

**MINUTES OF THE ETHICS ADVISORY COMMISSION
SUB COMMITTEE
FRIDAY, FEBRUARY 11, 2005**

05-0319

INFORMAL MEETING
CITY HALL ROOM 5ES
CHAIRMAN DANIEL PEREZ, PRESIDING

PRESENT: [3] Daniel Perez, Calvin Bluiett, Jim Clark

ABSENT: [0]

CITY STAFF: Assistant City Secretary Deborah Watkins, Michelle M. Calloway, Monesia Davis, Mark Duebner, Director of Business and Procurement

The meeting began at 2:02 PM with a brief introduction of sub-committee members and Mark Duebner. Mr. Duebner informed sub-committee members that as the Director of Business & Procurement, he and his department are responsible for centralized procurement of goods and services for the city of Dallas (with the exception of construction, architectural and engineering services). Additionally, the Department of Business & Procurement handles outreach primarily to small locally owned and minority owned businesses, serves as the city sales agent, and is responsible for disposing properly of all surplus or unwanted property that comes into the possession of the city. The department handles unclaimed, un-confiscated property from various police proceedings, and also operates the Express Business Center, which is the central copy and mail distribution center for the city.

Chairman Perez stated that it was an informal meeting, and that questions would come from everyone on the sub-committee. He stated that the purpose of the meeting was for the sub-committee to bring back information to the EAC on how the bidding and procurement processing of contracts is done, specifically in relation to the Ethics Code. Additionally, the sub-committee stated that another purpose of the meeting was to determine the degree of visibility of the Code in the processes involved.

Mr. Duebner gave a brief overview of the history of his department, and stated that before the department became centralized, each of the 27 city departments solicited its own bids and there were few checks and balances. Currently, his department does a competitive solicitation for almost everything purchased by the city, and no individual vendors exert influence over the department's 24 buyers. He informed the sub-committee that any contract over \$50,000 has to go to the City Council for approval; any professional services contract over \$15,000 must also be Council approved. He stated that the buyer group of his department ensure that rules set by state law, the city Code, city Charter and/or Administrative Directives are adhered to and followed. He informed the sub-

committee that though the buyers don't dwell on the Code of Ethics, they specifically adhere to the "financial interest" aspect of the Code, and that buyers know they can be *criminally* prosecuted for any violations. Every 30 days, vendor information received in his office is crosschecked against employee information from Human Resources; if there is a match between a vendor and an employee a memo is sent to the Director of that department and an official inquiry is made.

Mr. Duebner informed the sub-committee that current vendor contracts do not reference anything concerning compliance with Chapter 12, but the contracts could be updated and Chapter 12 references added. It was determined that changes to the contracts would first be discussed with City Attorney Jesus Toscano.

Relationships between vendors and buyers, potential conflicts of interest and the check and balance systems of the Department of Business & Procurement was discussed. Mr. Duebner informed the sub-committee that the city does not "self-certify" companies; all certifications are done through the North Central Texas Regional Certification Agency.

The possibility of using the Ethics videotape at Resource Outlook Team Link meetings, showing the video at "pre bid" meetings, viewing by vendors awarded contracts over a certain amount and annual viewing by the Business & Procurement department was discussed. Additionally, PowerPoint presentations, adding an EAC link to the Business & Procurement website, and adding EAC information to a city-produced city link card was discussed.

When asked his views of Business & Procurement staff and other employees' opinion of their utilization of the City Attorney's office for the issuance of legal opinions, Mr. Duebner stated that he could only speak for his department, and that because of the regular relationship his staff had with the City Attorney's office, their views concerning obtaining legal opinions was good.

The sub-committee stated that they were impressed with the Business & Procurement department and thanked Mr. Duebner for meeting with them. He was asked to give feedback at his convenience and informed that he would be contacted again by the EAC. Mr. Duebner left the meeting at 2:52 PM.

The sub-committee determined that it would next like to meet jointly with the Directors of Streets and Public Works; the meeting was adjourned at 3:16 PM.

Chair or Vice-Chair