with the Council. The Council shall ask for an investigation of the allegation and a report of the findings.

The results of any investigation conducted by the Town Manager or Town Attorney shall be reported to the full Council in a closed session. It may be reported in a verbal or written report. Any written report to Council addressing the investigation of board and commission members shall be routed through the Town Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act. The affected EAO may request that the complaint be considered in a public meeting. The EAO shall be provided a copy of the complaint in writing. At such meeting, the Town Attorney or Town Manager shall present a report to the Town Council describing in detail the nature of the complaint and the Town Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials. The affected EAO shall have the right to a full and complete hearing before the Town Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated Town Councilmembers in attendance shall conduct a hearing and review the complaint. The Town Council may reject the complaint or take action

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

A violation of this Code of Ethics and Conduct for Elected and Appointed Officials, alone, shall not constitute a basis for challenging the validity of a Council, board or commission decision.

D. IMPLEMENTATION

As an expression of the standards of conduct for EAO expected by the Town, the Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when EAO are thoroughly familiar with it and embrace its provisions. For this reason,

- Newly elected or appointed officials shall acknowledge the receipt and commitment to this document prior to being sworn in.
- Acknowledgement of the Code of Ethics and Conduct will be required annually for all EAOs.
- The Town Council, and all Town Boards and Commissions will dedicate an annual meeting agenda item to the review of the Code of Ethics and Conduct for Elected and Appointed Officials, in an effort to address questions.

Failure to comply with the items outlined above could result in disciplinary action outlined in [Section C](#).

E. ETHICS RESOURCES

The below resources for reference only, not a comprehensive list of all applicable documents

TOWN OF SUNNYVALE

Town of Sunnyvale Personnel Policy

Town of Sunnyvale Purchasing Policy

TEXAS LOCAL GOVERNMENT CODE

[Ch.171 Conflict of Interest](#)

[Ch. 176 Financial Disclosure in Contracts](#)

TEXAS STATE GOVERNMENT CODE

[Ch. 551 - Open Meetings Act](#)

[Ch. 552 - Public Information Act](#)

[Ch. 553 - Disclosure of Ownership in Property](#)

[Ch. 573 - Nepotism](#)

TEXAS ELECTION CODE

[Ch. 253 - Campaign Finance](#)

TEXAS PENAL CODE

CH. 36 - BRIBERY AND CORRUPT INFLUENCE

[§ 36.02. Bribery](#)

[§ 36.03. Coercion of Public Servant or Voter](#)

[§ 36.04. Improper Influence](#)

[§ 36.05. Tampering with Witness](#)

[§ 36.06. Obstruction or Retaliation](#)

[§ 36.07. Acceptance of Honorarium](#)

[§ 36.08. Gift to Public Servant by Person Subject to His Jurisdiction](#)

[§ 36.09. Offering Gift to Public Servant](#)

[§36.10 Non-Applicable](#)

CH. 37 – PERJURY AND OTHER FALSIFICATION

[§ 37.10 - Tampering with a Governmental Record](#)

CH. 39 – ABUSE OF OFFICE

[§ 39.02. Abuse of Official Capacity](#)

[§ 39.03. Official Oppression](#)

[§ 39.04. Violations of the Civil Rights of Person in Custody; Improper Sexual Activity With Person in Custody](#)

[§ 39.05. Failure to Report Death of Prisoner](#)

[§ 39.06. Misuse of Official Information](#)

TEXAS ETHICS COMMISSION

[Conflict of Interest Form](#)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.</p>	<p>OFFICE USE ONLY</p> <p>Date Received _____</p>
<p>1 Name of Local Government Officer _____</p>	
<p>2 Office Held _____</p>	
<p>3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code _____</p>	
<p>4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3. _____</p>	
<p>5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p style="text-align: center;">(attach additional forms as necessary)</p>	
<p>6 AFFIDAVIT</p> <p style="text-align: center;">I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.</p> <p style="text-align: right;">_____ Signature of Local Government Officer</p> <p>AFFIX NOTARY STAMP / SEAL ABOVE</p> <p>Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.</p> <p>_____ Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath</p>	

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- a contract between the local governmental entity and vendor has been executed; or
- the local governmental entity is considering entering into a contract with the vendor.

CODE OF ETHICS ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Town of Sunnyvale's most recent Code of Ethics for Elected and Appointed Officials. I further acknowledge that I have read and understand all my obligations, duties, and responsibilities under each provision of this Code of Ethics.

Printed Name:

Signature:

Date:
