

ORDINANCE NO. 2020-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 2.421 OF THE SAN MARCOS CITY CODE BY ADDING A NEW SUBSECTION (E) TO CLEARLY STATE THAT THE POLICY AND PURPOSE STATEMENTS IN THAT SECTION SUPPORTING THE ADOPTION OF THE SAN MARCOS CODE OF ETHICS SHALL NOT BE CITED, USED, OR CONSIDERED BY A CITIZEN OR BY THE ETHICS REVIEW COMMISSION AS THE BASIS OF AN ETHICS COMPLAINT FILED AGAINST ANY OFFICER OR EMPLOYEE OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.421 of the San Marcos City Code is amended as set forth below. Underlining indicates added text.

Sec. 2.421. - Policy and purposes.

- (a) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.
- (b) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (c) This code of ethics has five purposes:
 - (1) To encourage ethical conduct on the part of city officials and employees;
 - (2) To encourage public service with the city;
 - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
 - (4) To require disclosure by city officials and employees of their economic interests that may conflict with the interests of the city; and
 - (5) To serve as a basis for disciplining those who fail to abide by its terms.
- (d) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.
- (e) This Section 2.421 is intended only to set forth the policy and purposes for adoption of the San Marcos Code of Ethics; it shall not be cited, used, or considered by a citizen or by the Ethics Review Commission as the basis of an ethics complaint filed against any officer or employee of

the city.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance shall become effective upon adoption on second reading.

PASSED AND APPROVED ON FIRST READING on June 2, 2020.

PASSED, APPROVED, AND ADOPTED on June 16, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney