

Memorandum



Date December 30, 2016
To Honorable Mayor and Members of the City Council
Subject Amendments to the Code of Ethics

On Wednesday, January 4, 2017, the City Council will be briefed on proposed changes to the Dallas City Code that will help strengthen the City's ethical standards, programs and policies. The briefing materials are attached for your review.

If you have any questions, let me know.



Rosa A. Rios
City Secretary

Attachments

c: Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jill Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Amendments to the Code of Ethics

City Council
Briefing
January 4, 2017



Process and Purpose

- Year long review process
 - Reviewing Chapter 12A, “Code of Ethics.”
 - Reviewing sections pertaining to city-funded officeholder accounts in Chapter 2, “Administration” and Chapter 15A, “Elections.”
 - Researching best practices from cities around the country.
 - Discussion and deliberation at commission meetings.

Process and Purpose cont'd

- Gathering input from many departments including:
 - City Attorney's Office.
 - City Auditor's Office.
 - City Secretary's Office.
 - Office of Ethics and Compliance.

Purpose of Amendments

- Update code of ethics.
- Adopt best practices from other cities.
- Clarify confusing or ambiguous provisions.
- Create a culture of ethics at city hall.
- Improve ethics complaint process.

Proposed Amendments Summary

1. Making breach of fiduciary duty an ethics violation.
2. Creating standards of civility.
3. Amending the gifts provision.
4. Creating a gift policy for employees.
5. Creating a donation policy.

Summary cont'd

6. Requiring confidentiality of executive sessions.
7. Prohibiting city officials from endorsing candidates for public office.
8. Prohibiting disclosure of draft documents.
9. Requiring lawyers who represent clients to register as lobbyists.
10. Requiring employee associations to register as lobbyists.

Summary cont'd

11. Prohibiting city councilmembers from meeting with bidders and lobbyists regarding pending contracts.
12. Prohibiting campaign managers from acting as lobbyists.
13. Requiring the Chief Financial Officer and supervisors of department directors to file financial disclosure reports and travel reports.
14. Expanding the jurisdiction of the Ethics Advisory Commission.

Summary cont'd

15. Allowing ethics complaints filed on the fraud, waste, and abuse hotline to be forwarded to the Ethics Advisory Commission.
16. Providing additional sanctions for violations of the code of ethics.
17. Cleaning up ambiguous or confusing language.
18. Adopting best ethics practices from other cities.
19. Creating rules for city-funded city council officeholder accounts.

1. Fiduciary Duty

- Section 12A-1.1
 - Provides that city officials have a fiduciary duty to the city.
 - City officials are required to act in the best interest of the city as a corporate entity on behalf of the public.
 - Breach of fiduciary duty is an ethics violation.

1. Fiduciary Duty cont'd

Fiduciary duties includes:

- Duty of care.
 - Inform themselves of all material information available.
- Duty of loyalty.
 - Not harm the city.
- Duty of good faith.
 - Advance the interests of the city.

1. Fiduciary Duty cont'd

Fiduciary duties includes:

- Duty of confidentiality.
 - Keep information confidential.
- Duty of prudence.
 - Exercise reasonable skill and caution.
- Duty of disclosure.
 - Disclose relevant facts.

2. Standards of Civility

- Establishes standard of civility for city officials.
- Standard of civility for employees are covered by the Personnel Rules.
- Section 12A-1.2(b)
 - Standards include:
 - Respect and courtesy.
 - No discrimination.

2. Standards of Civility cont'd

- Other standards include:
 - Must treat city employees as professionals and not interfere with work.
 - No comments that are abusive, crude, derogatory, disparaging, impertinent, profane, rude, slanderous, or threatening.
 - Must preserve order and decorum in meetings.

2. Standards of Civility cont'd

- To preserve independent advice, members of city council may not:
 - Use their position to influence deliberations or decisions of boards and commissions.
 - Lobby board or commission members on behalf of a private person of a particular policy or decision.
 - Demand board or commission members to vote as requested or threaten to remove members.

3. Gifts Provision

- Section 12A-2(16.1)
 - Adds a definition of “donation” to distinguish it from “gifts.”
- Section 12A-5(a)(2)
 - Prohibits persons from giving gifts given to influence or reward official conduct.

3. Gifts Provision cont'd

- Section 12A-5(a)(3)
 - Requires that gifts comply with the city's gift policy.
- Section 12A-5(b)
 - Requires city officials and employees to report certain gifts.

4. Gift Policy for Employees

- Section 12A-5(c)(6) states city council will establish a gift policy.
- There are existing gift policies for city council and city officials, but not for city employees.
- Gift policy is by resolution and not adopted in the code.
- Builds on general prohibition on gifts and provides additional clarity for employees.

4. Gift Policy for Employees

- Based on existing gift policy for city councilmembers and city officials.
- Distinguishes between gifts (given to individuals) and donations (given to city).
- Gifts should be approved in advance, if possible.
- Ceremonial gifts must be delivered to the city manager as city property.

4. Gift Policy for Employees cont'd

- Employees must also comply with department rules regarding gifts.
- Gifts cannot influence or reward official conduct.
- Gifts that are not accepted can be returned, given to the city, given to another government entity, or donated to charity.
- Employees may not solicit gifts.

4. Gift Policy for Employees cont'd

- Gifts may not be given to family members to circumvent the gifts policy.
- Lists items that are not considered gifts.
- Lists gifts that may not be accepted.
- Allows gifts with nominal value (under \$50 or \$100 per year from a single source).

4. Gift Policy for Employees cont'd

- Provides rules for:
 - Tickets.
 - Meals, travel, lodging, and entertainment.
- Requires employees to file an annual gift disclosure statement of gifts:
 - \$50 or more, and
 - \$100 or more of cumulative gifts received in a calendar year from a single source.

5. Donation Policy

- Section 12A-5.1(a)
 - Statement of purpose and procedures for donations.
- Section 12A-5.1(b)(1)
 - Prohibits officials and employees from receiving donations given to influence or reward official conduct. Prohibits persons from giving donations to influence or reward official conduct.

5. Donation Policy cont'd

- Section 12A-5.1(c)
 - Requires reporting of donations.
- Section 12A-5.1(d)
 - Donations must be managed in accordance with the administrative directive (AD) for gifts and trusts. (The AD for gifts and trusts is currently being revised.)

6. Requiring Confidentiality of Executive Sessions

- Section 12A-6(c)
 - Prohibits officials and employees from disclosing the agenda, recording, or discussion of an executive session, unless made with lawful authority.
- Section 12A-13(b)
 - Prohibits former officials and former employees from disclosing the agenda, recording, or discussion of an executive session, unless made with lawful authority.

7. Prohibiting City Officials from Endorsing Candidates for Public Office

- 12A-10(a)(1)(B)
 - Prohibits city councilmembers from endorsing candidates for public office.
 - City councilmembers may lend their names and titles on a proposition or measure.
 - City councilmembers may lend only their name in support of candidates.
 - This is the same rule that currently applies to board and commission members.

8. Prohibit Disclosure of Draft Documents

- Section 12A-2(12)(D)
 - Current definition includes:
 - All information held by the city that is not available to the public pursuant to the Texas Open Records Act;
 - Any information from a meeting closed to the public pursuant to the Texas Open Meetings Act;
 - Any information protected by attorney-client, attorney work product, or other applicable legal privilege.

8. Prohibit Disclosure of Draft Documents cont'd

- Proposed amendment:
 - Amend the definition to include draft documents that has not yet been released in final form to the public.
 - “[A]ny research, opinions, advice, recommendations, reasoning, or conclusions in a draft document concerning city business or city policy that has not yet been released in final form to the public in accordance with established city procedures.”

8. Prohibit Disclosure of Draft Documents cont'd

Sections 552.106 and 552.111 of the Texas Open Records Act states the following:

- Preliminary drafts are exempt from open records because they are advice, opinions, and recommendations.
- Final documents are subject to open records.

9. Attorneys to Register as Lobbyists.

- Section 12A-15.3(c)
 - Requires attorneys representing a client to register as a lobbyist if the attorney meets the compensation requirements.

10. Employee Associations to Register as Lobbyists

- Section 12A-15.3(d)
 - Requires any person who is representing a city employees association to register as a lobbyist.

11. Prohibiting Councilmembers from Meeting with Bidders and Lobbyists Regarding Pending Contracts

- Section 12A-15.8(g) currently prohibits lobbyists from talking to city councilmembers about pending contracts.
- Section 12A-15.8(g)(2)
 - The amendment provides that city councilmembers may not discuss requests for bids or requests for proposals with the contractor or a lobbyist from the time the public notice is issued until the time the contract is awarded.

12. Prohibiting Campaign Managers from Acting as Lobbyists

Section 12A-15.8(h)

- Prohibits a campaign manager or campaign treasurer from lobbying city councilmembers for one year after the election.
- “Campaign manager” is a person who directs day-to-day operations of a campaign or who sets strategies and policies of the campaign.

13. CFO and Supervisors of Department Directors to File Disclosure Reports

- Section 12A-2(24)
 - Adds the Chief Financial Officer and the supervisors of department directors to the definition of “City Official.”
- Section 12A-19(a)(1)
 - Requires the Chief Financial Officer to file financial disclosure reports.
- Section 12A-21(d)
 - Requires the Chief Financial Officer and supervisors of department directors to file travel reports.

14. Expanding the Jurisdiction of the EAC

- Section 12A-25(a)
- Expands the jurisdiction to include ethics provisions in the Dallas City Code.
 - Section 8-22, Code of Conduct.
 - Chapter 15A, Elections, except provisions enforced by the Texas Ethics Commission.

14. Expanding the jurisdiction cont'd

Expands the jurisdiction to include ethics provisions in the Dallas City Charter.

- Charter XVI, Section 16(a), Political Activity of Officers and Employees.
- Charter XXII, Section 11, Financial Interests in Contracts.
- Charter XXIV, Section 1, Gifts from Public Utility.

14. Expanding the jurisdiction cont'd

Expands the jurisdiction to include ethics provisions from the Texas Local Government Code.

- Chapter 145, Financial Disclosure.
- Chapter 171, Conflicts of Interest.
- Chapter 176, Disclosure of Relationships with Local Government Officers.
- Section 212.017, Conflict of Interest in Property Development.

14. Expanding the jurisdiction cont'd

Expands the jurisdiction to include ethics provisions from other statutes and regulations.

- Penal Code Chapter 36, Bribery.
- Penal Code Section 39.02, Abuse of Official Capacity.
- Penal Code Section 39.03, Official Oppression.
- Penal Code Section 39.06, Misuse of Official Information.
- Federal regulations for conflicts of interest on federal grants.
- Other city rules pertaining to ethics.

15. Complaints from the Fraud, Waste, and Abuse Hotline

- Section 12A-26
 - Gives the City Auditor discretion to forward ethics complaints that are received on the fraud, waste, and abuse hotline to the Ethics Advisory Commission.
 - If the complaint is anonymous, the City Auditor acts as the complainant.

16. Additional Sanctions for Violations of the Code of Ethics

- Section 12A-37
- The section currently states the sanctioning body only for:
 - Employees.
 - City councilmembers.
 - Board and commission members.

16. Additional Sanctions cont'd

- Proposed amendment establishes the sanctioning body for:
 - Directors.
 - City officials.
 - Former employees.
 - Former officials.
 - Persons doing business with the city.

16. Additional Sanctions cont'd

- Section 12A-37.1(a)
 - Establishes factors to consider when imposing sanctions:
 - The culpability.
 - The harm to public or private interests.
 - The need to preserve public trust.
 - Any pattern of disregard of ethical standards.

16. Additional Sanctions cont'd

- Sections 12A-37.1(b)-(f)
 - Creates appropriate sanctions for the existing categories of persons:
 - Current employees.
 - Civil Service Director, Park and Recreation Director, ERF Administrator.
 - City manager, city attorney, city auditor, city secretary, municipal judges.

16. Additional Sanctions cont'd

- Creates appropriate sanctions for the existing categories of persons:
 - City councilmembers, board and commission members.
 - Former city officials and former city employees.
 - Persons doing business with the city (lobbyists and contractors).

16. Additional Sanctions cont'd

- Sections 12A-37.1(b)-(f)
- Existing possible sanctions
 - Letter of notification
 - Letter of admonition.
 - Reprimand.
 - Suspension from office.
 - Removal from office.

16. Additional Sanctions cont'd

- Creates additional possible sanctions:
 - Resolution of censure.
 - Referral to ethics training.
 - Referral for legal action for damages or injunction.
 - Referral for criminal prosecution.
 - Voiding of prior actions.
 - Disqualification from contracting or lobbying.

16. Additional Sanctions cont'd

- Not all sanctions apply to all categories of persons.
- Section 12A-41(c)
 - Imposition of sanctions does not preclude criminal prosecution.

17. Clean-up Ambiguous or Confusing Language

- Section 12A-2(15.1)
 - Add definition of “doing business with the city.”
- Section 12A-2(20), “Former Official or Employee.”
 - Remove the 2001 date and replace with a person who “terminates official duties.”

17. Clean-up cont'd

- Section 12A-2(22), “Indirect Ownership.”
 - Replace with “a person who holds a financial interest in a business entity in a name other than his own.”
- Section 12A-3
 - Rename to “Improper Financial Interest.”

17. Clean-up cont'd

- Section 12A-4
 - Rename to “Unfair Advancement of Private Interests; Nepotism.”
 - Remove the June 28, 2000 provision.
- Section 12A-7(b)(1) and (2)
 - Clarifies rules for representation before the city by eliminating the double negative as applied to city officials.

17. Clean-up cont'd

- Section 12A-10(g)
 - Remove reference to Wachsman v. Dallas regarding political activities of officers and employees.
- Sections 12A-11 and 12A-18
 - Combined as they both cover participation in ethics violations.

17. Clean-up cont'd

- Section 12A-25
 - Removed outdated January 1, 2001 date.
 - Clarify EAC's power to investigate anything within their jurisdiction.
- Section 12-26(a)
 - Clarify that the phrase "at the time of the complaint" applies to residents, people doing business with the city, city officials, and city employees.

17. Clean-up Cont'd

- Section 12-26(h)
 - Rename to “Preliminary Panel Process.”
 - Delete the 30 day limit to add flexibility for the preliminary panel to make a preliminary finding.
- Section 12A-30(a) and 12A-37
 - Amend disciplinary action to cover everyone who is subject to the Code of Ethics.
- Section 12A-42(a)
 - Delete the outdated reference to January 1, 2001.

18. Adopting Ethics Practices from Other Cities

Reviewed ethics code of other large cities for best practices.

- Arlington
- Austin
- Boston
- Chicago
- Denver
- El Paso
- Fort Worth
- Houston
- Los Angeles
- New York
- Philadelphia
- Phoenix
- Portland
- San Antonio
- Seattle
- Washington, D.C.

18. Adopting Ethics Practices cont'd

- Section 12A-3(g)
 - Disclosure of conflicts in zoning cases.
(Arlington and San Antonio)
- Section 12A-11(d)
 - Duty to report ethics violations.
(Chicago)

18. Adopting Ethics Practices cont'd

- Section 12A-12(d)
 - Prohibits city officials and city employees from making or awarding contracts with their former employers for one year.
(Los Angeles)
- Section 12A-15.1
 - Prohibits city officials and city employees from registering as a lobbyist for one year after leaving the city.
(Chicago)

18. Adopting Ethics Practices cont'd

- Section 12A-18
 - Prohibits ex parte communications with quasi-judicial boards or commissions.
(Philadelphia)
- Section 12A-25(d)
 - Gives the Ethics Advisory Commission the power to issue subpoenas for witnesses and documents.
(Denver and Fort Worth)

18. Adopting Ethics Practices cont'd

- Section 12A-38.1
 - Prohibits interference with an ethics investigation.
(Houston)
- Section 12A-42.1
 - Ethics pledge for city officials.
(Chicago)
- Section 12A-44
 - Appointment of a city ethics officer.
(Washington, D.C.)

18. Adopting Ethics Practices cont'd

- Section 12A-45
 - Designation of departmental ethics liaison.
(Chicago)
- Section 12A-46
 - Mandatory ethics training.
 - Note: City management recommends employee ethics training every other year to allow time to deploy training and provide regularly updated and job-specific training materials utilizing existing staffing levels.
(Atlanta, Chicago, El Paso, Los Angeles, San Antonio)

19. Rules for City-Funded City Council Officeholder Accounts

- Sections 2-37.9(a)(3) and (4)
 - Prohibits city officials and former city officials (for one year) from purchasing surplus city property.
- Section 12A-9(b)
 - Prohibits city councilmembers from using city facilities, personnel, and equipment for campaigns.

19. City-Funded Officeholder Accounts cont'd

- Section 15A-1(1)
 - Adds a definition of “city-funded officeholder account.”
- Sections 15A-7.2(b) and 15A-7.5
 - Gives EAC jurisdiction to consider violation of the rules for city-funded officeholder accounts.

19. City-Funded Officeholder Accounts cont'd

- Section 15A-7.3
 - Purpose statement.
- Section 15A-7.4(a)
 - Expenses from city-funded officeholder accounts must comply with procurement requirements.

19. City-Funded Officeholder Accounts cont'd

- Section 15A-7.4(b)
 - Establishes a test for allowable expenses from a city-funded officeholder account.
- Section 15A-7.4(c)
 - Allows city councilmembers to request an opinion from the city attorney to determine if an expense is allowed.

19. City-Funded Officeholder Accounts cont'd

- Section 15A-7.4(d)
 - Lists examples of permissible expenses.
- Section 15A-7.4(e)
 - Lists examples of impermissible expenses.

19. City-Funded Officeholder Accounts cont'd

- Section 15A-7.4(f)
 - Prohibits deficits in city-funded officeholder accounts.
 - Prohibits transfer between city-funded officeholder accounts.
 - Requires the surpluses to be returned to the city.
- Section 15A-7.4(h)
 - Requires city councilmembers to file an annual report of city-funded officeholder account expenses.



Questions and Discussion

ORDINANCE NO. _____

An ordinance amending Chapter 2, "Administration," of the Dallas City Code by amending Section 2-37.9; amending Chapter 12A, "Code of Ethics," of the Dallas City Code by repealing and reserving Sections 12A-15.12 and 12A-22; amending Sections 12A-1, 12A-2, 12A-3, 12A-4, 12A-5, 12A-6, 12A-7, 12A-9, 12A-10, 12A-11, 12A-12, 12A-13, 12A-15.1, 12A-15.3, 12A-15.4, 12A-15.8, 12A-18, 12A-19, 12A-21, 12A-25, 12A-26, 12A-27, 12A-28, 12A-30, 12A-37, 12A-38.1, and 12A-42; adding Sections 12A-1.1, 12A-1.2, 12A-5.1, 12A-12.1, 12A-35.1, 12A-37.1, 12A-41, 12A-42.1, 12A-44, 12A-45, and 12A-46; amending Chapter 15A, "Elections," of the Dallas City Code by amending the title of Article I-a; adding Article I-b; amending Sections 15A-1, 15A-7.1, and 15A-7.2; adding city officials and former city officials to purchase by certain persons prohibited; providing that city officials have a fiduciary duty to the city; clarifying and adding definitions; expanding the definition of official or city official to include the chief financial officer and department directors' supervisors; adding standards of behavior and civility of city officials; providing for a general recusal and disclosure provision that is applicable to Article II of Chapter 12A; providing for disclosure of conflicts on zoning applications; changing provisions that are outdated; adding additional reporting provisions related to gifts received by a city official or employee; providing rules regarding donations; clarifying provisions relating to the representation of private interests of a city official or employee before the city; regulating the use of public property and resources for campaign expenditures; providing for restrictions on lobbying before city council, any city department, board or commission; providing that no former city official or city employee shall knowingly

disclose to a member of the public any discussion that was lawfully closed to the public; adding persons who are required to register as lobbyists; providing restrictions on ex parte communications; requiring the chief financial officer and executive general managers to complete a financial disclosure report; broadening the jurisdiction of the ethics advisory commission; providing the ethics advisory commission the power to issue subpoenas for an evidentiary hearing; providing for a provision regarding complaints received by the City Auditor's Office; providing factors to take into consideration in determining sanctions; imposing additional types of sanctions; creating a violation if any person interferes with an investigation of an alleged violation; providing for an ethics pledge that all city officials shall sign and file with the city secretary; creating a city ethics officer to promote culture of ethics within the city; creating departmental ethics liaison to promote compliance with any ethics rules and act as a liaison between the department and the city ethics officer in carrying out the policy of Chapter 12A; requiring all new city officials and new city employees to receive ethics training within 30 days after being appointed to office or hired by the city; requiring all current city officials and current city employees to receive training once a year; adding a new article regarding the permissible and impermissible expenses of city-funded officeholder accounts; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-37.9, "Purchase by Certain Persons Prohibited," of Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"SEC. 2-37.9. PURCHASE BY CERTAIN PERSONS PROHIBITED.

(a) The following persons shall not, directly or indirectly, submit a bid for, purchase, or acquire ownership of, personal property sold pursuant to the provisions of this article:

(1) City employees who work in the city manager's office or in the department designated by the city manager to enforce and administer this article.

(2) The person who determines that the property is surplus, obsolete, worn out, or useless.

(3) City officials, as defined in Paragraph 12A-2(24) of the Dallas City Code.

(4) Former city officials, as defined in Paragraph 12A-2(20) of the Dallas City Code, for one year after termination of their service with the city.

(b) In addition to other penalties, an employee [~~a person~~] who violates this section forfeits his employment."

SECTION 2. That Section 12A-1, "Statement of Purpose and Principles of Conduct," of Article I, "Declaration of Policy," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"SEC. 12A-1. STATEMENT OF PURPOSE AND PRINCIPLES OF CONDUCT.

(a) Purpose. It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:

(1) city officials and employees be independent, impartial, and responsible only to the people of the city;

(2) governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) no city official or employee have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of the city official's or employee's [~~his or her~~] duties in the public interest;

- (4) public office not be used for personal gain; and
- (5) the city council at all times be maintained as a nonpartisan body.

(b) Principles of conduct.

[(4)] The city council further believes that an elected or appointed official of the city assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:

- (1[A]) Commitment beyond self.
- (2[B]) Obedience and commitment beyond the law.
- (3[C]) Commitment to the public good.
- (4[D]) Respect for the value and dignity of all individuals.
- (5[E]) Accountability to the public.
- (6[F]) Truthfulness.
- (7[G]) Fairness.
- (8[H]) Responsible application of resources.

~~[(2)] In keeping with the values set forth in Subsection (b)(1), and to assist in the fulfillment of responsibilities to the individuals and communities served, each elected or appointed official should subscribed of the following principles.~~

~~(A) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public.~~

~~(B) To uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the city's ability to accomplish its mission.~~

~~(C) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances.~~

~~(D) To be a responsible steward of the taxpayer resources.~~

~~(E) To take no actions that could benefit the official personally at the unwarranted expense of the city, avoiding even the appearance of a conflict of interest, and to exercise prudence and good judgment at all times.~~

~~(F) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the city's reputation both in the community and elsewhere.~~

~~(G) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.]~~

(c) Implementation. To implement the purpose [~~policy and principles~~] set forth in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials, ~~[and] employees, and persons doing business with the city [whether elected or appointed, paid or unpaid, advisory or administrative],~~ to serve as a standard [~~not only as a guide~~] for official conduct and [~~of the city's public servants, but also~~] as a basis for discipline [~~for those who refuse to abide by its terms~~].

(d) No cause of action. This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action under this chapter.”

SECTION 3. That Article I, “Declaration of Policy,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-1.1, “Fiduciary Duty,” to read as follows:

“SEC. 12A-1.1. FIDUCIARY DUTY.

A city official, in the performance of that person's official duties, shall fulfil the city official's fiduciary duty to the city.”

SECTION 4. That Article I, “Declaration of Policy,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-1.2, “Standards of Behavior; Standards of Civility,” to read as follows:

“SEC. 12A-1.2. STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY.

(a) Standards of behavior. City officials shall comply with the following standards of behavior:

(1) To conduct themselves and to operate with integrity and in a manner that merits the trust and support of the public.

(2) To uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the city's ability to accomplish its mission.

(3) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances.

(4) To be a responsible steward of the taxpayer resources.

(5) To take no actions that could benefit the official personally at the unwarranted expense of the city, avoiding even the appearance of a conflict of interest, and to exercise prudence and good judgment at all times.

(6) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the city's reputation both in the community and elsewhere.

(7) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.

(b) Standards of civility. City officials shall comply to the following standards of civility in their interactions with city officials, city employees, citizens, and persons doing business with the city:

(1) City officials shall accord the utmost respect and courtesy to each other, city officials, city employees, citizens, and persons doing business with the city.

(2) City officials shall not discriminate against any person because of the person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, or political opinions or affiliations.

(3) City officials shall not make comments or take actions that are abusive; belligerent; crude; derogatory; disparaging; impertinent; personal attacks upon the character, integrity, or motives of others; profane; rude; slanderous; or threatening.

(4) City officials shall preserve order and decorum in meetings in accordance with Roberts Rules of Order and the applicable rules of procedure of the city council, board, or commission.

(5) City officials shall treat city employees as professionals and specifically shall not:

(A) interfere with the work of city employees.

(B) impair the ability of city employees to implement city council policies.

(C) influence city employees in the making of recommendations or decisions.

- (D) criticize a city employee's performance in public.
- (E) berate nor admonish city employees.

(6) City officials shall work through the city manager, city secretary, city attorney, or city auditor and the applicable department director to obtain information or request assistance with projects, rather than contacting city employees directly. This provision does not apply to professional and administrative assistants to the mayor and city council.

(7) Because independent advice from boards and commissions is essential to the public decision-making process, city councilmembers shall not:

(A) use their position to influence the deliberations or decisions of boards and commissions.

(B) lobby a board or commission member on behalf of a private person or in support of a particular policy or decision.

(C) demand that board or commission members vote as requested by the city councilmember or threaten board or commission members with removal.

(c) Complaints filed under this section may not be filed anonymously.”

SECTION 5. That Subsection (12), “Confidential Government Information,” of Section 12A-2, “Definitions,” of Article I, “Declaration of Policy,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(12) CONFIDENTIAL GOVERNMENT INFORMATION includes:

(A) all information held by the city that is not available to the public under the Texas Open Records Act;

(B) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act; ~~and~~

(C) any information protected by attorney-client, attorney work product, or other applicable legal privilege; and

(D) any research, opinions, advice, recommendations, reasoning, or conclusions in a draft document concerning city business or city policy that has not yet been released in final form to the public in accordance with established city procedures.”

SECTION 6. That Section 12A-2, "Definitions," of Article I, "Declaration of Policy," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Subsection (15.1), "Doing Business with the City," to read as follows:

"(15.1) DOING BUSINESS WITH THE CITY means any person, either individually or as the officer or principal of an entity, who submits a bid or proposal, or negotiates or enters into any city contract, whether or not the contract is required by state law to be competitively bid."

SECTION 7. That Section 12A-2, "Definitions," of Article I, "Declaration of Policy," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Subsection (16.1), "Donation," to read as follows:

"(16.1) DONATION means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt) to the city, unless consideration of equal or greater value is received by the donor."

SECTION 8. That Subsection (20), "Former City Official or Employee," of Section 12A-2, "Definitions," of Article I, "Declaration of Policy," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(20) FORMER CITY OFFICIAL OR EMPLOYEE means a person who terminates ~~[whose]~~ official duties as a city official or employee ~~[are terminated on or after January 1, 2001].~~"

SECTION 9. That Subsection (22), "Indirect Ownership," of Section 12A-2, "Definitions," of Article I, "Declaration of Policy," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(22) INDIRECT OWNERSHIP. A person who holds a financial interest in a business entity in a name other than that person's own ~~[has "indirect ownership" of an equity of interest in a business entity where the interest is held through a series of business entities, some of which own interest in others].~~"

SECTION 10. That Subsection (24), “Official or City Official,” of Section 12A-2, “Definitions,” of Article I, “Declaration of Policy,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(24) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article III-A (lobbyist regulations):

- (A) City council members.
- (B) Municipal judges.
- (C) The city manager, the first assistant city manager, and all assistant city managers.
- (D) The city auditor and the first assistant city auditor.
- (E) The city attorney and the first assistant city attorney.
- (F) The city secretary and the first assistant city secretary.
- (G) All department directors and their supervisors.
- (H) Members of all boards, commissions, committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.
- (I) City council appointed members of boards of entities that were not created by the city council.
- (J) Chief financial officer.”

SECTION 11. That Section 12A-3, “Improper Economic Benefit,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-3. IMPROPER FINANCIAL INTEREST [~~ECONOMIC BENEFIT~~]

(a) Economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that the city official or employee [~~he or she~~] knows is likely to affect particularly the economic interests of:

- (1) the official or employee;

- (2) the official's or employee's outside client;
 - (3) the official's or employee's outside employer;
 - (4) a business entity in which the official or employee knows that the official or employee [~~he or she~~] holds an economic interest;
 - (5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which that person [~~he or she~~] holds an economic interest;
 - (6) a business entity for which the city official or employee serves as an officer or director or in any other policymaking position; or
 - (7) a person or business entity:
 - (A) from whom, within the past 12 months, the official or employee, directly or indirectly, has:
 - (i) solicited an offer of employment;
 - (ii) received and not rejected an offer of employment; or
 - (iii) accepted an offer of employment; or
 - (B) with whom the official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity
- (b) Substantial economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that the city official or employee [~~he or she~~] knows is likely to affect particularly the substantial economic interests of:
- (1) the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity;
 - (2) the official's or employee's domestic partner;
 - (3) an outside employer of the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or domestic partner, but only if the official or employee knows the family member or domestic partner has a substantial economic interest in the outside employer;

(4) a business entity in which the official or employee knows that a substantial economic interest is held by the official's or employee's ~~[his or her]~~:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner;

(5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by the official's or employee's ~~[his or her]~~:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner; or

(6) a person or business entity:

(A) from whom, within the past 12 months, the official's or employee's spouse or domestic partner, directly or indirectly, has:

(i) solicited an offer of employment;

(ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the official's or employee's spouse or domestic partner, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

~~[(e) Recusal and disclosure. A city official or employee whose conduct or action on a matter would violate Subsection (a) or (b) must recuse himself or herself. From the time that the conflict is recognized, the city official or employee shall:~~

~~(1) immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and~~

~~(2) promptly file with the city secretary a written statement disclosing the conflict on a form provided by the city secretary.~~

~~(d) Additional recusal and disclosure requirements. In addition to the requirements of Subsection (e):~~

~~(1) a supervised employee shall promptly bring his or her conflict to the attention of a supervisor, who will then, if necessary, reassign responsibility for handling the~~

matter to another person;

~~(2) the park and recreation director shall promptly bring his or her conflict to the attention of the park and recreation board;~~

~~(3) the civil service director shall promptly bring his or her conflict to the attention of the civil service board;~~

~~(4) the employees' retirement fund administrator shall promptly bring his or her conflict to the attention of the board of trustees of the employees' retirement fund;~~

~~(5) a municipal judge shall promptly bring his or her conflict to the attention of the administrative municipal judge;~~

~~(6) the city manager, city attorney, city secretary, city auditor, and administrative municipal judge shall promptly bring his or her conflict to the attention of the city council;~~

~~(7) a board or commission member shall promptly disclose his or her conflict to the board or commission of which he or she is a member and shall not be present during any discussion or voting on the matter; and~~

~~(8) a city council member shall promptly disclose his or her conflict to the city council and shall not be present during any discussion or voting on the matter.]~~

(c[e]) Disclosure requirements relating to offers of employment. Whenever a city employee who is a department director or of higher rank receives an offer of employment from any person or business entity that the employee knows had an economic interest in any discretionary contract with the city in which the employee personally participated within the preceding 12 months, the employee shall, immediately upon receiving the offer, disclose the offer, whether rejected or not, to the appropriate supervisory person or body designated under Subsection (d). Unless recusal is required under Subsection (c), the employee may continue to personally participate, on the behalf of the city, in contracts and other matters in which the person or entity making the employment offer has an economic interest.

(d[f]) Board of directors of a reinvestment zone.

(1) Notwithstanding any other provision of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

(A) own property within that reinvestment zone; and

(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the member's property within the reinvestment zone, but must adhere to the recusal and disclosure requirements in Subsections (c) and (d) of this section on

matters before the board of directors that may directly affect the member's property.

(2) For purposes of this subsection, a matter directly affects a member's property in the reinvestment zone if the matter involves a project in the reinvestment zone that is:

(A) financed with tax increment funds; and

(B) located within 200 feet of the member's property.

(e[g]) City officials and employees serving in policymaking positions for business entities at the direction of the city. The restrictions and requirements of Subsections (a) (6), (c), and (d) of this section do not apply to an official or employee of the city serving as an officer or director or in any other policymaking position for a business entity when taking official action on behalf of the city on matters concerning that business entity, if the official or employee:

(1) was appointed by the mayor, city council, or city manager to represent the city as an officer or director or in any other policymaking position for the business entity; and

(2) has no economic interest in the business entity or in the matter on which the action is being taken.

(f[h]) Municipal management district boards. The restrictions and requirements of this section do not apply to a member of a municipal management district board.

(g) Disclosure of conflicts.

(1) Any applicant seeking city council, city plan commission, board of adjustment, or landmark commission approval on any zoning application shall file a disclosure statement along with the zoning application at the time of application.

(2) The disclosure statement must name any city official or city employee known by the zoning applicant to have a conflict of interest in the matter, along with a statement of the nature of the conflict of interest. "Conflict of interest" means any interest under this chapter that would prevent the city official or city employee from voting on or participating in the application.

(3) Failure to disclose a known conflict of interest is a violation of this chapter."

SECTION 12. That Section 12A-4, "Unfair Advancement of Private Interests," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is retitled as Section 12A-4, "Unfair Advancement of Private Interests; Nepotism."

SECTION 13. That Subparagraph (A) of Paragraph (4), “Appointment or Employment of Relatives,” of Subsection (b), “Special Rules,” of Section 12A-4, “Unfair Advancement of Private Interests; Nepotism,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(A) A city official or employee shall not appoint, or take any action to influence the appointment of, that person’s ~~[his or her]~~ domestic partner or any relative within the first degree of consanguinity or affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city. ~~[Any person who, before June 28, 2000, was appointed to a quasi-judicial board or commission within the city by a city official or employee who was either a domestic partner or a relative within the first degree of consanguinity or affinity may:~~

- (i) ~~complete his or her term on the board or commission; and~~
- (ii) ~~continue to be reappointed to that board or commission by the domestic partner or relative until the maximum number of terms allowed under Section 8 1.5 of the city code have been served.]”.~~

SECTION 14. That Section 12A-5, “Gifts,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-5. GIFTS.

(a) General rule.

(1) A city official or employee shall not solicit, accept, or agree to accept any gift or benefit that:

- (A[1]) reasonably tends to influence or reward official conduct; or
- (B[2]) the official or employee knows is intended to influence or reward the discharge of official duties.

(2) A person or business entity shall not knowingly offer any gift or benefit to a city official or employee that:

- (A) reasonably tends to influence or reward official conduct; or

(B) the person or business entity knows is intended to influence or reward the discharge of official duties.

(3) Gifts must comply with city policies.

(b) Reporting [~~Gifts over \$250~~]. All city officials and employees required to file a financial disclosure statement under Section 12A-19 of this chapter shall report all gifts over \$500 [~~\$250~~] in the financial disclosure statement.

(1) City officials and employees receiving a gift must report the gift to the city manager or his designee on a form to be provided by the city manager or his designee. The report must include the date of the gift; the identity of the person or business entity making the gift; the city official or employee receiving the gift; a description of the gift; and the estimated monetary value of the gift. The report must be filed within 30 days after receipt of the gift. This report is required in addition to any other documentation required for the gift.

(2) Reporting is not required for gifts with a monetary value of less than \$500, except that reporting is required for gifts from a single source in a single year with a cumulative value of \$500 or more.

(3) Reporting is not required for gifts from a relative or person with whom the city official or employee has a personal, professional, or business relationship independent of the city official's or employee's status with the city.

(c) Special applications. Subsections (a)(1) and (a)(2) do not include:

(1) reimbursement of reasonable expenses for travel authorized in accordance with city policies;

(2) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;

(3) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;

(4) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;

(5) admission to an event in which the city official or employee is participating in connection with official duties; or

(6) gifts, tickets, meals, travel, lodging, entertainment, and honoraria accepted by a city official or employee in accordance with policies established by city council resolution.

(d) Campaign contribution exception. The general rule stated in Subsection (a) does not apply to a campaign contribution received and reported in compliance with the Texas

Election Code.”

SECTION 15. That Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-5.1, “Donations to the City of Money, Real Estate, Products, and Services,” to read as follows:

“SEC. 12A-5.1. DONATIONS TO THE CITY OF MONEY, REAL ESTATE, PRODUCTS, AND SERVICES.

(a) Purpose and procedures.

(1) Donations of money, real estate, products, and services to the city allow citizens to make valuable contributions to city programs, and should be encouraged. Persons and business entities making donations should not, however, expect any reward, reciprocal benefit, or influence.

(2) Donations should be documented to ensure transparency of government, enable measurement of the value and usefulness of the donation, and allow for audits of donations.

(3) For long-term or complex projects and projects involving professional services, an agreement should be created to document the scope of goods or services to be donated and to document which party retains ownership of intellectual property. Where donation will lead to city expenditures, expenditures should go through the procurement process if required by city code or state law.

(b) General rule.

(1) A city official, city employee, or city department shall not solicit, accept, or agree to accept any donation to the city of money, real estate, products, or services that:

(A) reasonably tends to influence or reward official conduct; or

(B) the official, employee, or department knows is intended to influence or reward the discharge of official duties.

(2) A person or business entity shall not knowingly offer any donation to the city of money, real estate, products, or services that:

(A) reasonably tends to influence or reward official conduct; or

(B) the person or business entity knows is intended to influence or reward the discharge of official duties.

(c) Reporting.

(1) City officials, city employees, and city departments receiving a donation to the city of money, real estate, products, or services shall report the donation to the city manager or his designee on a form to be provided by the city manager or his designee. The report must include the date of the donation; the identity of the person or business entity making the donation; the city official, city employee, or city department receiving the donation; a description of the donation; the estimated monetary value of the donation; the intended use of the donation; and the actual use of the donation. The report must be filed within 30 days after receipt of the donation. This report is required in addition to any other documentation required for the donation.

(2) The individual or department that receives the donation is responsible for reporting the donation.

(3) Reporting is not required for donations to the city of money, real estate, products, or services with a monetary value of less than \$1,000, except that reporting is required for donations from a single source in a single year with a cumulative value of \$1,000 or more.

(d) Management. Donations to the city of money, real estate, products, and services must be administratively managed in compliance with duly adopted policies.

(e) Exceptions. This section does not apply to gifts made to a city official or city employee in compliance with Section 12A-5. This section does not apply to the items listed in Subsections 12A-5(c) and (d) as exceptions to the gift policy.”

SECTION 16. That Section 12A-6, “Confidential Information,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Subsection (c), “Disclosure of a Closed Meeting,” to read as follows:

“(c) Disclosure of a closed meeting. A city official or city employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority.”

SECTION 17. That Section 12A-7, "Representation of Private Interests," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended as follows:

”SEC. 12A-7. REPRESENTATION OF PRIVATE INTERESTS.

(a) Representation before the city.

(1) General rule.

(A) Representation for compensation. A city official or employee shall not represent, for compensation, any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city. For purposes of this subsection, "compensation" means money or any other thing of value that is received or is to be received in return for or in connection with such representation.

(B) Representation without compensation. A city official or employee who is a member of a board, commission, or body shall not represent any person, group, or entity before:

(i) that city official's or employee's board, commission, or body;

(ii) city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or body; or

(iii) a board, commission, or body that has appellate jurisdiction over the board, commission, or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.

(2) Exceptions. The prohibitions in Subsection (a) do not apply to:

(A) A person who is classified as a city official only because that person is an appointed member of a board, commission, or body may represent for compensation a person, group, or entity before the city so long as the representation is not before the board, commission, or body that the person is a member.

(B) If the representation is before a board, commission, or body of which the city official or employee is a member is only advisory in nature.

(C) An employee who is a duly designated representative of an association of municipal employees may represent that association before the city if otherwise permissible by state law.

~~[(a) Representation by a member of a board, commission, or other city body. A city official or employee who is a member of a board, commission, or other city body shall not represent any person, group, or entity:~~

~~(1) before that board, commission, or body; or~~

~~(2) unless the board, commission, or body of which the city official or employee is a member is only advisory in nature:~~

~~(A) before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or body; or~~

~~(B) before a board, commission, or other city body that has appellate jurisdiction over the board, commission, or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.~~

~~(b) Representation before the city.~~

~~(1) General rule. A city official or employee shall not represent for compensation any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city. For purposes of this subsection, "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.~~

~~(2) Exceptions. The rule stated in Subsection (b)(1) does not prohibit:~~

~~(A) a person who is classified as a city official only because he or she is an appointed member of a board, commission, or other city body from representing for compensation a person, group, or entity before the city unless such representation is a violation of Subsection (a) of this section; or~~

~~(B) an employee who is a duly designated representative of an association of municipal employees from representing that association before the city if otherwise permissible under state law.]~~

~~(3) Prestige of office and improper influence. In connection with the representation of private interests before the city, a city official or employee shall not:~~

~~(A) assert the prestige of the official's or employee's city position for the purpose of advancing private interests; or~~

~~(B) state or imply that the official or employee [he or she] is able to influence city action on any basis other than the merits.~~

(b[e]) Representation in litigation adverse to the city.

(1) Officials and employees (other than board and commission members). A city official or employee, other than a person who is classified as an official only because that person ~~[he or she]~~ is an appointed member of a board, commission, or ~~[other city]~~ body, shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city. This rule does not prohibit an employee who is a duly designated representative of an association of municipal employees from such representation if otherwise permissible under state law.

(2) Board and commission members. A person who is classified as a city official only because that person ~~[he or she]~~ is an appointed member of a board, commission, or other city body shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.

(3) Affiliates of officials and employees. Subject to applicable professional ethical standards, the restrictions stated in Subsections (b[e])(1) and (b[e])(2) do not apply to representation by a partner or other affiliate of a city official or employee so long as the city official or employee does not participate in any manner whatsoever in the partner's or affiliate's representation.

(c[d]) Representation in municipal court. No member of the city council may engage in the practice of law in or before the municipal courts of the city.

(d[e]) Municipal management district boards. The restrictions stated in Subsection[s] (a) ~~[and (b)(1)]~~ of this section do not apply to a member of a municipal management district board."

SECTION 18. That Section 12A-9, "Public Property and Resources," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"SEC. 12A-9 PUBLIC PROPERTY AND RESOURCES.

(a) A city official or employee shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

- (1) pursuant to duly adopted city policies; or
- (2) to the extent and according to the terms that those resources are generally available to the public.

(b) A city councilmember shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for any campaign expenditure, campaign contribution, political advertising, or campaign communication as defined in Title 15, "Regulating Political Funds and Campaigns," of the Texas Election Code, as amended, and Texas Election Commission rules, regulations, and opinions."

SECTION 19. That Subparagraph (B) of Paragraph (1) of Subsection (a), "City Officials," of Section 12A-10, "Political Activity," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(B) a city council member is not prohibited from lending the city council member's [his or her name and] official city title in connection with any election [for public office or in connection with any election] ordered by the city of Dallas on a proposition or measure;"

SECTION 20. That Subsection (g), "Charter Provisions," of Section 12A-10, "Political Activity," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(g) Charter provisions. A city official or employee shall comply with the provisions governing political activity set forth in Chapter XVI, Section 16 of the city charter [~~as those provisions have been judicially interpreted in Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983)~~]."

SECTION 21. That Section 12A-11, "Action of Others," of Article II, "Present City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"SEC. 12A-11 ACTION OF OTHERS.

(a) Violations by other persons. A city official or employee shall not knowingly assist or induce, or attempt to assist or induce, any person to violate any provision of this chapter.

(b) Using others to engage in forbidden conduct. A city official or employee shall not violate any provision of this chapter through the acts of another.

(c) Participation in ethics violations. No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person

to engage in conduct violative of this chapter.

(d) Duty to report violations. Persons shall immediately report any conduct that the person knows to be a violation of this chapter. Failure to report a violation of this chapter is a violation of this chapter. Any person who knowingly fails to report a violation of this chapter shall be subject to sanctions described in this chapter. For purposes of this section, a report made to the fraud, waste or abuse hotline shall be considered to be a report under this section.

SECTION 22. That Subsection (b), “Additional Restrictions Relating to City Contracts,” of Section 12A-12, “Prohibited Interests in Contracts,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(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 [a private business] entity:

(1) submit a bid or proposal [~~on behalf of the city official or employee or on behalf of a private business entity,~~] 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 [~~on behalf of the city official or employee or on behalf of a private business entity,~~] whether or not the contract is required by state law to be competitively bid.”

SECTION 23. That Section 12A-12, “Prohibited Interests in Contracts,” of Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Subsection (d) to read as follows:

“(d) During the first year of city service, a city official or city 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 city employee was employed within one year before beginning city service.”

SECTION 24. That Article II, “Present City Officials and Employees,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-12.1, “Recusal and Disclosure,” to read as follows:

“SEC. 12A-12.1. RECUSAL AND DISCLOSURE.

(a) General rule. A city official or employee whose conduct or action on a matter would violate any section in Article II of this chapter must recuse himself or herself. From the time that the conflict is recognized, the city official or employee shall:

- (1) immediately refrain from further participation in the matter, including discussions with any other persons likely to consider the matter; and
- (2) promptly file with the city secretary a written statement disclosing the conflict on a form provided by the city secretary.

(b) Additional recusal and disclosure requirements. In addition to the requirements of Subsection (a):

- (1) A supervised employee shall promptly bring that person’s conflict to the attention of a supervisor, who will then, if necessary, reassign responsibility for handling the matter to another person;
- (2) the park and recreation director shall promptly bring that person’s conflict to the attention of the park and recreation board;
- (3) the civil service director shall promptly bring that person’s conflict to the attention of the civil service board;
- (4) the employees’ retirement fund administrator shall promptly bring that person’s conflict to the attention of the board of trustees of the employees’ retirement fund;
- (5) a municipal judge shall promptly bring that person’s conflict to the attention of the administrative municipal judge;
- (6) the city manager, city attorney, city secretary, city auditor, and administrative municipal judge shall promptly bring that person’s conflict to the attention of the city council;
- (7) a board or commission member shall promptly disclose that member’s conflict to the board or commission of which that person is a member and shall not be present during any discussion or voting on the matter; and

(8) a city council member shall promptly disclose that member's conflict to the city council and shall not be present during any discussion or voting on the matter."

SECTION 25. That Section 12A-13, "Continuing Confidentiality," of Article III, "Former City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"SEC. 12A-13. CONTINUING CONFIDENTIALITY.

(a) Improper disclosure or use. A former city official or employee shall not use or disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit:

- (1) any disclosure that is no longer confidential government information;
- (2) the confidential reporting of illegal or unethical conduct to authorities designated by law; or
- (3) any disclosure, not otherwise prohibited by law, in furtherance of public safety.

(b) Disclosure of a closed meeting. A former city official or city employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority."

SECTION 26. That Section 12A-15.1, "Reserved," of Article III, "Former City Officials and Employees," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"SEC. 12A-15.1 RESTRICTIONS ON LOBBYING [RESERVED].

(a) A city council member shall be prohibited from registering as a lobbyist and from lobbying city council, or any city department, board, or commission for one year after leaving service with the city.

(b) A city official other than a city council member who is a member of a board or commission shall be prohibited from lobbying that board or commission for one year after the city official's service on that board or commission ended.

(c) A city employee, including city employees who are city officials, shall be prohibited from registering as a lobbyist and from lobbying city council, or any city department,

board, or commission for one year after leaving employment with the city.

(d) Nothing in this section shall be construed to prohibit a person from lobbying on behalf of another government agency if they are employed by that governmental agency.”

SECTION 27. That Section 12A-15.3, “Persons Required to Register as Lobbyists,” of Article III-A, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-15.3. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

(a) Except as provided by Section 12A-15.4, 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 or employee of a person who:
 - (A) receives compensation of \$200 or more in a calendar quarter for lobbying;
 - (B) receives reimbursement 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 more than one employee who is required to register under Subsection (a). A lobbying firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be 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).

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

SECTION 28. That Subsection (5) of Section 12A-15.4, “Exceptions,” of Article III-A, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(5) A [An attorney or other] person whose contact with a city official is made solely as part of resolving a dispute with the city, provided that the contact is solely with city officials who do not vote on or have final authority over any municipal question involved.”

SECTION 29. That Subsection (g), “Lobbying by Bidders and Proposers on City Contracts,” of Section 12A-15.8, “Restricted Activities,” of Article III-A, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(g) Lobbying by bidders and proposers on city contracts.

(1) A person responding to a request for bids or request for proposals on a city contract shall not [~~either personally or through a representative, employee, or agent~~] lobby a city council member either directly or indirectly (through a representative, employee, or agent) from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council.

(2) A city council member shall not discuss a request for bids or a request for proposals on a city contract either directly (with the person or entity submitting the bid or proposal) or indirectly (with a lobbyist, representative, employee, or agent of the person or entity submitting the bid or proposal) from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council.

(3) This subsection does not prohibit a bidder or proposer from speaking at the city council meeting where the award of the contract is considered.”

SECTION 30. That Section 12A-15.8, “Restricted Activities,” of Article III-A, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Subsection (h), “Campaign Managers,” to read as follows:

“(h) Campaign managers. A person who served as a campaign manager or campaign treasurer for a person seeking election as a city councilmember may not (either personally or through a representative, employee, or agent) lobby a city councilmember or a city official for one year after the date of the city council election. A “campaign manager” is any person who directs day-to-day operations of the campaign or determines the strategies or policies of the campaign.”

SECTION 31. That Section 12A-15.12, “Violations; Penalty,” of Article III-A, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is repealed and shall be indicated as “Reserved” as follows:

“SEC. 12A-15.12. RESERVED [VIOLATIONS; PENALTY].”

~~[(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.~~

~~(b) An offense under this article is punishable by a criminal fine not to exceed \$500.]”~~

SECTION 32. That Section 12A-18, “Participation in Ethics Violations,” of Article V, “Participation in Ethics Violations,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is replaced as follows:

“SEC. 12A-18. EX PARTE COMMUNICATIONS.”

No person shall, directly or indirectly, communicate with any city official of any quasi-judicial city board or commission as to any adjudicative matter which is, or which may reasonably be expected to be, pending before the board or commission, unless a full disclosure of the communication is simultaneously made available to the 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.”

SECTION 33. That Paragraph (1), “Designated City Officials and Designated City Employees,” of Subsection (a), “Who Must File,” of Section 12A-19, “Financial Disclosure Report,” of Article VI, “Financial Disclosure,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(1) Designated city officials and designated city employees. Before initially accepting appointment or assuming the duties of office, and annually thereafter, the following city officials and employees shall file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b) of this section:

(A) City of Dallas appointed members to the following boards, commissions, and committees:

- members.
- board.
- members.
- members.
- (i) Board of adjustment and board of adjustment alternate
 - (ii) Building inspection advisory, examining, and appeals
 - (iii) Business development corporation board.
 - (iv) City plan and zoning commission.
 - (v) Civil service board and civil service board adjunct
 - (vi) Community development commission.
 - (vii) Dallas Area Rapid Transit board.
 - (viii) Dallas-Fort Worth international airport board.
 - (ix) Ethics advisory commission.
 - (x) Fire code advisory and appeals board.
 - (xi) Housing finance corporation board.
 - (xii) Landmark commission and landmark commission alternate
 - (xiii) Park and recreation board.
 - (xiv) Permit and license appeal board.
 - (xv) All reinvestment zone boards.
 - (xvi) All municipal management district boards.
- (B) The first assistant city attorney.
 - (C) The city auditor and city secretary, and their first assistants.
 - (D) Assistant city managers.
 - (E) Municipal judges.
 - (F) Chief financial officer.”

SECTION 34. That Subsection (d) of Section 12A-21, “Traveling Reporting Requirements,” of Article VI, “Financial Disclosure,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(d) The following persons are required to report under this section:

- (1) City council members.
- (2) The city manager, city attorney, city secretary, and city auditor, and their first assistants.
- (3) Municipal judges.
- (4) Members of boards and commissions.
- (5) Assistant city managers.
- (6) Department directors, ~~[and]~~ their assistants, and their supervisors, including the civil service director, the park and recreation director, ~~[and]~~ their assistants, and their supervisors.
- (7) Chief financial officer.”

SECTION 35. That Section 12A-22, “Items Received on Behalf of the City,” of Article VI, “Financial Disclosure,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is repealed and shall be indicated as “Reserved” as follows:

“**SEC. 12A-22. RESERVED [ITEMS RECEIVED ON BEHALF OF THE CITY].**”

~~“[A city official or employee who accepts on behalf of the city any item by way of gift or loan valued over \$250 shall, within 30 days after the acceptance of the gift or loan, report that fact and deliver the item to the city manager, who shall have the item appropriately inventoried as city property.]”~~”

SECTION 36. That Subsection (a), “Jurisdiction,” of Section 12A-25, “Jurisdiction and Powers,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(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) of this section [this chapter] by any person subject to those laws, ordinances, or rules [provisions], including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city~~[, if a complaint is filed within one year after the date of the alleged violation]~~.

