

CODE OF ETHICS COMPLAINT PROCEDURE

The Code of Ordinances of the City of Farmers Branch, Texas, permits any person to file a complaint that an official (as defined by the Code of Ethics) of the City has violated the Code of Ethics. All allegations or complaints must be made in writing on a form provided by the City, sworn to before a notary public and filed of record 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 Ethics alleged to have been violated. A general complaint or allegation lacking detail will not be considered sufficient to invoke the investigation procedures set forth in the City Code of Ethics, and anonymous complaints will not be considered.

The city secretary shall provide a copy of the Code of Ethics complaint to the affected officer and the City Council, and immediately refer the complaint to the city attorney, who shall initially review to determine if the complaint contains sufficient detail and alleges a violation of the Code of Ethics. The affected officer may file a written response to the complaint within 7 business days after the complaint is filed with the city secretary.

The city attorney shall submit a written report to the city council as soon as possible but not later than 15 business days after the receipt of the complaint, unless an extension is granted by a majority of the non-implicated City Council members. The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the report. Such report shall be comprehensive and explain in detail all facts, findings, and conclusions in support of the city attorney's opinion as to whether or not a violation of Code of Ethics occurred. When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the Code of Ethics, a written report to that effect shall be submitted to the City Council. If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency

If it is determined by the city attorney that the facts as alleged could constitute a violation of the Code of Ethics, then the city attorney shall, within 15 business days after receipt of the complaint, notify the Mayor and City Council members of the existence and nature of the complaint. The City Council shall cause a meeting to convene, whether regular or special, within 15 business days after being so notified by the city attorney, to further consider said complaint in executive session with the Mayor or any three members of the City Council (the three members of the City Council shall not include the Mayor) causing such a meeting to be convened. In any event, the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the City Council by reason of the City Charter and shall report back to the City Council as soon as

possible, but in no event more than 15 business days from the date of notification of the City Council unless an extension is granted by the City Council. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this Code of Ethics occurred.

The City Council shall consider the complaint and the city attorney's report at an executive session of the City Council. The affected officer may request that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the City Council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of the Code of Ethics. The affected officer shall have the right to a full and complete hearing before the City Council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The non-implicated City Council members in attendance shall conduct a hearing and review the complaint. The City Council may reject the complaint or take action authorized under Section 2-285 of the Code of Ordinances.

No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.

The City Council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney, in the city attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the city attorney described above.

A complaint or allegation of a violation of the Code of Ethics may only be made against an officer while such person holds such position or office. A complaint made against an officer shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

CODE OF ETHICS COMPLAINT FORM

Name of Official alleged to have violated the Code of Ethics:
Specific section (i.e., 2-279 or 2-280) of the Code of Ethics alleged to have been violated:
Dated filed with the City Secretary:
In the Affidavit below, please describe in detail the act or acts which are the factual basis for your complaint that the above-named City officer has violated the section(s) of the Code of Ethics identified above. If you believe multiple violations have occurred, please describe in detail the act or acts which support each violation set out in your complaint:
<u>AFFIDAVIT</u>
STATE OF TEXAS § COUNTY OF DALLAS §
<p style="margin-left: 40px;">BEFORE ME, the undersigned authority, on this day personally appeared _____, who, being by me first duly sworn, stated under oath the following:</p>
*If additional space is needed, please attach continuation forms numbered in sequence as necessary.

