

Green language not adopted. It is merely suggested alternate phrasing from the Legal Department that may be adopted by the City Council.

Ordinance amending the City Code of Ethics by revising sections to expand conflict of interest prohibitions; to prohibit disclosure or use of confidential information; to prohibit City Councilmember from participating in appointment of a person who contributed \$2700 or more to the Councilmember's campaign; to prohibit registration as a lobbyist within 2 years of leaving City service; to provide clarification of Ethics Commission review of Financial Disclosure Reports; providing for severance and providing for publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Section 2-311 of the Corpus Christi City Code is amended to read as follows:

Sec. 2-311. - Standards.

The following rules of conduct apply to all council members, board members, and employees: Special privileges.

- (1) You shall not use your office for private advancement or gain or to secure special privileges or exemptions for yourself or others.
- (2) You shall not grant any special consideration, treatment or advantage to any person or group beyond that which is available to others generally.
- (3) (a) You shall not use city facilities, personnel, equipment or supplies for purposes unrelated to the interests of the city, except to the extent such are lawfully available to the public. Notwithstanding the foregoing sentence, Corpus Christi police officers, airport public safety officers and municipal court marshals may wear their city-issued uniforms, badges, and other uniform attire, may use their city-issued radios, and may carry their city-issued weapons, on approved off-duty law enforcement employment; and Corpus Christi fire fighters may wear their city-issued uniforms, badges, and other uniform attire, and use their city-issued radios on approved off-duty fire watch employment.
- (b) You may not spend or authorize the spending of public funds for political advertising. This prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure. This paragraph shall be construed consistently with Texas Election Code Section 255.003.

~~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.~~

- (4) You shall maintain appropriate relationships with other officials, employees, customers, defendants, and individuals receiving services from you or your organizational unit, and shall not use your position to engage in any inappropriate personal relationships.

Gifts:

- (5) You shall not accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise that might reasonably tend to influence you in the discharge of your official duties or which you know or should have known was offered with the intent to influence or reward your official conduct.
- (6)(a) Special applications. Subsection 2-311(5) does not include:
1. A gift to a city official or employee relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
 2. Advancement for or reimbursement of reasonable expenses for travel in connection with official duties provided by third parties must be disclosed in the travel report; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy will be treated as a personal gift to the official or employee for any applicable reporting requirement;
 3. A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under Texas Penal Code Section 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction);
 4. A loan from a lending institution made in its regular course of business on the same terms generally available to the public;
 5. A scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;
 6. Any solicitation for civic or charitable causes;
 7. Admission to an event in which the city official or employee is participating in connection with his or her spouse's position;
 8. Ceremonial and protocol gifts presented to city officials from a foreign government or international or multinational organization and accepted for the City of Corpus Christi;
 9. Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the sponsor of the event, and unsolicited by the city official or employee, if attending or participating in an official capacity, including:
 - a. the official or employee participates in the event as a speaker or panel participant by presenting information related to matters before the city; or
 - b. the official or employee performs a ceremonial function appropriate to that individual's position with the city; or
 - c. attendance at the event is appropriate to the performance of the official duties or representative function of the official or employee;
 10. Admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the city official or employee;
 11. Admission to training or education program or other program, including meals and refreshments furnished to all attendees, if such training is related to the official or employee's official duties and the training is in the interest of the city.

- (7) In the event you receive any gift or loan of property or services on behalf of the city, you shall promptly deliver such gift or loan to the city manager for official acceptance and inventory of the city.

Conflicts of interest:

- ~~(8) (A) If a contract or business transaction involving the city, in which you or one of your relatives have a conflict of interest or potential conflict of interest comes before you in the performance of your official duties, you shall take the following actions:~~
- ~~(i) Immediately make a written disclosure of your interest in the matter to the city secretary and city manager.~~
 - ~~(ii) Abstain from any vote or decision.~~
 - ~~(iii) Not participate in any discussion on the matter with members of the council, the city manager, or city employees.~~
- ~~(B) You may not use your position to influence the action of a city official or employee in the performance of their duties related to a contract or business transaction in which you or one of your relatives have a conflict of interest or potential conflict of interest.~~