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

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

(I) Texas Local Government Code Chapter 176, “Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to certain Information,” as amended;

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

(K) Texas Penal Code Chapter 36, “Bribery and Corrupt Influence,” as amended;

(L) Texas Penal Code Section 39.02, “Abuse of Official Capacity,” as amended;

(M) Texas Penal Code Section 39.03, “Official Oppression,” as amended;

(N) Texas Penal Code Section 39.06, “Misuse of Official Information,” as amended;

(O) 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

(P) any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.

(3) The commission may not consider any alleged violation that occurred [~~before January 1, 2001 or~~] more than one year before the date of the filing of a complaint. The city secretary shall not accept or process any complaint that is filed more than one year after the date of the violation alleged in the complaint.”

SECTION 37. That Paragraph (6) of Subsection (c), “Powers,” of Section 12A-25, “Jurisdiction and Powers,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(6) To make notifications, extend deadlines, and conduct investigations of violations within the jurisdiction of the Ethics Advisory Commission.”

SECTION 38. That Section 12A-25, "Jurisdiction and Powers," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Subsection (d), "Subpoenas," to read as follows:

“(d) Subpoenas.

(1) The ethics advisory commission shall have the power to issue subpoenas for the attendance of witnesses or subpoenas for the production of documents or other evidence that the ethics advisory commission deems necessary for an evidentiary hearing. The ethics advisory commission may issue a subpoena only after a written request to appear or provide documents or other evidence has not been complied with and after consultation with the city attorney.

(2) A party to an ethics complaint (either the complaining party or the party complained against) may request that the ethics advisory commission issue a subpoena. The ethics advisory commission may issue the requested subpoena for good cause upon a showing of the need for the witness, documents, or other evidence. The ethics advisory commission may refuse the requested subpoena upon a finding that good cause does not exist.

(3) A person may object to a subpoena within seven working days after receiving the subpoena. Objections to subpoenas must be in writing and submitted to the city secretary, and copied to the party who requested the subpoena, if any. The party who requested the subpoena shall have three working days after receipt of the objections to respond in writing to the city secretary. The ethics advisory commission shall rule on the objection. Failure to object to a subpoena waives any objection to the subpoena.

(4) Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter subject to sanctions as described in Section 2-9.”

SECTION 39. That Section 12A-26, "Complaints," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

“**SEC. 12A-26. COMPLAINTS.**

(a) Filing. Except for an ethics advisory commission member, any person who is a ~~[any]~~ resident of the city, a ~~[any]~~ person doing business or attempting to do business with the city, or a ~~[any]~~ city official or employee, either at the time the alleged violation of this chapter occurred or at the time the complaint is submitted, who believes there has been a violation of this chapter may file a complaint with the city secretary on a form provided by the city secretary. The complaint must contain the following information and items:

(1) The name, address, email address, and telephone number of the complainant.

(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation.

(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.

(4) Identification of the ethics laws, ordinances, and rules [~~provision or provisions~~] allegedly violated, using either a citation to the applicable section [~~and paragraph of this chapter~~] or a description containing substantially the same language as the ethics laws, ordinances, and rules [~~provision or provisions~~].

(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint.

(6) The names, addresses, email addresses (if known), and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint.

(7) Other sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

(b) Format of evidence. If a complainant or a person charged in a complaint submits evidence in an electronic, mechanical, or other format that the city secretary's office cannot duplicate or display, that office shall request that person to provide the evidence in a format that the office can duplicate or display. If that person fails to provide the evidence to the city

secretary's office in a format that the office can duplicate or display within seven days after the office has made a request, then the evidence may not be presented to or considered by the ethics advisory commission or a panel of the commission.

(c) Acceptance of complaint. Upon receiving a complaint, the city secretary shall determine if it is complete. A complaint is complete if it contains the information described in (a)(1), (2), (3), (4), (5), and (8). If the complaint is complete, the city secretary shall proceed as described in this section. If the complaint is incomplete, the city secretary shall, in writing, notify the complainant that the complaint is incomplete and state which required information was not provided. The complainant shall have 20 days after the date the city secretary sends notice to the complainant to provide the required information to the city secretary, or the complaint is deemed abandoned and may not be processed in accordance with this chapter.

(d) Confidentiality of complaints.

(1) No city official or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties or as required by law.

(2) Ex parte communications by or to members of the ethics advisory commission are prohibited by Section 12A-27(c) of this chapter.

(3) All papers and communications relating to a complaint must be treated as confidential unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable law.

(e) Notification. The city secretary shall promptly forward a copy of a complete complaint to the chair of the ethics advisory commission and to the person charged in the complaint. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information that person [~~he or she~~] feels is relevant. Copies of all information provided to the ethics advisory commission by the complainant and the person charged in the complaint must be distributed to all parties to the complaint within 10 days after the ethics advisory commission receives the information.

(f) False accusations and responses. The city secretary shall, in writing, advise the person filing the complaint that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the complaint that falsely Page 43 of 54 responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.

(g) Complaints received by the City Auditor's Office. If the City Auditor determines that a complaint it receives through the Fraud, Waste and Abuse hotline states a violation of this chapter, the City Auditor may refer the complaint to the city secretary for direct review by a preliminary panel, pursuant to Section 12A-26(g), as amended. If the City Auditor receives the complaint anonymously, then the City Auditor shall act as the complainant for purposes of the

preliminary panel review and shall not be subject to:

- (1) Section 12A-26(a)(10), as amended, regarding a complainant affidavit;
 - (2) Section 12A-26(f), as amended, regarding false accusations; and
 - (3) Section 12A-40.1, as amended, regarding frivolous complaints.
- (h[~~g~~]) Preliminary Panel Process [~~Summary dismissal~~].

(1) [~~Within 30 days after receipt of a complete complaint,~~] E[~~e~~]ither the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.

(2) If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

(3) The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members."

SECTION 40. That Subsection (a), "Evidentiary Hearing," of Section 12A-27, "Hearing Procedures," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(h[~~g~~]), it will be pursued further at a hearing before the ethics advisory commission. Not less than 10 days before the hearing, the city secretary shall, by certified mail or personal service, give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made. If a person entitled to notice under this subsection consents in writing, the city secretary may give written notice by facsimile, email, or first class U.S. mail. The notice must state the specific provision or provisions of this chapter alleged in the

complaint to have been violated, as determined by the preliminary panel.”

SECTION 41. That Subsection (a), “Hearing on Complaints,” of Section 12A-28, “Hearing Rules,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(a) Hearings on complaints. The rules contained in this section apply to all hearings of the ethics advisory commission on complaints not summarily dismissed under Section 12A-26(h[g]).”

SECTION 42. That Subsection (a) of Section 12A-30, “Referral of Matter for Appropriate Action; Recommendation of Sanctions,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Paragraph (5) to read as follows:

“(5) If the complaint involved a person who is not a current or former city official or a current or former city employee, the matter will be referred to the city council.”

SECTION 43. That Subsection (b) of Section 12A-30, “Referral of Matter for Appropriate Action; Recommendation of Sanctions,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(b) When referring a matter under Subsection (a), the ethics advisory commission may recommend any sanction or penalty authorized under Article VIII of this chapter. In recommending a sanction or penalty, the commission shall take into consideration the factors listed in Section 12A-37.1(a). ~~[the following sanctions:~~

~~(1) Letter of notification. A letter of notification may be recommended when the commission finds that a violation of this chapter was clearly unintentional or when the action or conduct found to have been a violation of this chapter was performed by the official or employee in reliance on a public written opinion of the city attorney. A letter of notification must advise the official or employee to whom the letter is directed of any steps to be taken to avoid future violations.~~

~~(2) Letter of admonition. A letter of admonition may be recommended when the commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of~~

notification.

~~(3) Reprimand. A reprimand may be recommended when the commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.~~

~~(4) Removal or suspension from office. Removal from office or suspension from office may be recommended when the commission finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. The commission may include the length of any suspension in its recommendation.~~

~~(5) Miscellaneous. The commission may recommend any enforcement remedy or penalty authorized under Article VIII of this chapter.]”~~

SECTION 44. That Article VIII, “Enforcement, Culpable Mental State, and Penalties,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-35.1, “Violations; Penalty,” to read as follows:

“SEC. 12A-35.1. VIOLATIONS; PENALTY.

A person who violates any of the laws, ordinances, and rules listed in Section 12A-25(a)(2), or who fails to perform an act required of the person by any of the laws, ordinances, and rules listed in Section 12A-25(a)(2), commits a violation of this chapter and an offense. A person commits a violation of this chapter and a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.”

SECTION 45. That Section 12A-37, “Disciplinary Action,” of Article VIII, “Enforcement, Culpable Mental State, and Penalties,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-37. DISCIPLINARY ACTION.

(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures. Where no specific appeal procedure is otherwise prescribed, an appeal by an employee will be to the trial board.

(b) If a city council member fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.

(c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.

(d) If the civil service director, the park and recreation director, or the employees' retirement fund administrator fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by their respective boards.

(e) If the city manager, city attorney, city auditor, city secretary, or a municipal judge fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by the city council.

(f) If a former city official or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by the city council.

(g) If a person who is not a current or former city official or a current or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by city council."

SECTION 46. That Article VIII, "Enforcement, Culpable Mental State, and Penalties," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Section 12A-37.1, "Sanctions," to read as follows:

"SEC. 12A-37.1 SANCTIONS.

(a) In determining sanctions based on a recommendation of the ethics advisory commission, the person or entity authorized by Subsection 12A-30(a) to impose the sanction shall take into consideration the recommendation of the ethics advisory commission and the following factors:

- (1) The culpability of the person charged.
- (2) The harm to public or private interests resulting from the violation.
- (3) The necessity of preserving public trust in the city.
- (4) Whether there is evidence of a pattern of disregard for ethical standards.
- (5) Whether remedial action has been taken that will mitigate the adverse effects of the violation.

(b) For current city employees, the sanctioning person shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

- (1) Referral to ethics training. The sanctioning person may require a city employee to attend ethics training.

(2) Referral for damages or injunction. The sanctioning person may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning person may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.

(c) For the civil service director, the park and recreation director, or the employees' retirement fund administrator, the sanctioning entity shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The sanctioning entity may require the person to attend ethics training.

(2) Referral for damages or injunction. The sanctioning entity may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning entity may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution

(d) For the city manager, city attorney, city auditor, city secretary, or a municipal judge, the city council shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The city council may require the person to attend ethics training.

(2) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(e) For a city council member, a board or commission member, a former city official, or a former city employee, the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if

the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Referral to ethics training. The city council may require a current city official to attend ethics training.

(4) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(5) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Suspension from office. The city council may suspend a current city official other than a city council member from office for a period determined by the city council if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. Any proceedings for suspension of a current city official shall be in compliance with the city charter and state law.

(8) Removal from office. The city council may remove a current city official, including a city council member, from office if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter and future violations are likely to occur. Any proceedings for removal of a current city official from office shall be in compliance with the city charter and state law.

(9) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(10) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(f) For a person who is not a current or former city official or a current or former city employee (e.g. lobbyists, people doing business with the city, citizens), the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of

notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(4) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(5) Disqualification from contracting or lobbying. The city council may, to the extent allowed by law, prohibit the person from entering into contracts with the city or from lobbying before the city on behalf of clients. The scope and duration of the disqualification shall be determined by the city council.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(8) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.”

SECTION 47. That Article VIII, “Enforcement, Culpable Mental State, and Penalties,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-38.1, “Interference with an Investigation,” to read as follows:

“SEC. 12A-38.1. INTERFERENCE WITH AN INVESTIGATION.

A person commits an offense if the person interferes with any investigation of an alleged violation of this chapter in any manner, including seeking to persuade or coerce others to withhold their cooperation.”

SECTION 48. That Section 12A-41, "Other Ethical Obligations," of Article IX, "Administrative Procedures," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Subsection (c) to read as follows:

"(c) The imposition of sanctions under Section 12A-37.1 does not preclude criminal prosecution for the act under city ordinance or state or federal law. A violation of this chapter shall not be prosecuted in municipal court if the violation can be prosecuted by the district attorney under state law or by the United States attorney under federal law."

SECTION 49. That Subsection (a) of Section 12A-42, "Dissemination of Code of Ethics," of Article IX, "Administrative Procedures," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"(a) Within 30 days after entering upon the duties of his or her position, every new official or employee must be furnished with a copy of this chapter. ~~[Before January 1, 2001, and periodically thereafter as appropriate,]~~ The city secretary shall provide a copy of this chapter to every city official, ~~and~~ The city manager, city attorney, city secretary, city auditor, park and recreation director, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under their ~~[each's]~~ supervision. ~~[Within 30 days after entering upon the duties of his or her position, every new city official or employee must be furnished with a copy of this chapter.]~~ Each city official and employee shall acknowledge, in writing, the receipt of a copy of this chapter. Copies of this chapter must be made readily available to the public."

SECTION 50. That Article IX, "Administrative Procedures," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended by adding a new Section 12A-42.1, "Ethics Pledge," to read as follows:

"SEC. 12A-42.1. ETHICS PLEDGE.

All city officials, prior to their appointment shall sign the following ethics pledge and file it with the city secretary:

"I have received a copy of Dallas City Code Chapter 12A, "Code of Ethics." I have read and understand the code of ethics. I understand that the code of ethics is binding on me, and therefore I agree to comply with the code of ethics. I understand that the code of ethics imposes restrictions on present city officials, former city officials, lobbyists, and persons doing business with the city. I agree to participate in periodic ethics training. I agree to seek advice from the city attorney when necessary to ensure compliance with the code of ethics. I agree that I will not violate the code of ethics, participate in violations of the code of ethics, or fail to report

violations of the code of ethics. I understand that violation of the code of ethics, participation in a violation of the code of ethics, and failure to report a violation of the code of ethics may result in severe consequences.”

SECTION 51. That Article IX, “Administrative Procedures,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-44, “City Ethics Officer,” to read as follows:

“SEC. 12A-44. CITY ETHICS OFFICER.

(a) The city manager shall appoint a city ethics officer. The duties of the city ethics officer shall include, but not be limited to, the following:

- (1) Promoting a culture of ethics within the city.
- (2) Training all city officials, city employees, and departmental ethics liaisons on ethical conduct and the requirements of the code of ethics.
- (3) Assisting the city council, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the code of ethics.
- (4) Notifying all city departments of any significant amendments to the code of ethics.
- (5) Assisting the ethics advisory commission and the city council in the enforcement of the code of ethics.
- (6) Preparing and submitting an annual report to the city council detailing the activities of the city ethics officer during the prior year.”

SECTION 52. That Article IX, “Administrative Procedures,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-45, “Departmental Ethics Liaison,” to read as follows:

“SEC. 12A-45. DEPARTMENTAL ETHICS LIAISON.

(a) Each city department shall designate an employee who shall serve as the departmental ethics liaison. In addition to their regular job duties, departmental ethics liaison shall have the following responsibilities:

- (1) Act as liaison between the department and the city ethics officer in carrying out the policy of this chapter.

(2) Provide answers to general ethics questions, or refer department employees to the city attorney's office for a written advisory opinion under Section 12A-33.

(3) Promote compliance with this Chapter 12A and any ethics rules specifically applicable to their departments.

(4) Emphasize the importance of ethics within their departments.”

SECTION 53. That Article IX, “Administrative Procedures,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Section 12A-46, “Ethics Training,” to read as follows:

“SEC. 12A-46. ETHICS TRAINING.

(a) All new city officials and new city employees shall receive ethics training within 30 days after being appointed to office or hired by the city. All current city officials and current city employees shall receive ethics training at least once every year.

(b) All city officials who are leaving city service shall receive ethics information concerning requirements for former city officials before the city official ends their city service. All city employees who are terminating their employment shall receive ethics information concerning requirements for former city employees before the city employee ends their employment with the city.

(c) The city secretary shall provide all lobbying registrants with ethics information within 30 days after registration. Each registrant shall provide their individual lobbyists with a copy of the ethics information.

(d) At least annually, the ethics advisory commission shall, with the assistance of the city attorney's office, distribute a plain-language guide to the code of ethics to all city officials, city employees, and registered lobbyists.

(e) The Business Development and Procurement Services Office shall publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors.

(f) This ethics training and information required by this section shall be made available in a format and medium as determined by the city ethics officer. The ethics training and information required by this section shall be subject to approval as to form by the City Attorney. Ethics training and information must be structured to ensure that participants have the necessary knowledge to accomplish the statement of purpose in this chapter and comply with all applicable ethics laws.

(g) Failure to receive ethics training, documents, or notices required by this section does not waive that person's duty to comply with this code of ethics or waive enforcement of this chapter."

SECTION 54. That Section 15A-1, "Definitions," of Article I, "Campaign Contributions," of Chapter 15A, "Elections," of the Dallas City Code is amended to read as follows:

"SEC. 15A-1. DEFINITIONS.

The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code, or as defined in this section.

(1) CITY-FUNDED OFFICEHOLDER ACCOUNT means, for the purposes of this chapter, an individual attributable Mayor/Council account that is funded from the city budget and intended for use by a city councilmember to cover the expenses of holding office."

SECTION 55. That Article I-a, "Officeholder Contributions," of Chapter 15A, "Elections," of the Dallas City Code is retitled as Article I-a, "Officeholder Campaign Contributions."

SECTION 56. That Section 15A-7.1, "Use of Officeholder Contributions," of Article I-a, "Officeholder Campaign Contributions," of Chapter 15A, "Elections," of the Dallas City Code is amended to read as follows:

"SEC. 15A-7.1. USE OF OFFICEHOLDER CAMPAIGN CONTRIBUTIONS.

(a) An officeholder who lawfully accepts officeholder campaign contributions, as defined in the Texas Election Code, shall not use more than \$100 in officeholder campaign contributions per city election for campaign expenditures for the officeholder's campaign for election to the city council.

(b) For the purpose of this section an initial election and a runoff election are separate elections.

(c) It is a defense to prosecution under Subsection (a) of this section that the officeholder campaign contribution was used for a campaign expenditure before March 1, 2015."

SECTION 57. That Section 15A-7.2, “Enforcement,” of Article I-a, “Officeholder Campaign Contributions,” of Chapter 15A, “Elections,” of the Dallas City Code is amended to read as follows:

“(a) If the city secretary receives a written complaint alleging a violation of this article, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.

(b) The Ethics Advisory Commission shall have jurisdiction to consider a violation of this article pursuant to the procedures detailed in Chapter 12A.”

SECTION 58. That Chapter 15A, “Elections,” of the Dallas City Code is amended by adding Article I-b, “City-Funded Officeholder Accounts,” to read as follows:

**“ARTICLE I-b.
CITY-FUNDED OFFICEHOLDER ACCOUNTS.**

SEC. 15A-7.3. PURPOSE.

- (a) The purpose of this article is to:
- (1) ensure that city-funded officeholder accounts are used only for public purposes;
 - (2) ensure that city-funded officeholder accounts are not used as a gift or transfer of public funds to individuals or entities;
 - (3) prohibit the use of city-funded officeholder accounts for campaign purposes; and
 - (4) ensure the city-funded officeholder accounts are used in compliance with Texas Election Commission rules, regulations, and opinions.

SEC. 15A-7.4. USE OF CITY-FUNDED OFFICEHOLDER ACCOUNTS.

(a) Compliance with procurement requirements. Expenses from city-funded officeholder accounts must comply with the city’s administrative directive and state law regarding procurements.

(b) Test for allowable expenses. City-funded officeholder accounts may only be used for official city business. An expense is for official city business if the expense:

(1) serves a public purpose of the city of Dallas, rather than serving a personal purpose or campaign purpose;

(2) helps to defray the cost of holding public office;

(3) is a reasonable amount for the goods or services purchased;

(4) is not a prohibited gift or transfer of public funds to an individual or entity;
and

(5) is consistent with Texas Election Commission rules, regulations, and opinions for non-campaign expenses of officeholders.

(c) Opinions. City councilmembers may request an opinion from the city attorney pursuant to Section 12A-33 as to whether an expense is allowed under this article and Chapter 12A. An opinion issued under this subsection is not binding on the Texas Election Commission.

(d) Permissible expenses. The following list illustrates permissible expenses for city-funded officeholder accounts (this is not an exhaustive list):

(1) Office supplies and equipment used in the city councilmember's office.

(2) Duplicating, printing, postage, courier service, and express mail expenses.

(3) Reimbursement for use of personal vehicles that are consistent with administrative directives.

(4) Telephone and cell phone expenses.

(5) Conferences, seminars, and training expenses.

(6) Reimbursement for mileage charges for use of city vehicles.

(7) Membership dues or fees in community service or civic organizations.

(8) Business entertainment expenses that are consistent with administrative directives.

(9) Ceremonial and protocol items.

(10) Supplemental temporary help and overtime.

(11) Reimbursement of travel expenses that are consistent with administrative directives.

(12) Newsletters to constituents that are not campaign communications, and determined by Texas Election Commission rules, regulations, or opinions.

(13) Nonpolitical advertising.

(14) An individual ticket for a city council member to events that are related to city business where the council member is attending as a representative of the city.

