

Code of Ethics Recommendations

City Council
Presentation
November 15, 2016





Ethics Commission Recommendations to City Council

July 19: The Ethics Commission Chair presented the Ethics Commission recommended changes to the City Council.

September 15: Ethics Commission meeting; EC recommends modifications to their initial recommendations.

C: Current M: Mureen Report

EC: Ethics Comm recommendations as presented to CC on 7/19/16

EC: Ethics Comm modified recommendations 9/15/16



Section 2-311 (4) - Special Privileges

C: “Unless you are a council member, you shall not use the prestige of your position with the city on behalf of any political party or cause.”

EC: Recommend removal.



Section 2-311 (8) (A) Conflict of Interest Expand “circle of influence”

C: Employee/Official, spouse, parent, child, siblings, in-laws

M & EC: City official or employee shall not take any action and shall not fail to take any action related to their position that is likely to affect the economic interest of anyone within the expanded circle of influence:

Grandchildren/grandparents

Clients

Members of household

Employers & Employers of spouse/child/parent/household

Entity in which official has policy making position

Official/spouse offered/sought employment 1 yr

Official/spouse ongoing business negotiations with entity



Revise definition of “client” for purposes of conflict of interest section

2-311 (8) (D) Definitions

~~2) The term “client” includes business relationships of a highly personalized nature, but not ordinary business-customer relationships.~~

(2) The term “client” includes a fiduciary relationship but not an ordinary customer relationship.”



Recommend removal of proposed Section 2-311 (8) (a) 9

EC: Recommends removal of the proposed change to (8)(a) 9:

(8) (A) General rule. To avoid the appearance and risk of impropriety, a City official or employee shall not take any action or fail to take any action related to their position that is likely to affect the economic interests of: . . .

9. A non-profit board to which the official or employee is appointed by the City Council or City management to represent the best interests of the City, if the action by the City official or employee as a member of the board is related to an item pertaining to the City, and the City official or employee would be involved in the negotiation, development or implementation of that item on behalf of the City; or



Section 2-311 (8) definition of “official” for purposes of conflict of interest section

2-311(8)(D). . . (5) For purposes of this subsection (8), the term “official” includes the following persons: The Mayor; Members of the City Council; Municipal Court Judges and Magistrates; City Manager; Deputy City Manager; Assistant City Managers; Assistants to the City Manager; City Secretary; Deputy City Secretary; Assistant to the City Secretary; Municipal Court Clerk, Deputy Court Clerks; All department heads and assistant department heads; Internal Auditor and all Assistant Internal Auditors; Assistant to Mayor; Executive secretaries; and Members of all boards, commissions (except the Youth Commission whose members are minors), committees, and other bodies created by the City Council pursuant to federal or state law or City ordinance, including entities that may be advisory only in nature, who are appointed by the Mayor, the City Council, or who are designated in the by-laws or organization papers of the entity to serve on behalf of the City; and board members of any entity who are appointed by the Mayor or City Council to such board membership. This list is updated annually by the Human Resources Department. All updates are incorporated into this Code without further action by the City Council. The Human Resources staff shall provide the list annually to the City Council and City Secretary. The City Secretary shall promptly post it on the City's ethics webpage. This list is updated and posted annually to the City website by the City Manager.”



Section 2-311 (8)(B) regarding information discussed in confidential meetings

EC: “No city employee, city official, appointed or elected, family member, friend, or business associate of a city employee or city official appointed or elected should profit from privileged information discussed in confidential city meetings. Any council member already involved in any city projects should immediately recuse themselves from any Executive Session council meetings as well as City Council votes where such matters are being discussed.”



Section 2-311 (8) (E) regarding conflict of interest due to political campaign contributions

EC: “Elected city officials may not use their position to influence the action of a city official or city employee in the performance of their duties related to a contract or business transaction involving an individual or organization who contributed ~~\$2,700 or more~~ to the official’s campaign contributions during the most recent election either directly, or indirectly via a third party.”



New Sections 2-311(16) and (17) – Confidential Information

Current 2-311 (13): “You shall not disclose information that could adversely affect the property or affairs of the city, except as required by law.”

M:1) Do not use official position to obtain official information about a person other than for performing official duties.

2) Do not disclose confidential information relating to city affairs that you obtain through your position.

EC: Recommend following Mureen recommendation



Section 2-311 (21) regarding appointments, new subsection (E)

C: 2-311 (19) Prohibits council participation in appointments of any individual who

EC: Renumbered as 2-311(21) and added the following paragraph

(E) Contributed \$2,700 or more to your total campaign contributions during the previous election.

EC: Clarified this would not apply to donations by a political committee.



Section 2-316 Lobbyist – new subsection D

EC: new subsection added

“D. A person may not register as a lobbyist with the City for a period of two years from end of City service.”



Section 2-326 (a) (3) Ethics Commission duties regarding financial disclosure reports

EC: Codifies the current EC practice

“Review all financial disclosure reports which are filed with the City pursuant to this Article. If the commission identifies a possible conflict of interest or needs further disclosure from its review of the financial disclosure report, the commission shall notify the filing official to request additional information regarding the possible conflict of interest.”



Section 2-330 (a)

Complaints regarding “Rules of Conduct”

EC: “A sworn complaint alleging violation of the code of ethics shall specify the provisions of the Rules of Conduct (Section 2-310 and Section 2-311) alleged to have been violated and facts alleged to constitute the violation.

EC: No longer recommending this change to current 2-330. Will continue to read:

C: **Sec. 2-330. - Complaints.**

(a) A sworn complaint alleging violation of the code of ethics shall specify the provisions of the Rules of Conduct (section 2-311) alleged to have been violated and facts alleged to constitute the violation. In lieu of a complaint sworn to under oath, the complainant may subscribe to the complaint using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A., Civil Practice and Remedies Code ch. 132, as amended.