(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:

1. The official or employee;
2. His or her parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
3. His or her outside client;
4. A member of his or her household;
5. The outside employer of the official or employee or of his or her parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
6. An entity in which the official or employee knows that any of the persons listed in Subsections (8)(a)1 or (8)(a)2 holds an economic interest as that term is defined herein;
7. An entity which the official or employee knows is an affiliated or partner of an entity in which any of the persons listed in Subsections (8)(a)1 or (8)(a)2 holds an economic interest as defined herein
8. An entity for which the City official or employee serves as an

officer or director or in any other policy making position;

9. A person or entity with whom, within the past twelve (12) months:

a. The official or employee, or his or her spouse, directly or indirectly has:

1) Solicited an offer of employment for which the application is still pending;

2) Received an offer of employment which has not been rejected; or

3) Accepted an offer of employment; or

b. The official or employee, or his or her spouse, directly or indirectly engaged in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated.

(b) 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 meetings as well as City Council votes where such matters are being discussed.

(c) *Recusal and disclosure.* A City official or employee whose conduct would otherwise violate Subsection (8)(a) or (8)(b) must recuse himself or herself. From the time that the conflict is, or should have been recognized, he or she 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 the appropriate form for disclosing the nature and extent of the prohibited conduct.

In addition:

3. A supervised employee shall promptly bring the conflict to the attention of his or her supervisor who will then, if necessary, reassign responsibility for handling the matter to another person; and

4. A member of a board shall promptly disclose the conflict to other members of the board and shall not be present during the board's discussion of, or voting on, the matter.

(d) Definitions. For purposes of this rule in subsection (8):

1. An action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.

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

3. A relationship by “affinity” (by marriage) is defined in Government Code Sections 573.024 and 573.025.

4. A relationship by “consanguinity” is defined in Government Code Sections 573.022 and 573.023.

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 and posted to the City website annually by the City Manager.

(e) Elected city officials may not use their position to influence (?direct?) 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 to the official's campaign contributions during the most recent election either directly, or indirectly,

via a third party. It is not a violation of this subsection (e) to make a request to the City Manager to communicate with a third party.

- (f) If you were initially not aware that you or a relative has a conflict or potential conflict of interest, you must comply with ~~(7)(A)~~ (8) (c) as soon as you become aware that you have or should have been aware that you have the conflict or potential conflict of interest.
- (D) (g) However, you may apply for city services or discuss your personal interest with a city representative on behalf of your own interest if you notify the city secretary and city manager in writing that you have a personal interest in a matter that requires action by the city, and that you are acting strictly in your private capacity, and not as a member of the city council or board or as a city employee and you advise any member of the city council, city board or commission, or any city employee you are dealing with that you are appearing only in your private capacity.
- (9) You shall not engage in any outside activities or employment which will conflict or be incompatible with the full and proper discharge of your official duties, impair your independent judgment in the performance of your duties, or reflect discredit upon the city.
- (10) You shall not represent any other private person, or group or interest in any action or proceeding against or adverse to the interest of the city or in any litigation in which the city is a party.
- (11) You shall not represent any other private person or group in any action or proceeding in the municipal courts of the city which was instituted by city officers or employees in the course of their official duties.
- (12) You shall not receive any fee or compensation for your official services from any source other than the city except as may be provided by law or authorized by the city council.

Actions adverse to the city:

- (13) You shall not disclose information that could adversely affect the property or affairs of the city, except as required by law.
- (14) You shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of federal, state or local laws or regulations or the achievement of any official city programs.
- (15) You shall not engage in any felony crime, misdemeanor involving moral turpitude, or other conduct that reflects discredit on the city.

Confidential Information

(16) Improper access. A City official or employee shall not use his or her position to obtain official information about any person or entity for any purpose other than the performance of official duties.

(17) Improper disclosure or use. A City official or employee or former City official or employee shall not intentionally, knowingly, or recklessly disclose any confidential government information gained by reason of said official's or employee's position concerning the property, operations, policies or affairs of the City. This rule does not prohibit:

(1) Any disclosure that is no longer confidential by law; or

(2) The confidential reporting of illegal or unethical conduct to authorities designated by law.