(e) Impermissible expenses. The following list illustrates impermissible expenses for city-funded officeholder accounts (this is not an exhaustive list):

(1) Purchase of city property, including unclaimed or surplus city property, and including any furniture or equipment used in the city councilmember's office, for personal use by a current city councilmember or a former city councilmember.

(2) Membership dues or fees in athletic clubs, social clubs, or any other organization not allowed by administrative directives.

(3) Any type of sponsorship of city or non-city events, such as purchasing a table at a fundraiser event or providing funds in exchange for being listed as an event sponsor.

(4) Purchase of food, drink, decorations, caterers, audio-visual, or supplies for non-city events.

(5) Hiring individuals or entities to provide products or services, such as improvements to a park or purchase of street furniture, that are not related to the cost of holding public office.

(6) Promotional items intended primarily to promote the public image of the city councilmember.

(7) Expenses to acquire or manage software used to maintain mail or email lists of constituents for personal or campaign purposes.

(8) Any campaign expenditure, campaign contribution, political advertising, or campaign communication as defined in Title 15, "Regulating Political Funds and Campaigns," of the Texas Election Code and Texas Election Commission rules, regulations, and opinions.

(9) Use of city employees or city supplies for campaign purposes or for the personal business of the city councilmember.

(f) Deficits and surpluses.

(1) Expenditures from a city-funded officeholder account may not exceed the amount allocated by the city manager for that city-funded officeholder account. City

councilmembers who exceed the budgeted amount of their city-funded officeholder account shall be personally liable for the amount exceeded.

(2) Funds may not be transferred from one city-funded officeholder account to another city-funded officeholder account.

(3) Any surplus remaining in a city-funded officeholder account at the end of a fiscal year reverts to the fund from which the monies were appropriated.

(g) Campaign contributions and donations.

(1) Campaign contributions may not be deposited into the city-funded officeholder account. Instead, campaign contributions should be deposited into a campaign account maintained by the city councilmember separate from the city financial system.

(2) Donations made to the city may not be earmarked for use by specific city councilmembers. Donations to the city must comply with Section 12A-5.1.

(h) Reporting.

(1) City councilmembers must file an annual statement with the City Secretary itemizing expenses paid from city-funded officeholder accounts during the prior fiscal year. The annual statement must be on a form provided by the City Secretary and filed with the City Secretary no later than 5:00 p.m. on April 30. If April 30 is a Saturday, Sunday, city holiday, or furlough day, the deadline is extended to 5:00 p.m. of the next business day. The annual statement must include to whom the expense was paid, the date the expense was paid, a description of the expense, and the dollar amount of the expense.

(2) These reporting requirements are in addition to any reporting requirements set out in the Dallas City Code or state law.

SEC. 15A-7.5. ENFORCEMENT.

(a) If the city secretary receives a written complaint alleging a violation of this article, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.

(b) The Ethics Advisory Commission shall have jurisdiction to consider a violation of this article pursuant to the procedures detailed in Chapter 12A.

(c) A person commits an offense if that person discriminates against, harasses, threatens, harms, damages, penalizes, or otherwise retaliates against any person for refusing to violate this article; filing a complaint alleging a violation of this article; or for testifying, assisting, or participating in an investigation, proceeding, or hearing under this article.”

SECTION 59. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 60. That Chapters 2, 12A, and 15A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 61. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 62. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 63. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

GIFT POLICY FOR CITY EMPLOYEES

This is the policy governing the acceptance of gifts given to city employees, including gifts of tickets, meals, travel, lodging, entertainment, and honoraria. It is the policy of the City of Dallas to provide and promote a professional and ethical environment for its employees. This policy applies to all City of Dallas employees. Failure to comply with this policy may result in disciplinary action, in accordance with the Personnel Rules, up to and including termination of employment with the City of Dallas.

GENERAL GUIDELINES

1. See Dallas City Code Section 12A-2(6) for the definition of “benefit.” See Dallas City Code Section 12A-2(21) for the definition of “gift.” In this policy, the term “gift” includes “benefits.” “Honoraria” are payments or in-kind gifts made for a service, such as making a speech.
 - a. Gifts should be distinguished from donations. Gifts are given to individual employees and used by that employee. Donations are given to the city and used by the city. This policy does not apply to donations. See Dallas City Code Chapter 12A for rules for donations.
2. The following items are not considered gifts, and are not subject to reporting requirements:
 - a. A loan from a lending institution if it is made in the regular course of business and on the same terms generally available to the public.
 - b. A scholarship or fellowship based on the same criteria and awarded on the same terms applied to other applicants.
 - c. Gifts from a family member or a person with whom the employee has a personal, professional, or business relationship that is completely independent of the employee’s status with the city. The gift can be accepted only if the gift would have been given even if the city employee did not work for the city.
3. Whenever possible, gifts should be approved in advance by the employee’s supervisor. Also, if an employee has questions about whether a gift may be accepted, the employee should discuss it with their supervisor. If the supervisor is uncertain about a gift, the supervisor should contact the City Attorney’s Office. An employee who disclosed all relevant facts, and who reasonably and in good faith relied on the supervisor’s good faith determination, will not be found to have violated this policy.
4. Ceremonial and protocol gifts received by a city employee on behalf of the city must be delivered to the city manager within 30 days after receipt and inventoried as city property in accordance with Section 12A-22 of the Dallas City Code.

5. Employees must also comply with departmental rules regarding gifts, if any. If there is a conflict between this gift policy and a departmental rule, this gift policy controls.
6. Any gift that could be perceived by the public as an attempt to influence or reward the employee in the performance of their duties should be politely declined. When in doubt, it is better to politely decline a gift.
7. An employee who does not wish to accept a gift in order to avoid the appearance of impropriety can return the gift to the giver; donate the gift to the city; donate the gift to another governmental entity with authority to accept the gift; or donate the gift to a recognized tax-exempt charitable organization. A description of the gift, the estimated value, and the disposition of the gift must be documented and retained by the department.
8. Employees should never solicit gifts for themselves or for the employee's parent, child, spouse, domestic partner, or family member of the first degree of consanguinity or affinity.
9. Gifts, including tickets, meals, travel, lodging, and entertainment, that cannot be accepted by an employee cannot be given to another person, including family members, as a means to circumvent this gift policy.
10. The following gifts, including tickets, meals, travel, lodging, or entertainment, shall not be accepted:
 - a. Any gift that reasonably tends to influence or reward official action, or that the employee knows is intended to influence or reward the discharge of official duties.
 - b. Any gift that the employee knows is given in exchange for taking official action, refraining from taking official action, or exercising official discretion.
 - c. Any gift from a person that the employee knows is interested in a matter that is currently pending with the employee's department.
 - d. Any gift from a person that the employee knows is currently subject to enforcement proceedings, inspections, or investigations by the employee's department.
 - e. An employee who conducts inspections, investigations, provides advice, or renders decisions in quasi-judicial hearings shall not accept any gift from a person that the employee knows is an interested party, an agent of an interested party, or a representative of an interested party in that quasi-judicial hearing.

- f. An employee who makes recommendations on, grants, or denies applications shall not accept any gift from a person that the employee knows is an applicant, agent of that applicant, or representative of that applicant.
- g. Any cash, check, gift card, negotiable instrument, or security.
- h. Honoraria given in consideration for services the employee was required to provide as a part of the employee's job duties.

GIFTS

11. If gifts with monetary value are given to employees because of their employment with the city, the gifts may be accepted by employees under the following conditions, unless prohibited under Section 6 or Section 10:

- a. Individual employees may accept gifts with a nominal estimated value. Gifts have a nominal estimated value if they have an estimated value of less than \$25 or a cumulative estimated value of less than \$50 from a single source in a calendar year. Examples include items such as plaques, caps, key rings, mugs, tee shirts, flowers, and small amounts of food, if these gifts are given infrequently.
- b. A public award for meritorious service or professional achievement if the award is reasonable in light of the occasion.

TICKETS

12. If tickets with monetary value are given to employees because of their employment with the city, the tickets may be accepted by employees under the following conditions, unless prohibited under Section 6 or Section 10:

- a. Tickets to events where the employee is performing ceremonial duties or attending as an official representative of the city.
- b. Tickets to fundraiser and charity events that benefit city facilities and programs under the jurisdiction of the employee's department.
- c. Tickets to events at city-owned facilities for which the employee has oversight responsibilities.
- d. No more than two tickets per event may be accepted. One of the tickets must be used by the employee.
 - i. This rule does not apply if an entire city department or all employees are given tickets to an event, such as discount tickets for all employees to State Fair.

- ii. This rule does not apply if a category or section of employees are given tickets to an event, such as tickets given to all department directors or tickets given to all employees with a department section.
- iii. This rule does not apply to blocks of complimentary tickets given to a department director for distribution to the general public in accordance with any requirements of the event sponsor, if the department director does not give employees and their family members priority access to the tickets.
- e. Tickets shall not be transferred or sold, except that tickets may be transferred to another employee from the same department who can also represent the city, if the transfer is approved in writing by the employee's supervisor.
- f. Complimentary annual memberships and season tickets shall not be accepted.
- g. If the employee knows that the tickets are offered to the employee at a reduced price or under different conditions from tickets purchased by members of the public because of the employee's employment with the city, employees shall not purchase those tickets as a means to circumvent this gift policy. This provision does not prohibit the city from making discount tickets available to employees.

MEALS, TRAVEL, LODGING, OR ENTERTAINMENT

13. Meals, travel, lodging, and entertainment may be accepted, unless prohibited under Section 10, in connection with a conference, seminar, trade show, or event that is related to the employee's job duties; where the employee is a speaker or presenter; or for training or education that is also being given to other groups who are not employees. Attendance must be approved in accordance with the City's Administrative Directive on travel. Costs must be reasonable and comparable to the costs incurred by other persons attending who are not employees.

REPORTING REQUIREMENTS

14. These reporting requirements are in addition to any reporting requirements for city employees set out in the Dallas City Code or state law.

15. Employees must file an annual gift disclosure statement with the City Manager or his designee itemizing each ticket, meal, travel, lodging, or entertainment accepted with an estimated value of \$50 or more, or cumulative tickets, meals, travel, lodging, or

entertainment from a single source in a calendar year with an estimated value of \$100 or more. Nominal value gifts described in Section 11 do not need to be reported.

- a. The annual gift disclosure statement must be on a form provided by the City Secretary and filed with the City Manager or his designee by no later than 5:00 p.m. on April 30. If April 30 is a Saturday, Sunday, city holiday, or furlough day, the deadline is extended to 5:00 p.m. of the next business day.
- b. The annual gift disclosure statement must include to whom the gift was given, the date the gift was given, the person or entity giving the gift, a description of the gift, and the estimated value of the gift.
- c. An annual gift disclosure statement is not required if the city employee did not receive any reportable gifts.