

Overview of City Code of Ethics

Council Presentation
March 10, 2015



2015-0169



City Code of Ethics

- Code of Ethics – Chapter 2, Art 5 of City Code
 - First approved in 1982
 - Members appointed to 3-year terms
 - Meetings must comply with Open Meetings Act
 - Ethics Commission Jurisdiction over:
 - Mayor, Council Members, Council appointees
 - City Manager, Deputy & Assistant City Managers
 - Department Heads & Municipal Court Judges
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Ethics Complaint Requirements

- City-promulgated form specifies procedures for laymen.
 - Must be in writing.
 - Must specify ethical rule alleged to be violated & the facts alleged to constitute the violation.
 - Must be sworn to and signed.
 - Must be filed with City Secretary.
 - Must be filed within 6 months from date that complainant knew or should have known about action alleged as a violation.
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Ethics Commission Procedures

- Ethics Commission (EC) reviews complaint to determine if it meets minimum requirements
 - EC notifies complainant & respondent whether hearing will be scheduled
 - Respondent has 10 days to submit response prior to EC decision about whether to hold formal hearing on complaint
 - If denied by EC, Complainee has 15 days to refile
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Possible Sanctions

- If Ethics Commission determines violation occurred, it may recommend reprimand, suspension, removal or other corrective action
 - City Council will consider recommendation of Ethics Commission, but may exercise discretion in action against City Manager or member
 - Ethics Commission can issue interpretations
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Ethical Standards-General

- Do not use your office for private advancement or to gain special privileges or exemptions for yourself or others
 - Do not grant any special consideration to any group that is not generally available
 - Do not use any City resources for purposes unrelated to the interests of the City except as are available to the public
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Ethical Standards - Gifts

- Do not accept or solicit any gift offered with intent to influence or reward official conduct
 - Exceptions to Gift Prohibition:
 - Special occasions – weddings, holidays, anniversaries, graduations, births, illnesses, deaths
 - Reimbursement for travel – if disclosed on travel report
 - Award for service or achievement
 - Loan from lending institution-regular business
 - Scholarship awarded on terms applied to applicants
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Ethical Standards – Gift Exceptions (cont'd)

- Solicitation for charity or civic cause
 - Admission to event in connection with position
 - Gifts accepted for City of Corpus Christi
 - Admission to a widely attended event in official capacity as a City representative or w-ceremonial role
 - Unsolicited admission to charity event by sponsor
 - Training (including meals) related to official duties
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Ethical Standards-Conflicts

- If City Council is considering contract with entity with which you have any financial interest:
 - Make written disclosure to City Sec'y & CM
 - Abstain from vote or decision
 - Do not participate in discussion of matter with City Council, CM, or City employees

 - [Exceptions – less than \$200 value or acting as a subcontractor with fair and reasonable compensation]
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Ethical Standards - Conflicts

- City officials may apply for services or discuss personal services from City as long as they notify City Sec'y & CM in writing of conflict & personal capacity
 - Do not engage in outside activities or employment that can impair independent judgment in performing duties
 - Do not represent defendants in Municipal Court
 - Do not receive fees for official services from entities other than the City except as authorized by City Council or provided by law
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Ethical Standards - Conflicts

- Do not disclose info that could harm property or affairs of City
 - Includes attorney-client privileged info
 - Includes info received in executive sessions
 - Includes confidential info disclosed prior to public release by management
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Ethical Standards – Violations of Law

- Do not knowingly act or refuse to act to thwart execution of federal, state or local laws or regs

 - Do not engage in:
 - felony crime,
 - misdemeanor of moral turpitude, or
 - other conduct that reflects discredit on City
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Ethical Standards – No Substantial Interest

- Do not have substantial interest in contract with City-Substantial interest w-entity– TLGC 171.002
 - Owns 10% or more of entity,
 - Owns more than \$15,000 of value in entity
 - Receives more than 10% of one's income from entity
 - Owns more than \$2,500 of parcel of realty
 - First degree relative of person w-subst int
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Ethical Standards -Conflicts

- To preserve independence of appointees - Do not speak before City board, commission or committee except on behalf of one's own financial interest that is publicly stated
- Do not give orders to any City employee - except through City Manager



Ethical Standards - Conflicts

- Do not participate in appointment of member of board, commission or committee any person who:
 - Is related within third degree by consanguinity or within the second degree by affinity
 - Is your employer
 - Is a director or officer or 10%+ owner of a business entity that is your employer
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Recent changes to Ethics Code

- March 2012 - Defined “conflict of interest” to include “any interest” as requiring abstention
 - March 2012 - Changed number of persons required to swear to complaint from 5 to 1
 - May 2012 - Amended to prohibit employees from violating confidentiality or privacy rights of an individuals including those being counseled through a city program
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Ethics Commission -5 Proposed Amendments to Complaint and Hearing Process

- Amend complaint process to include unsworn (un-notarized) declarations under the Unsworn Declaration Act that are signed under “penalty of perjury”
- Clarify that “rules of conduct” in the complaint section is referring to Section 2-311 of the Ethics Code
- Clarify person complained against has 10 calendar days to submit a written response



Ethics Commission -5 Proposed Amendments to Complaint and Hearing Process

- Reduce the number of votes to find an Ethics Code violation from majority of Commission (5 votes) to majority of the quorum present
 - Clarify that the full Council receives EC recommendations findings regarding finding of violations by Councilmember or a Council appointee, and City Manager receives EC recommendation regarding employee
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