For purposes of this subsection (17), "confidential government information" includes all information held by the City that is not available to the public under the Texas Public Information Act and any information from a meeting closed to the public pursuant to the Texas Open Meetings Act, unless disclosure is permitted under the Open Meetings Act.

Provisions for council members:

(18) As a city council member, individually, you shall not have a substantial interest in any contract with the City of Corpus Christi.

(19) In order to preserve and promote independent advice and decisions from city boards and the integrity of the independent board process as a council member, you shall not speak before any city board, commission or committee except on behalf of your own financial interest; in which case, you shall publicly state the nature of your financial interest and that you are appearing only in your private capacity.

(20) As a council member, you shall not give any orders to any employee except through the city manager as provided by the City Charter.

(21) As a council member, you shall not participate in the process for the appointment of or the confirmation of the appointment of a member to a board, commission or committee of the city, or to the governing body of an independent entity all or part of whose members are appointed by the city council, after you are aware that an individual seeking, being promoted for, or being considered for the position:

(A) Is related to you within a degree described by Section 573.002, Texas Government Code;

(B) Is your employer;

(C) Is a director or officer of a business entity (as defined in Section 171.001, Texas Local Government Code) which is your employer; ~~or~~

(D) Owns ten (10) per cent or more of the voting stock or shares of a business entity which is your employer; or

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

Provisions for board members:

(22) As a board member, you shall not have a substantial interest in any contract with the city in which your board or commission, or the city department related thereto, has jurisdiction.

- (23) As a board member, you shall not represent or appear on behalf of the private interest of others before your board, commission or committee, the city council, or any board which has appellate jurisdiction over your board, commission or committee, concerning a matter which is within the subject matter jurisdiction of your board. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest.)

Provisions for employees:

- (24) As an employee you shall not have an interest in any contract with the city. This prohibition does not include any employment contract which may be authorized for the employee, a contract of sale for real property or a contract for services which are available for all citizens.
- (25) Unless previously recommended by the city manager, and approved by the ethics commission, as an employee, you shall not, within twelve (12) months after leaving city employment, represent any other person or organization in any formal or informal appearance with the city council or any other agency or employee of the city concerning a project for which you had responsibility as an employee.
- (26) As an employee, you shall not represent or appear on behalf of the private interest of others before the city council or any board, commission or committee of the city. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest).
- (27) As an employee, you may not be employed by any business or individual who has business dealings with or for your department, including any work that is subject to review or inspection by your department, even if you do not personally review or inspect the work of the business or individual.
- ~~(26)~~ (28) As an employee, you may not violate the confidentiality or privacy of an individual, including a juvenile and adult defendants or detainees or juvenile clients being counseled through a city program, unless it is to seek emergency assistance or consultation services from within the city's program or school campus; the individual has threatened to harm themselves or others; or to provide details of any criminal activity or enterprise.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 20913, § 1, 5-1-1990; Ord. No. 23772, § 2, 9-21-1999; Ord. No. 24613, § 1, 10-9-2001; Ord. No. 025769, § 1, 5-25-2004; Ord. No. 027642, § 1, 4-8-2008; Ord. No. 028170, § 1, 5-12-2009; Ord. No. 028271, § 2, 8-18-2009; Ord. No. 029428, § 1, 3-27-2012; Ord. No. 029467, § 1, 5-8-2012)

SECTION 2. Section 2-316 of the Corpus Christi City Code is amended to add Subsection D, which will read as follows:

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

(Ord. No. 23772, § 3, 9-21-1999)

SECTION 3. Subsection (a)(3) of Section 2-326 of the Corpus Christi City Code is amended to read as follows:

Sec. 2-326. - Duties.

(a) The commission shall, in addition to its other duties:

- (3) Review all ~~statements and 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 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

SECTION 5. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi. This ordinance shall take effect upon final City Council approval.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Dan McQueen	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Rudy Garza _____ Lucy Rubio _____

Paulette Guajardo _____ Greg Smith _____

Michael Hunter _____ Carolyn Vaughn _____

Joe McComb _____

Ben Molina _____

PASSED AND APPROVED, this the _____ day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Carolyn Vaughn
Mayor Pro Tem