

WHEREAS, the City Council believes that public office should not be used for personal gain and that elected and appointed city officials should conduct themselves and operate with integrity and in a manner that merits the trust and support of the public; and

WHEREAS, the City Council has adopted a Code of Ethics, Chapter 12A, Dallas City Code, as amended, that provides general rules for the solicitation and acceptance of gifts by city officials and employees; and

WHEREAS, pursuant to state law, public servants may solicit and accept certain benefits, such as gifts, tickets, meals, travel, entertainment and honoraria, under limited circumstances and conditions; provided the benefit is not being offered, solicited, or accepted as consideration for the public servant's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant; and

WHEREAS, pursuant to Resolution Nos. 08-1723 and 08-2506, the City Council has adopted policy guidelines regarding the solicitation and receipt of gifts, tickets, travel, lodging, entertainment and honoraria by City Councilmembers and members of city boards and commissions to provide practical guidance clarifying the circumstances under which the acceptance of certain benefits by city officials is permissible in the performance of their city duties; and

WHEREAS, the City Council believes that in order to enhance the public's trust and confidence in its city officials, City Councilmembers and board and commission members should be required to file an annual disclosure statement disclosing each gift, ticket, meal, travel, lodging, entertainment and honorarium having a value of ~~\$35~~ \$50 or more, or an accumulation of gifts, tickets, meals, travel, lodging, entertainment and honoraria from a single source having an aggregate value of \$100 or more received during a prior calendar year from lobbyists or persons who are interested in a city contract or are likely to become interested in a city contract that involves the exercise of discretion by the councilmember or board and commission member; and

WHEREAS, the City Council desires to revise the policy guidelines regarding the solicitation and receipt of gifts, tickets, travel, lodging, entertainment and honoraria by City Councilmembers and members of city boards and commissions to add the requirement for annual disclosure of gifts, tickets, meals, travel, lodging, entertainment and honorarium having a value of ~~\$35~~ \$50 or more, or an accumulation of gifts, tickets, meals, travel, lodging, entertainment and honoraria from a single source having an aggregate value of \$100 or more received during a prior calendar year from lobbyists or persons who are interested in a city contract or are likely to become interested in a city contract; **Now, Therefore,**

Be It Resolved By The City Council Of The City Of Dallas:

Section 1. That the policy guidelines regarding the solicitation and receipt of gifts, tickets, travel, entertainment and honoraria by City Councilmembers and city officials who are board and commission members are hereby amended as set forth in Exhibits A and B.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of the Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

NOV 09 2009


City Secretary

EXHIBIT A

GIFT POLICY FOR CITY COUNCILMEMBERS

The following outlines a revised and expanded policy governing the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria by city councilmembers.

GIFTS

The receipt of gifts should be evaluated against perceived conflicts or special considerations which could influence the ability of city councilmembers to perform their official duties.

The receipt of certain gifts is allowed and includes:

1. Gifts having a nominal value received from citizens or persons or entities doing business with the city or seeking to do business with the city:
 - Non-cash gifts having a value of less than \$50.00 are acceptable. However, cumulative gifts from a single source in a calendar year may not exceed \$50.
 - Plaques, Caps, Key Rings, Mugs, Tee Shirts, Fresh cut flowers given at public appearance, Small amounts of perishable food given infrequently are acceptable.
2. Gifts received on behalf of the city, including ceremonial or protocol gifts given by governmental/international trade delegations are allowed. Any gift valued over \$250.00 must be reported and delivered to the city manager in accordance with Section 12A-22 of the Dallas City Code.
3. Gifts from a relative or a person with whom the councilmember has a personal, professional or business relationship independent of the councilmember's status with the city are allowed. This should always be used with discretion, realizing that the burden will fall on the city official to ensure that the narrow requirements of this exception are met.

Gifts must be reported by the councilmember in accordance with applicable state law and city reporting requirements.

A councilmember may not accept cash, check or negotiable instrument from any person or representative of a person or entity who does business with or is seeking to do business with the city.

A councilmember may not solicit or accept any gift or benefit received in exchange for taking official action or exercise of discretion.

As Adopted on 6/11/2008 by Resolution No. 08-1723 and Amended on 11/9/2009 by Resolution No. 09-2836 and further Amended on 4/7/2010 by Resolution No. 10-0847

This Gift Policy does not apply to political contributions received and reported in compliance with the Texas Election Code.

A councilmember who receives an unsolicited benefit or gift that he or she is not allowed to accept, or does not wish to accept in order to avoid any appearance of impropriety, may donate the item to the city or another governmental entity that has the authority to accept the item or to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

COMPLIMENTARY TICKETS

The receipt of complimentary tickets to events must be evaluated along a number of parameters.

1. City councilmembers may receive tickets to functions where the councilmember is performing ceremonial duties or attending as a representative of the city.
2. City councilmembers are encouraged to support activities that benefit city facilities or city sponsored programs. As such, councilmembers may, in connection with his or her duties and responsibilities, accept tickets to fundraisers or charity events that benefit city facilities and programs. An example would be the acceptance of tickets by a councilmember to the Dallas Zoo's annual fundraiser, "Zoo To Do."
3. The city owns and operates a number of facilities. It also contracts with non-profit entities to manage or operate city facilities or conduct events on behalf of the city. Examples would include, the State Fair, Arboretum, Dallas Museum of Art, Dallas Summer Musicals, South Dallas Cultural Center, and Latino Cultural Center. It is the City Council's responsibility to assess the management and operation of city-owned facilities and to oversee city sponsored events and, consequently, councilmembers are obligated to regularly attend events at the city-owned facilities for which they have oversight responsibilities.

Therefore, city councilmembers may receive tickets, subject to availability as determined in the sole discretion of the event sponsor, under the following guidelines:

- No more than 4 tickets per event, and either the councilmember, his or her spouse, domestic partner, or significant other must be in attendance at the event.
- Tickets cannot be sold.

- Tickets cannot be transferred, except that councilmembers may transfer their tickets to another councilmember or city official who is a board or commission member with oversight responsibilities related to the event or facility.
 - If the number of available tickets is limited as determined by the event sponsor, the total number of tickets shall be distributed among councilmembers on an equitable basis.
 - Complimentary annual memberships, individual or family, to city owned facilities that are operated or managed by a non-profit organization on behalf of the city may be given to councilmembers.
 - City councilmembers may accept blocks of promotional complimentary tickets to events for distribution, in accordance with any requirements set forth by the event sponsor, to the general public, constituents, educational or civic organizations or neighborhood groups; provided the tickets are unsolicited and given by the sponsor to the councilmember for purpose of encouraging the attendance of the general public at the event. If permitted by the event sponsor, the councilmember may retain no more than 4 of the promotional complimentary tickets for his or her own personal use.
- 4 In cases where the city contracts with a for-profit entity over which the city council does not have oversight responsibilities (examples: American Airlines Center, Superpages.com Center), councilmembers may request tickets to events, but councilmembers are required to purchase these tickets at face value. Complimentary tickets to events are not permitted.
 - 5 Gifts and complimentary tickets must be reported by the councilmember in accordance with applicable state law and city reporting requirements.

MEALS, TRAVEL, LODGING, OR ENTERTAINMENT

City councilmembers may accept meals, travel, lodging, or entertainment under the following conditions:

1. Councilmember is a guest.
2. The donor or host must be present at the meal, lodging, travel or entertainment. Meals, lodging, travel or entertainment from a person who does business or is seeking to do business with the city when the donor or host is not present is not acceptable.
3. Meals, travel, lodging or entertainment accepted as a guest must be reported by the councilmember in accordance with applicable state law and city reporting requirements.

HONORARIUMS

Any honorarium (cash payment or in-kind gift, except for a plaque) in consideration for services which a city official would not have been requested to provide but for his/her official status is prohibited. Exception: Councilmembers may accept or be reimbursed for travel, lodging and meal expenses in connection with a conference or similar event where the councilmember is a speaker or presenter because of his/her official position.

Honorarium must be reported by the councilmember in accordance with applicable state law and city reporting requirements.

CITY REPORTING REQUIREMENTS (for gifts, tickets, meal, travel, lodging, entertainment, or honorarium)

The reporting requirements of this section are in addition to any applicable reporting requirements for city councilmembers pursuant to Title 15 of the Texas Election Code, Chapter 145 of the Local Government Code, Chapter 176 of the Local Government Code, and Chapter 12A of the Dallas City Code.

1. City councilmembers shall file a sworn annual gift disclosure statement with the City Secretary itemizing each gift, ticket, meal, travel, lodging, entertainment, or honorarium having a value of \$50 or more, or accumulation of gifts, tickets, meals, travel, lodging, entertainment, or honoraria from a single source having an aggregate value of \$100 or more, received by the councilmember or his or her immediate family during the preceding calendar year from a person, other than a relative within the second degree of consanguinity or affinity, who the councilmember knows is interested in or is likely to become interested in any contract, purchase, payment, claim, zoning matter, or pecuniary transaction with the city that involves the exercise of the councilmember's discretion, or who is a registered lobbyist pursuant to Article III-A, Chapter 12A of the Dallas City Code.

City Councilmembers do not have to report the following in the annual gift disclosure statement:

- Ceremonial functions and other functions that councilmembers and their family members attend in their official capacities in accordance with this gift policy
- Tickets to fundraisers or charity events that benefit city facilities and programs given to councilmembers and their family members in accordance with this gift policy

- Travel, meals, entertainment and lodging, if reported in accordance with the city's travel reporting requirement in Section 12A-21, Dallas City Code
 - Annual memberships to city-owned facilities given to city councilmembers in accordance with this gift policy
 - Tickets given to city councilmembers in accordance with this gift policy
 - Ceremonial and protocol gifts received on behalf of the city and delivered to the city manager within 30 days of receipt and inventoried as city property
 - Honorarium reported on the councilmember's personal financial statement in accordance with state law
2. The annual gift disclosure statement for the preceding calendar year must be on a form prescribed by the City Secretary and filed with the City Secretary no later than 5:00 p.m. on April 30. When the deadline falls on a Saturday or Sunday, or on an official city holiday or furlough day as established by the city council, the deadline for receipt by the City Secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, official holiday or furlough day.
 3. The annual gift disclosure statement must include the date(s) the item(s) were given, the name of the donor, a description of the item(s), the estimated value of the item(s) and indicate whether the item(s) were given to the city councilmember or a member of the councilmember's immediate family.
 4. A councilmember is not required to file an annual gift disclosure statement if the councilmember, his or her spouse, domestic partner or dependent children have not, within the preceding calendar year, received any gifts, tickets, meals, travel, lodging, entertainment, or honorarium having a value of \$50 or more, or an accumulation of gifts, tickets, meals, travel, lodging, entertainment, or honoraria from a single source having an aggregate value of \$100 or more, from a person, other than a relative within the second degree of consanguinity or affinity, who, the councilmember knows is interested in or is likely to become interested in any contract, purchase, payment, claim, zoning matter, or pecuniary transaction with the city that involves the exercise of the councilmember's discretion, or who is a registered lobbyist pursuant to Article III-A, Chapter 12A of the Dallas City Code.
 5. For purposes of this policy, immediate family means a spouse, a domestic partner, and dependent children.

EXHIBIT B

GIFT POLICY FOR BOARD AND COMMISSION MEMBERS

The following outlines a revised and expanded policy governing the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria by city officials who are board and commission members.

GIFTS

The receipt of gifts should be evaluated against perceived conflicts or special considerations which could influence the ability of board and commission members to perform their official duties.

The receipt of certain gifts is allowed and includes:

1. Gifts having a nominal value received from citizens or persons or entities doing business with the city or seeking to do business with the city:
 - Non-cash gifts having a value of less than \$50.00 are acceptable. However, cumulative gifts from a single source in a calendar year may not exceed \$50.
 - Plaques, caps, key rings, mugs, tee shirts, fresh cut flowers given at public appearance, small amounts of perishable food given infrequently are acceptable.
2. Gifts received on behalf of the city, including ceremonial or protocol gifts given by governmental/international trade delegations are allowed. Any gift valued over \$250.00 must be reported and delivered to the city manager in accordance with Section 12A-22 of the Dallas City Code.
3. Gifts from a relative or a person with whom the board and commission member has a personal, professional or business relationship independent of the board and commission member's status with the city are allowed. This should always be used with discretion, realizing that the burden will fall on the city official to ensure that the narrow requirements of this exception are met.

Notwithstanding the above, a city official who is a member of a board or commission that: (1) has regulatory or appellate jurisdiction, (2) conducts inspections, investigations, or hearings in contested cases, or (3) grants or denies permits, licenses, waivers, variances, or zoning requests, may not solicit or accept any gift or benefit from a person the city official knows is interested in a matter before his or her board or commission, is appearing before his or her board or commission in a contested case, or is subject to regulation, inspection, or investigation by his or her board or commission.

As Adopted on 9/17/2008 by Resolution No. 08-2506 and Amended on 11/9/2009 by Resolution No. 09-2836 and further Amended on 4/7/10 by Resolution No. 10-0847

Gifts must be reported by the board and commission member in accordance with applicable state law and city reporting requirements.

A board and commission member may not accept any cash, check, or negotiable instrument from any person or representative of a person or entity who does business with or is seeking to do business with the city.

A board and commission member may not solicit or accept any gift or benefit received in exchange for taking official action or exercise of discretion.

This gift policy does not apply to political contributions received and reported in compliance with the Texas Election Code.

A board and commission member who receives an unsolicited benefit or gift that he or she is not allowed to accept, or does not wish to accept in order to avoid any appearance of impropriety, may donate the item to the city or another governmental entity that has the authority to accept the item or to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

COMPLIMENTARY TICKETS

The receipt of complimentary tickets to events must be evaluated along a number of parameters.

1. Board and commission members may receive tickets to functions where the city board and commission member is performing ceremonial duties or attending as a representative of the city.
2. Board and commission members are encouraged to support activities that benefit city facilities or city sponsored programs associated with and related to their respective board and commission functions and duties. Board and commission members may, in connection with their duties and responsibilities, accept tickets to fundraisers or charity events that benefit city facilities and programs under their jurisdiction. An example would be the acceptance of tickets by a member of the Park Board to the Dallas Zoo's annual fundraiser, "Zoo To Do."

3. The city owns and operates a number of facilities. It also contracts with non-profit entities to manage or operate city facilities or conduct events on behalf of the city. Examples would include, the State Fair, Arboretum, Dallas Museum of Art, Dallas Summer Musicals, South Dallas Cultural Center, and Latino Cultural Center. It is the responsibility of certain boards and commissions to assess the management and operation of city-owned facilities within their jurisdiction and to oversee city sponsored events associated with and related to their respective board and commission duties and functions, and, consequently, board and commission members are encouraged to attend events at the city-owned facilities for which they have oversight responsibilities.

Therefore, board and commission members may receive tickets to events and facilities for which they have oversight responsibilities, subject to availability as determined in the sole discretion of the event sponsor, under the following guidelines:

- No more than 4 tickets per event, and either the board and commission member, his or her spouse, domestic partner, or significant other must be in attendance at the event.
- Tickets cannot be sold.
- Tickets cannot be transferred, except that board and commission members may transfer their tickets to another board and commission member with oversight responsibilities related to the event or facility.
- If the number of available tickets is limited as determined by the event sponsor, the total number of tickets shall be distributed among board and commission members on an equitable basis.
- Complimentary annual memberships, individual or family, to city owned facilities that are operated or managed by a non-profit organization on behalf of the city may be given to board and commission members who exercise oversight responsibilities with respect to the facility.
- Board and commission members who have oversight responsibility for an event or a facility at which an event is conducted may accept blocks of promotional complimentary tickets to the event for distribution (in accordance with any requirements set forth by the event sponsor) to the general public, educational or civic organizations, or neighborhood groups; provided the tickets are unsolicited and given by the sponsor to the board and commission

member for purpose of encouraging the attendance of the general public at the event. If permitted by the event sponsor, the board and commission member may retain no more than 4 of the promotional complimentary tickets for his or her own personal use.

- 4 In cases where the city contracts with a for-profit entity over which the city council does not have oversight responsibilities (examples: American Airlines Center, Superpages.com Center), board and commission members may request tickets to events, but board and commission members are required to purchase these tickets at face value. Complimentary tickets to events are not permitted.
- 5 Gifts and complimentary tickets must be reported by the board and commission member in accordance with applicable state law and city reporting requirements.

MEALS, TRAVEL, LODGING, OR ENTERTAINMENT

Board and commission members may accept meals, travel, lodging, or entertainment under the following conditions:

1. The board and commission member is a guest.
2. The donor or host must be present at the meal, lodging, travel, or entertainment. Meals, lodging, travel or entertainment from a person who does business or is seeking to do business with the city when the donor or host is not present is not acceptable.
3. Meals, travel, lodging or entertainment accepted as a guest must be reported by the board and commission member in accordance with applicable state law and city reporting requirements.

Notwithstanding the above, a city official who is a member of a board or commission that: (1) has regulatory or appellate jurisdiction, (2) conducts inspections, investigations, or hearings in contested cases, or (3) grants or denies permits, licenses, waivers, variances, or zoning requests, may not accept meals, travel, lodging, or entertainment from a person the city official knows is interested in a matter before his or her board or commission, is appearing before his or her board or commission in a contested case, or is subject to regulation, inspection, or investigation by his or her board or commission.

HONORARIUMS

Any honorarium (cash payment or in-kind gift, except for a plaque) in consideration for services which a city official would not have been requested to provide but for his/her official status is prohibited. Exception: Board and commission members may accept or be reimbursed for travel, lodging and meal expenses in connection with a conference or similar event where the board and commission member is a speaker or presenter because of his or her official position.

Honorarium must be reported by the board and commission member in accordance with applicable state law and city reporting requirements.

CITY REPORTING REQUIREMENTS (for gifts, tickets, meal, travel, lodging, entertainment, or honorarium)

The reporting requirements of this section are in addition to any applicable reporting requirements for city board and commission members pursuant to Chapter 12A of the Dallas City Code and Chapter 176 of the Local Government Code.

1. City board and commission members shall file a sworn annual gift disclosure statement with the City Secretary itemizing each gift, ticket, meal, travel, lodging, entertainment, or honorarium having a value of \$50 or more, or accumulation of gifts, tickets, meals, travel, lodging, entertainment, or honoraria from a single source having an aggregate value of \$100 or more, received by the board or commission member or his or her immediate family during the preceding calendar year from a person, other than a relative within the second degree of consanguinity or affinity, who the member knows is interested in or is likely to become interested in any contract, purchase, payment, claim, zoning matter, or pecuniary transaction with the city that involves the exercise of the board or commission member's discretion, or who is a registered lobbyist pursuant to Article III-A, Chapter 12A of the Dallas City Code.

City board and commission members do not have to report the following in the annual gift disclosure statement:

- Ceremonial functions and other functions that board and commission members and their family members attend in their official capacities in accordance with this gift policy
- Tickets to fundraisers or charity events that benefit city facilities and programs given to board and commission members and their family members in accordance with this gift policy
- Travel, meals, entertainment and lodging, if reported in accordance with the city's travel reporting requirement in Section 12A-21, Dallas City Code
- Annual memberships to city-owned facilities given to city board and commission members in accordance with this gift policy
- Tickets given to city board and commission members in accordance with this gift policy
- Ceremonial and protocol gifts received on behalf of the city and delivered to the city manager within 30 days of receipt and inventoried as city property

2. The annual gift disclosure statement for the preceding calendar year must be on a form prescribed by the City Secretary and filed with the City Secretary no later than 5:00 p.m. on April 30. When the deadline falls on a Saturday or Sunday, or on an official city holiday or furlough day as established by the city council, the deadline for receipt by the City Secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, official holiday or furlough day.
3. The annual gift disclosure statement must include the date(s) the item(s) were given, the name of the donor, a description of the item(s), the estimated value of the item(s) and indicate whether the item(s) were given to the board or commission member or a member of the board or commission member's immediate family.
4. A board or commission member is not required to file an annual gift disclosure statement if the board or commission member, his or her spouse, domestic partner or dependent children have not, within the preceding calendar year, received any gifts, tickets, meals, travel, lodging, entertainment, or honorarium having a value of \$50 or more, or an accumulation of gifts, tickets, meals, travel, lodging, entertainment, or honoraria from a single source having an aggregate

value of \$100 or more from a person, other than a relative within the second degree of consanguinity or affinity, who the board and commission member knows is interested in or is likely to become interested in any contract, purchase, payment, claim, zoning matter, or pecuniary transaction with the city that involves the exercise of the board or commission member's discretion, or who is a registered lobbyist pursuant to Article III-A, Chapter 12A of the Dallas City Code.

5. For purposes of this policy, immediate family means a spouse, a domestic partner, and dependent children.