

Memorandum



DATE August 21, 2026

CITY OF DALLAS

TO Honorable Members of the Ad Hoc Committee on General Investigating and Ethics:
Gay Willis (Chair), Lorie Blair, Laura Cadena, Cara Mendelsohn, Kathy Stewart

SUBJECT **Additional recommendations to the Committee for changes to Code of Ethics**

PURPOSE

The purpose of this memorandum is to provide the Committee with additional amendments to Chapter 12A recommended by the Ethics Advisory Commission (EAC) after completing the review and analysis of selected provisions requested by the Committee (See Appendix A for the actual changes).

Sections	Description
12A-22	Exceptions to prohibited interests in contracts
12A-23	Public hearing matters at boards and commissions
12A-29, 12-30	Non-profits receiving compensation for lobbying
12A-35	Restricted activities regarding public subsidy matters
12A-50	Adding TOMA and PIA to EAC jurisdiction

PROCESS

The sections were first discussed and reviewed by the EAC working group resulting in a set of recommendations for EAC consideration. The EAC considered and discussed the work of the EAC working group at its regular meeting on July 21, 2026, and approved these recommendations for consideration of the Committee.

RECOMMENDATIONS

1. Refines exception to Section 12A-22 prohibition against city officials submitting bids for a city contract or negotiating to enter a city contract so that the restriction does not apply if the official was not involved in the creation of the contract requirements or in defining the terms of the contract, or, if the contract is competitively bid.
2. Refines Section 12-23 Ex Parte Communications by adding a subsection prohibiting board and commission members from publicly announcing or implying what their final decision will be on a public hearing matter before the conclusion of the required public hearing.
3. Adds provisions to Sections 12A-29 and 12A-30 to make non-profits, and those who represent them, subject to the lobbying provisions of Chapter 12A.

4. Allows council members to make written inquiry, using city email, seeking factual data from the applicant or requestor of a public subsidy matter up until the matter appears on a posted city council committee agenda or a posted city council briefing or voting agenda. Applicants may only respond via email and may not make any effort to influence or persuade the council member's action.
5. Adds sections of TOMA and PIA to the EAC's jurisdiction in Section 12A-50 including the open meeting requirement, walking quorum prohibition, destruction/removal/alteration of public information, and distribution or misuse of confidential information.

NEXT STEP

Currently there are 16 recommendations the Committee has approved to move for briefing to Council. The next step is to consider the new recommendations addressed in this memorandum at the 8/27/2026 committee meeting, and determine if they are ready to proceed to full council for briefing or action.



Baron Eliason
Inspector General (I)

APPENDIX A

Additional Amendments to Chapter 12A as Recommended by the Ethics Advisory Commission July 2026

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SEC. 12A-22. PROHIBITED INTERESTS IN CONTRACTS.

(a) Charter restrictions relating to financial interests in city contracts. Except as provided in Section [12A-20\(c\)](#), a city official or employee shall comply with the restrictions on financial interests in city contracts in [Chapter XXII, Section 11](#) of the city charter. The restrictions on financial interests in a city contract in [Chapter XXII, Section 11](#) of the city charter do not apply to a nominee or member of a city board or commission except as provided in Subsection (b) and Section [12A-20\(c\)](#).

(b) Additional restrictions relating to city contracts. A city official or employee may not, while in the service or employment of the city, either individually or as the officer or principal of an entity:

(1) submit a bid or proposal to make any city contract, whether or not the contract is required by state law to be competitively bid; or

(2) negotiate or enter into any city contract whether or not the contract is required by state law to be competitively bid.

(c) Exceptions. The restrictions in Subsections (a) and (b) do not apply to a member of the following bodies who participate in a contract that is required by state law to be competitively bid or who were not involved in the creation of the contract requirements or in defining the terms of the contract:

(1) board, commission, or body that is advisory only;

(2) committees or task forces formed by boards or commissions;

(3) board of a nonprofit development corporation that acts as an instrumentality of the city; or

(4) municipal management district board.

(d) Restrictions relating to the first year of employment. During the first year of city service, a city official or employee shall not participate in the making or awarding of a contract or attempt to use their official position to influence a city decision relating to a contract if a party to the contract is a person or entity by whom the city official or employee was employed within one year before beginning city service.

SEC. 12A-23. EX PARTE COMMUNICATIONS AND PUBLIC HEARING MATTERS.

(a) No person shall, directly or indirectly, communicate with any city official of any quasi-judicial city board or commission regarding any adjudicative matter that is, or may reasonably be expected to be, pending before the board or commission, unless a full disclosure of the communication is simultaneously made available to every other party to the matter. This prohibition does not apply to any communication by a city employee with the city board or commission in the performance of the city employee's official duties.

(b) No board or commission member shall make public statements, including comments, reactions, or endorsements on social media, announcing or implying what the member's final decision on a public hearing matter will be before the conclusion of the required public hearing before that member's board or commission. This prohibition applies to any public hearing item the member knows is likely to come before the member's board or commission for action by the board or commission.

SEC. 12A-29. DEFINITIONS.

(3) **COMPENSATION.**

(A) "Compensation" means any money, service, facility, or other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying.

(B) "Compensation" does not include:

(i) a payment made to any individual regularly employed by a person if:

(aa) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and

(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

(ii) any amounts previously reported under Section [12A-33](#) of this article.

(C) If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if, for the purpose of evading the obligations imposed under this article, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities.

(D) Compensation that has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first.

(9) **LOBBYING FIRM** means:

(A) a self-employed lobbyist;

(B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; ~~[or]~~

(C) a person who has one or more employees that are lobbyists on the person's behalf and the person is the client; or

(D) a person speaking at the request, direction, or authorization of a non-profit organization if the non-profit organization has received compensation for lobbying on the matter that is the subject of the communication.

SEC. 12A-30. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

(a) Except as provided by Section 12A-31, a person must register with the city secretary if the person:

(1) receives compensation of \$200 or more in a calendar quarter for lobbying;

(2) receives reimbursement of \$200 or more in a calendar quarter for lobbying; ~~or~~

(3) lobbies as the agent, representative, or employee of a person or lobbying firm who:

(A) receives compensation of \$200 or more in a calendar quarter for lobbying; or

(B) receives reimbursement of \$200 or more in a calendar quarter for lobbying; or

(4) lobbies as the agent, representative, or employee of a lobbying firm that has received compensation, reimbursement, or donations of \$200 or more in a calendar quarter for lobbying.

(b) A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has two or more employees who are required to register under Subsection (a). A lobbying firm that chooses to register all of its employees as lobbyists under this subsection, instead of having them register individually, will be deemed a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article.

(c) An attorney who is representing a client must register as a lobbyist if the attorney meets the compensation or reimbursement standards of Subsection (a). A law firm employing two or more attorneys required to register as lobbyists under this section may register as a lobbying firm instead of registering the individual attorneys.

(d) A person who is representing an association of city employees or an association of former city employees must register as a lobbyist if the person meets the

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compensation or reimbursement standards of Subsection (a) or if the person is representing the association on a pro bono basis.

SEC. 12A-35. RESTRICTED ACTIVITIES.

(2) Public subsidy matters.

(A) A person applying for or requesting a public subsidy matter shall not lobby a city council member either directly or indirectly (through a representative, employee, or agent) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.

(B) Except as provided in Subparagraph (C), a [A] city council member shall not discuss an application or request for a public subsidy matter either directly (with the person or entity submitting the application or request) or indirectly (with a lobbyist, representative, employee, or agent of the person or entity submitting the application or request) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.

(C) From the time a complete application or request is accepted until the public subsidy matter appears on a posted city council committee agenda or a posted city council briefing or voting agenda, a city council member may submit questions in writing using his or her City of Dallas email to the applicant or requestor seeking only factual information about the public subsidy matter. The applicant or requestor may only respond in writing to the council member's City of Dallas email giving factual answers only to the council member's specific questions without any effort to influence or persuade the council member's action on the public subsidy matter.

SEC. 12A-50. JURISDICTION AND POWERS.

(a) Jurisdiction.

(1) The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of the laws, ordinances, and rules listed in Paragraph (2) by any person subject to those laws, ordinances, or rules, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city.

(2) The ethics advisory commission may consider violations of the following laws, ordinances, and rules:

(A) Section 8-22, "Board Members," of Article V, "Code of Conduct," of Chapter 8, "Boards and Commissions," of the Dallas City Code;

(B) Chapter 12A, "Code of Ethics," of the Dallas City Code;

(C) Chapter 15A, "Elections," of the Dallas City Code, except to the extent that Chapter 15A is administered and enforced by the Texas Ethics Commission;

(D) the second sentence of Chapter XVI, Section 16(a) of the city charter, which reads "No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever";

(E) Chapter XXII, Section 11, "Financial Interest of Employee or Officer Prohibited," of the city charter;

(F) Chapter XXIV, Section 1, "No Officer or Employee to Accept Gift, Etc., From Public Utility," of the city charter;

(G) Chapter IV, Section 5(b)(5), "Districts and Redistricting," of the city charter;

(H) Texas Local Government Code Chapter 145, "Financial Disclosure by and Standards of Conduct for Local Government Officers," as amended;

(I) Texas Local Government Code Chapter 171, "Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments," as amended;

(J) Texas Local Government Code Chapter 176, "Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information," as amended;

(K) Section 212.017, "Conflict of Interest; Penalty," of Texas Local Government Code Chapter 212, "Municipal Regulation of Subdivisions and Property Development," as amended;

(L) Sections 551.002, "Open Meetings Requirement," and 551.143, "Prohibited Series of Communications; Offenses; Penalty," of Texas Government Code Chapter 551, "Open Meetings," as amended;

(M) Sections 552.351, "Destruction, Removal, or Alteration of Public Information," and 552.352, "Distribution or Misuse of Confidential Information," of Texas Government Code Chapter 552, "Open Government, Ethics," as amended;

(N) conflicts of interest and gift regulations applicable to local government recipients of federal grants, including Subsection (c) of Section 200.318 of Title 2 of the Code of Federal Regulations, as amended; and

(Q[M]) any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.

