

**ETHICS ADVISORY COMMISSION
MINUTES
September 27, 2002
Room L1FN (Green), Conference Room C**

Members Present: Calvin Bluiett, Vice Chairman
Rebecca B. Bergstresser
Jim Clark
Margaret Donnelly
Gloria Tarpley

Members Absent: Daniel Perez, Chairman

Staff Present: Shirley A. Acy, City Secretary
Jesus Toscano, City Attorney's Office
Lisa Christopherson, City Attorney's Office
Gwen Satterthwaite, City Attorney's Office
Michelle M. Calloway, City Secretary's Office
Debbie Brown, City Secretary's Office

The meeting of the Ethics Advisory Commission was called to order at 9:11 a.m. on September 27, 2002 in room L1FN, Conference Room C.

Commissioner Tarpley moved to approve the minutes of the September 3, 2002 and September 6, 2002 meetings with corrections that Commissioner Clark moved to adjourn the September 6, 2002 meeting and Commissioner Tarpley seconded the motion and the meeting was adjourned at 3:37pm. Commissioner Clark seconding the motion as corrected.

Commissioner Tarpley moved to approve the written decision against David Spence, City Plan Commission Member with a correction to the vote tally from (4-2) to (4-1) with Commissioner Clark seconding the motion. The commissioners signed the written decision concerning the complaint against David Spence.

Commissioner Tarpley stated for the record her position concerning the Ethic Advisory Commission's role in advising the council.

1. The Commission must have "Do not endorse," or even "Oppose" available as a position.
2. She is opposed to stating the Commission's view as "no position" when there is majority disagreement with a proposed change.
3. By taking a clear and unambiguous position, after discussion and voting, the commission fulfills what it is charged with doing and to simply state disagreement as "no position" does not correctly reflect the collective wisdom of the group.
4. It fails to give the City Council the benefit of the considered opinion of the group, which is, after all, what is sought.

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After discussion, Vice-Chairman Bluiett numbered each item 1-8 for discussion from the July 30 memorandum from Lisa Christopherson, Assistant City Attorney to Mayor Miller.

Vice-Chairman Bluiett called for discussion on the first amendment.

- 1. Amends the definition of “economic interest” in Section 12A-2(17) to clarify that “uncompensated” service by a city official or city employee in an organization does not create an economic interest in that organization. “Paid” service would create an economic interest.**

After discussion, Vice-Chairman Bluiett called the vote on the first amendment.

Commissioner Bergstresser moved to endorse the first amendment with Commissioner Donnelly seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called for discussion on the second amendment.

- 2. Amends Section 12A-7 to prohibit a current member of a city board or commission that is more than advisory in nature from representing the private interests of others before the city for compensation.**

After discussion, Vice-Chairman Bluiett called the vote on the second amendment.

Commissioner Bergstresser moved to endorse the second amendment with Commissioner Clark seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called for discussion on the third amendment.

- 3. Amends Section 12A-14(a) to clarify that former members of boards and commissions, whether advisory or more than advisory in nature, can provide representation before the city council without compensation.**

Commissioner Clark moved to endorse the third amendment with Commissioner Bergstresser seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called for discussion on the fourth amendment.

- 4. Amends Section 12A-14(b) to: (1) prohibit a former city official or employee from representing another person or organization before the city for compensation on any matter for 12 months after leaving city service or employment; and (2) permanently prohibit a former city official or employee from representing another person or organization before the city for compensation on a particular project in which the official or employee personally participated while in city service or employment. These restrictions would not apply to a former member of a city board or commission that was only advisory in nature, unless appearing before his or her former board or commission.**

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Commissioner Bergstresser moved to endorse the amendments to section 12A-14(b) with the exception of permanent ban on representation under (2) with Commissioner Donnelly seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called a recess of the meeting at 11:08 a.m. for a short break.

The Commission reconvened in open session at 11:19 a.m.

Vice-Chairman Bluiett called for discussion on the fifth amendment.

5. Adds Section 12A-15.1 to prohibit a former city official or employee who had significant reporting, decision-making, advisory, or supervisory responsibilities from: (1) receiving compensation for any work performed for another person or organization that had a economic interest in any particular project before the city in which the officer or employee personally participated during the preceding 12 months; or (2) ever receiving compensation from another person or organization on a particular project in which the official or employee personally participated while in city service or employment. These restrictions would not apply to a former member of a city board or commission that was only advisory in nature, and the city council could waive the provisions after a review of specific circumstances if the waiver is in the city's interest. Violators would be subject to a criminal penalty not to exceed \$500.

Vice-Chairman Bluiett called for a vote on the motion.

Commissioner Bergstresser moved to endorse with the exception of ever receiving compensation under number 2 with Commissioner Tarpley seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called for discussion on the sixth amendment.

6. Amends Sections 12A-2(10), (24), and (27) and adds Article III-A, to be composed of Sections 12A-15.2 through 12A-15.11, to provide registration, reporting, and other requirements for lobbyists appearing before the city. Violators would be subject to a criminal penalty not to exceed \$500.

Commissioner Bergstresser feels that they have enough information to say that they endorse in concept and send it on. She moved to endorse 12A-2(10), (24), (27) and Article III-A, etc. in concept without specificity on registration with Commissioner Clark seconding the motion. Commissioners Donnelly and Tarpley voiced support for the concept of the lobbying provision, but expressed concern over global approval by the ethics advisory commission without in depth examination of the logistics and practicalities of the proposed provision, and the need for more expert advice on same. With no further discussion or opposition, the motion passed on a divided vote, with Vice-Chairman Bluiett, Commissioners Bergstresser and Clark voting yes and Commissioners Donnelly and Tarpley voting no and Chairman Perez absent, (3-2).

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Vice-Chairman Bluiett encouraged Commissioners Donnelly and Tarpley to write a dissenting opinion.

Vice-Chairman Bluiett called for discussion on the seventh amendment.

7. Amends Section 12A-19(b) to provide for the state's financial reporting forms, or forms substantially the same as the state's, to be used for filing financial disclosure reports required by the city. Violators would be subject to a criminal penalty not to exceed \$500.

Commissioner Tarpley moved that they not endorse provision number seven and they retain what they have with Commissioner Bergstresser seconding the motion. The motion passed unanimously.

Vice-Chairman Bluiett called for discussion on the eighth amendment.

8. Adds Section 12A-23.1 and amends Section 15A-7 to authorize the ethics advisory commission to hear complaints relating to violations of campaign contribution requirements and limitations set forth in Chapter 15A of the Dallas City Code. Violators would be subject to a criminal penalty not to exceed \$500.

Commissioner Donnelly moved that they endorse number eight which adds Section 12A-23.1 and amends Section 15A-7 with Commissioner Tarpley seconding the motion subject to the city attorney's modifications under Section 15A-7 "or if the required report of a candidate or political committee has not been filed by the deadline imposed by this article or state law." The motion passed unanimously.

Vice-Chairman Bluiett called for the discussion on Section 12A-10(a)(1), Political Activity.

After discussion, Vice-Chairman Bluiett moved to refer to the city attorney Section 12A-10(a)(1), "use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee but not that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in connection with the endorsement." The commission requests that the city attorney develop a position paper based on the fact that they endorse the concept of city council, mayor, and other city officials to use their titles in propositions except for the election of political candidates. Commissioner Clark seconded the motion. The motion passed unanimously.

The commission discussed future meeting dates on Thursdays or Fridays with a potential date being Friday, October 18 pending verification of calendars.

Commissioner Clark moved to adjourn with Commissioner Bergstresser seconding the motion. The commission adjourned at 12:33 p.m.