

# Memorandum



CITY OF DALLAS

DATE May 29, 2015

TO Members of the Budget, Finance & Audit Committee: Jerry R. Allen (Chair),  
Jennifer S. Gates (Vice Chair), Tennell Atkins, Sheffie Kadane, Philip T. Kingston

SUBJECT Ethics Advisory Commission May 22, 2015 Letter Recommending Approaches to  
Address Ethical Concerns Regarding Campaign and Officeholder Contributions and  
Expenditures

On February 25, 2015, the Dallas City Council approved amendments to Dallas City Code Chapter 12A relating to ethics complaints. Additionally, the City Council requested the Ethics Advisory Commission to consider providing general guidance to the City Council regarding officeholder and campaign contributions and expenditures. The response from Randy Skinner, Chair of the Ethics Advisory Commission, is attached for your review.

Please let me know if you need additional information.

A handwritten signature in blue ink, appearing to read 'Rosa A. Rios'.

Rosa A. Rios  
City Secretary

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Joey Zapata, Assistant City Manager

Mark McDaniel, Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager  
Biliera Johnson, Assistant City Secretary

May 22, 2015

Honorable Mayor and  
Dallas City Council Members  
1500 Marilla St  
Dallas, Texas 75201

Hon. Mayor and Members of the Dallas City Council:

I am writing on behalf of the Dallas Ethics Advisory Commission (EAC), which recently met to discuss ethical considerations relating to officeholder and campaign contributions and expenditures. We were asked by the City Council on February 25, 2015, to consider providing general guidance to the City Council regarding officeholder and campaign contributions and expenditures. We also considered two specific scenarios: First, what sorts of restrictions, if any, are placed on officeholders when gifts or money are provided to the official's initiative? Second, what restrictions, if any, are placed on officeholders when funds are provided to an organization in which the officeholder acts as a fiduciary?

After discussing these issues with city staff and after careful consideration, the EAC does not recommend that the City Council amend the City Code to attempt to address concerns or questions regarding the appropriate use of officeholder contributions or campaign contributions or to provide examples of the appropriate use of officeholder expenditures and campaign expenditures. The Texas Ethics Commission has the authority to administer and enforce Title 15 of the Texas Election Code, including issues regarding officeholder and campaign contributions and expenditures, and the Texas Ethics Commission answers questions about these issues routinely.

In assisting the EAC with this matter, city staff reviewed the charters and ordinances of five other major Texas cities: Austin, Fort Worth, Houston, El Paso, and San Antonio. Aside from Austin, none of the other cities codify guidelines on officeholder contributions or expenditures, and Austin apparently attempted merely to codify existing state law or Texas Ethics Commission opinions on officeholder expenditures. In our opinion, these sorts of issues are fact-specific, and determinations of what is appropriate may vary from case to case. If the EAC or the City Council were to provide guidance—through a policy or ordinance—that contradicts the Texas Ethics Commission's interpretation of the Election Code, the result would be more uncertainty for you and your successors, not less.

Honorable Mayor and  
Dallas City Council Members  
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The fact that the EAC is not able to answer councilmember questions regarding these questions and other ethical issues does not mean that those questions must go unanswered. To ensure that you know where to direct questions regarding ethical issues, we are providing a reference chart assembled by city staff. This chart lists specific ethical issues and the appropriate agency or city department to contact for answers to questions on that issue. We recommend that city staff provide this chart to new councilmembers as a part of their orientation and make the chart available to City Council candidates as well.

The EAC appreciates its responsibility to preserve the public confidence by promoting ethical behavior among the City's elected officials and employees. We hope that we can continue to be a part of a productive discourse on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Skinner". The signature is fluid and cursive, with a large initial "R" and "S".

RANDY SKINNER  
Chair, Ethics Advisory Commission

#### Attachments

- c: Ethics Advisory Commission Members
- Rosa Rios, City Secretary
- Biliera Johnson, Assistant City Secretary
- A.C. Gonzalez, City Manager
- Warren Ernst, City Attorney
- Chris Bowers, First Assistant City Attorney
- Tammy L. Palomino, Executive Assistant City Attorney
- Zachary Noblitt, Assistant City Attorney
- Eileen Youens, Assistant City Attorney

## Ethics, Elections, and Campaign Questions – Who to Contact

For questions about...	Contact*
Campaign accounts [financial institutions]	Texas Ethics Commission
Campaign contributions [state level]	Texas Ethics Commission
Campaign contributions [limitations at city level]	City Secretary's Office
Campaign forms	Texas Ethics Commission
Campaign funds, use of	Texas Ethics Commission; City Secretary's Office
Campaign law violations	Texas Ethics Commission
Campaign signs	Code Compliance
Candidate residency concerns	City Secretary's Office; Texas Secretary of State
City staff or city property for non-city business, use of	City Attorney's Office; Texas Ethics Commission
Confidential information, use of	City Attorney's Office
Conflicts of interest	City Attorney's Office
Election complaints	City Secretary's Office; Texas Secretary of State
Election forms	Texas Secretary of State; City Secretary's Office
Employee ethics training	Office of Ethics and Diversity
Ethics advice and questions, general	Office of Ethics and Diversity; City Attorney's Office;
Ethics Advisory Commission, role and powers of	City Secretary's Office;
Ethics complaints (violations of Chapter 12A of the Dallas City Code), filing or responding to	City Secretary's Office
Financial disclosure forms; financial reports	City Secretary's Office
Gifts and improper benefits	City Attorney's Office
Healthcare law violations	City Compliance Program
Key election dates	City Secretary's Office;
Lobbyists and lobbying	City Secretary's Office; City Attorney's Office
Officeholder accounts [financial institutions]	Texas Ethics Commission
Officeholder contributions	Texas Ethics Commission
Officeholder funds, use of	Texas Ethics Commission; City Secretary's Office
Officeholder contribution use for campaign purposes [limitation at city level]	City Secretary's Office
Personnel Rules (Chapter 34 of the Dallas City Code)	Human Resources; City Attorney's Office;
Political activity	City Secretary's Office
Political contributions/expenditures (See Campaign/Officeholder]	
Voter fraud	Texas Secretary of State
Waste, fraud, and abuse of city funds or property	City Auditor

\* See page 2 for contact information.

## Ethics, Elections, and Campaign Questions – Contact Information

*For a list of who to contact regarding specific questions, see page 1.*

### State agencies:

Texas Ethics Commission  
512-463-5800  
Website: <http://www.ethics.state.tx.us>

Texas Secretary of State  
1.800.252.VOTE (8683)  
Website: <http://www.sos.state.tx.us/elections>

### City Offices/Departments:

City Secretary's Office  
214-670-3738

City Attorney's Office  
214-670-3519

Office of Ethics and Diversity  
214-671-9812  
[DallasEthics@dallascityhall.com](mailto:DallasEthics@dallascityhall.com) (ethics issues)

City Compliance Program  
855-345-4022  
Website: <http://www.cod/Compliance/index.htm> (intranet)

Human Resources  
214-671-6947

City Auditor's waste, fraud, and abuse hotline  
877-860-1061  
Website:  
[http://dallascityhall.com/departments/auditor/pages/fraud\\_hotline.aspx](http://dallascityhall.com/departments/auditor/pages/fraud_hotline.aspx)

Code Compliance  
214-670-3118  
<http://dallascityhall.com/departments/codecompliance/Pages/default.aspx>