Appendix B
Texas Government Code Sections

Sec. 551.002. OPEN MEETINGS REQUIREMENT. Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.

Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if the member:

(1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body 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

(2) knew at the time the member engaged in the communication that the series of communications:

(A) involved or would involve a quorum; and

(B) would constitute a deliberation once a quorum of members engaged in the series of communications.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

Sec. 552.351. DESTRUCTION, REMOVAL, OR ALTERATION OF PUBLIC INFORMATION. (a) A person commits an offense if the person wilfully destroys, mutilates, removes without permission as provided by this chapter, or alters public information.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than \$25 or more than \$4,000;

(2) confinement in the county jail for not less than three days or more than three months;
or

(3) both the fine and confinement.

(c) It is an exception to the application of Subsection (a) that the public information was transferred under Section [441.204](#).

Sec. 552.352. DISTRIBUTION OR MISUSE OF CONFIDENTIAL INFORMATION. (a)

A person commits an offense if the person distributes information considered confidential under the terms of this chapter.

(a-1) An officer or employee of a governmental body who obtains access to confidential information under Section [552.008](#) commits an offense if the officer or employee knowingly:

(1) uses the confidential information for a purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the officer or employee to obtain access to the information, including solicitation of political contributions or solicitation of clients;

(2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or

(3) discloses the confidential information to a person who is not authorized to receive the information.

(a-2) For purposes of Subsection (a-1), a member of an advisory committee to a governmental body who obtains access to confidential information in that capacity is considered to be an officer or employee of the governmental body.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not more than \$1,000;

(2) confinement in the county jail for not more than six months; or

(3) both the fine and confinement.

(c) A violation under this section constitutes official misconduct.



Ethics Code EAC Recommended Changes

**Office of Inspector General
Baron Eliason
Inspector General (I)**

FY 2026-2027



City of Dallas

Presentation



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Where we are:

Six additional EAC-recommended changes to Chapter 12A, after review by the Ethics Advisory Commission, are back before the Committee

The existing pipeline already includes 16 additional recommendations approved by the Committee for Council briefing; these six are the next policy package to resolve.



Process



EAC working group

Reviewed the six provisions and developed recommendations

EAC consideration

Considered, discussed and recommended changes

GIE Committee

Determines whether to advance, reject or return

Full Council

Briefing and eventual ordinance consideration



Recommendations at a glance



The package touches contracts, public hearings, lobbying, subsidies and open-government jurisdiction.

Overview

	12A-22	Contract interests	Limits exception to contracts competitively bid or that lack involvement in process
	12A-23	Public hearings	Restricts public statements of appointed members before public hearing matters are heard
	12A-29 / 30	Nonprofit lobbying	Apply lobbying rules, when compensation is received, to non-profits
	12A-35	Public subsidies	Permit council members limited factual written inquiries in public subsidy matters
	12A-50	TOMA / PIA	Add selected open-government violations to EAC jurisdiction
	Next step	Committee action	Advance, reject or return for further review



12A-22: Prohibited interests in contracts



- General rule: a city official or employee may not submit a bid or proposal, or negotiate or enter into a city contract, while in city service.
- Exception: identified appointed officials are excepted from this general rule.
- Recommendation: refine the exception so that the exception will not apply if the official was involved in the process leading to the contract, or if the contract is not competitively bid.



12A-23: Public hearing matters



- Recommendation: prohibit appointed officials from making public statements that imply or assert that their decision is already made in regard to matters coming before their body in a public hearing.

12A-29 / 30: Non-profits and lobbying



- Recommendation: add provisions to lobbying article that treat compensated nonprofit advocacy consistently with other compensated lobbying.
- Covers people speaking at the nonprofit's request, direction or authorization.
- Adds registration trigger tied to compensation, reimbursement or donations for lobbying.



12A-35: Public subsidy matters



- General rule: neither council members nor proposers are allowed to discuss public subsidy matters directly or indirectly with one another from the time application is accepted until a decision is made.
- Recommendation: provide a window of time during which a council member can make a factual inquiry to an applicant, using city email and that the applicant to respond to those inquiries but avoid advocacy.
- The time frame ends when the matter appears on a posted committee or council agenda.



12A-50: TOMA and PIA jurisdiction



- Recommendation: add to the jurisdiction of the Ethics Advisory Commission (EAC) outlined provisions of the Texas Open Meetings Act (TOMA) and the Texas Public Information Act (PIA) governing:
 - Open meetings requirement
 - Prohibited series of communications / walking quorum
 - Destruction, removal or alteration of public information
 - Distribution or misuse of confidential information
- The amendment does not make the EAC the general enforcement body for all TOMA/PIA issues.

