

Ordinance to amend City Code of Ethics regarding Financial Disclosure forms as recommended by the Ethics Commission to allow electronic filing in lieu of paper filing, to include statement regarding conflict of interests, to shorten candidate deadline for filing financial disclosure report from 5 days to 3 days within filing for office, to allow for unsworn declaration, to allow for shortened report if no changes since last complete report, and to change filing date from last Friday in April to last Friday in March

SECTION 1. That the City Code of Ordinances, Chapter 2, Article V, Division 3, regarding Financial Disclosure, are amended by deleting struck through text and inserting underlined text shown as follows:

DIVISION 3. - FINANCIAL DISCLOSURE

Sec. 2-340. - Required reports.

On or before the last Friday of ~~April~~ March of each year, reporting officials shall file with the city secretary an annual report of financial information covering January 1 through December 31 of the previous year. Council members and planning commission members shall also file with the city secretary a supplemental report of financial information by the last Friday of July of each year covering the most recent January 1 through June 30. Those reporting officials who have no changes to report since their most recent complete report may, in lieu of filing a complete report, file a short form annual report stating no changes, provided they have filed a complete financial disclosure form within the previous five years. Each reporting official shall utilize a form provided by the City Secretary, which shall be signed and submitted in hard copy, or submitted electronically, as may be provided for by the City.

Sec. 2-342. - Content of reports.

The reports required shall contain the following information for the reporting period by separate listing. In this section, the report for the reporting official shall include all such information for the reporting official's spouse, but information relating to the spouse need not be segregated from that relating to the reporting official.

- (a) Name and residence address.
- (b) All professional, occupational, business licenses held by the reporting official.
- (c) The names of any businesses with which the reporting official was actively engaged or associated, and the principal address and phone number of each, together with the position or title held. (This list should not include interests in or positions with any businesses which are required to be reported in other provisions of this section.)
- (d) The names and addresses of all sources of income which exceed ten (10) per cent of the reporting official's gross income, or five thousand dollars (\$5,000.00) in salary, bonuses, commissions or professional fees, or twenty thousand dollars (\$20,000.00) in payment for goods, products or non-professional services. If the reporting official is self-employed or owns or controls at least a twenty (20) per cent interest in a partnership, corporation or other entity through which the reporting official does business, the reporting official shall also report the names and addresses of the clients or customers who do business with the city from whom the reporting official, partnership, corporation or other entity received at least ten (10) per cent of its gross income. Prior to each reporting deadline, the city shall publish a list of the names and addresses of the persons who do business with the city in the amount of ten thousand dollars or more each year (excluding utility services or the payment of taxes) which reporting officials may rely upon

for the purposes of complying with this provision. A reporting official operating a business as a sole proprietor shall not be required to report a client or customer under this subsection he or she would not have to report if operating as a corporation or partnership.

- (e) The names and addresses of all corporations, partnerships or other business organizations in which the reporting official held, owned, acquired or sold stock or other equity ownership having a value exceeding five thousand dollars (\$5,000) or equivalent to ten (10) per cent or more of the stock or equity in the entity or owns ten (10) per cent or more or five thousand dollars (\$5,000.00) or more of the fair market value of the business organization or funds received from business organization exceeds ten (10) per cent or more of the person's gross income for the previous year.
- (f) An itemized list of all real property in Nueces County or any adjoining county in which the reporting official held any legal or equitable ownership with a fair market value of two thousand five hundred dollars (\$2500.00) or more, The list shall include a description sufficient to locate the property.
- (g) The name and address of any person to whom the reporting official was indebted in excess of ten thousand dollars (\$10,000.00) together with the dates any such debts were incurred. "Indebted" includes obligations on which the reporting official is a guarantor or co-signer, in which case the names of the borrower and lender shall be listed.
- (h) The name and address of any person who is an obligor on any note, bond, loan or any other similar obligation, written or unwritten, owed to the reporting official which in the aggregate equal ten thousand dollars (\$10,000.00) or more together with the dates of such obligations.
- (i) A list of all contracts with the City of Corpus Christi, including the date, term, type of good or services provided and the amount of the contract.
- (j) All boards of directors or governing bodies of which the reporting official is a member, and all offices or executive positions the reporting official holds in corporations, partnerships, limited partnerships, professional corporations, associations, or other entities, including non-business and non-profit entities, stating the name of each entity and position held, and excluding entities owned or created by the city.
- (k) The names and addresses of all persons from whom the reporting official received gifts or favors, including but not limited to trips, excursions, food, lodging, money, commodities or services, cumulatively exceeding two hundred dollars (\$200.00) in value. The nature and date of each gift received shall be specified. Provided, however, campaign contributions reported as required by state law and gifts or favors from relatives need not be reported hereunder.

(i) A statement whether the reporting official, or any of his or her immediate family, (spouse, parent, sibling, child) have a personal, professional, or financial interest in any entity, contract, or business, or a personal or financial relationship, that in any way poses a conflict of interest, which would affect the impartial performance of his or her duties for the City of Corpus Christi. Attach a statement describing any such conflicts and actions being taken to resolve or avoid the conflicts.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 028271, § 5, 8-18-2009)

Sec. 2-343. - Financial disclosure by candidates.

All candidates for city council shall file an annual report of financial information covering January 1 through December 31 of the previous year containing the information required by the above sections with the city secretary within ~~five~~^{three} days after filing for office. If the deadline for candidate filing is after June 30, they shall also file a supplemental report of financial information. If any incumbent candidate has previously filed a report for the appropriate period(s), that report shall satisfy this section.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-344. - Reports to be sworn and maintained.

All reports of financial information required by the code of ethics shall be sworn, and shall be preserved for five (5) years as public records. In lieu of report sworn to under oath, the reporting official may subscribe to the report using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A. Civil Practice and Remedies Code, Chapter 132, as amended.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-345. - Filing dates for reports.

Reports required by this division must be physically filed with the city secretary by 4:45 p.m. on the day required for filing. When the day falls on an official city holiday as established by the city council, the deadline for receipt by the city secretary is extended to 4:45 p.m. of the next day which is not a Saturday or Sunday or official city holiday. In lieu of paper filing, the filing official may file the report electronically, as may be provided for by the City, on or before the day required for filing.

(Ord. No. 20781, § 1, 9-19-1989)

SECTION 2. 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 3. 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 _____, 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor