



CITY OF DALLAS

**ETHICS ADVISORY COMMISSION
MINUTES
December 16, 2005, Room 6ES**

Members Present: Calvin Bluiett, Vice-Chair
Rebecca B. Bergstresser
Linda G. Sorrells
Margaret Donnelly

Members Absent:
Daniel Perez, Chair
Gloria Tarpley
Vacant (1)

Staff Present: Shirley Acy, City Secretary
Deborah Watkins, Assistant City Secretary
Gwen Satterthwaite, City Attorney's Office
Lisa Christopherson, City Attorney's Office
Michelle M. Calloway, City Secretary's Office
Lois A. Dillard, City Secretary's Office
Monesia Davis, City Secretary's Office

With a quorum being present, Vice-Chairman Bluiett called the meeting to order at 9:17AM.

Vice-Chair Bluiett called for a motion to approve the minutes of seven meetings. During the discussion the Commissioners requested the City Attorney's office to render an opinion on whether commission members could approve minutes of a preliminary panel of which they were not a member.

Assistant City Attorney Satterthwaite advised the commission to vote on the February 18, August 23, and September 16 meetings since three of the four members present were in attendance of those meetings.

Vice Chair Bluiett called for a motion on the February 18, August 23, and September 16 meeting minutes.

Motion was made to approve the minutes of the February 18, 2005 meeting by Commissioner Sorrells. Commissioner Donnelly seconded the motion. The motion passed with Vice-Chairman Bluiett and Commissioners Sorrells and Donnelly voting in favor with Commissioner Bergstresser abstained from voting on this item.

Motion was made to approve the minutes of the August 23, 2005 meeting by Commissioner Bergstresser. Commissioner Donnelly seconded the motion. The motion passed with Vice-Chairman Bluiett and Commissioners Bergstresser and Donnelly voting in favor with Commissioner Sorrells abstained from voting on this item.

Motion was made to approve the minutes of the September 16, 2005 meeting by Commissioner Donnelly. Commissioner Sorrells seconded the motion. The motion passed with Vice-Chairman Bluiett and

Commissioners Donnelly and Sorrells voting in favor with Commissioner Bergstresser abstained from voting on this item.

Later in the meeting, Assistant City Attorney Christopherson stated that the Roberts Rules of Order does not preclude members that were not in attendance of a meeting from voting on minutes of that meeting.

Vice Chair Bluiett called for a motion on the remaining meeting minutes.

Motion was made to approve the minutes of the September 7, 2005 meeting by Commissioner Donnelly. Commissioner Sorrells seconded the motion. The motion passed unanimously.

Motion was made to approve the minutes of the September 13, 2005 meeting by Commissioner Bergstresser. Commissioner Donnelly seconded the motion. The motion passed unanimously.

Motion was made to approve the minutes of the September 19, 2005 meeting by Commissioner Donnelly. Commissioner Bergstresser seconded the motion. The motion passed unanimously.

Motion was made to approve the minutes of the November 7, 2005 meeting by Commissioner Bergstresser. Commissioner Donnelly seconded the motion. The motion passed unanimously.

Vice Chair Bluiett called for the briefing on of Chapter 176 Local Government Code: Disclosure of Conflicts Requirement.

The Assistant City Attorney Satterthwaite presented information on Chapter 176, Local Government Code. This chapter sets forth a new conflicts disclosure requirement for city officers and persons who contract with the City or are interested in contracting with the City. Exhibit A identifies all material presented to the commission.

Vice Chair Bluiett called for discussion, review, and approval of the amended complaint form.

During the discussion, the commissioners raised the following questions:

- 1) whether or not amended complaint forms were addressed in Chapter 12A, Dallas City Code,
- 2) what timeframe should the amended complaint form be accepted,
- 3) if an extended date for the preliminary panel hearing would be given when the amended complaint form was filed?

All commissioners present agreed to allow an amended complaint form to be filed within seven days of the date the original complaint was received in the City Secretary's Office. The amended complaint would supersede and replace the original complaint, and the preliminary panel hearing date would be within 21 days of date the amended complaint was filed.

Vice Chair Bluiett called for a discussion, review, and approval of the EAC Rules of Procedure.

During the discussion on the EAC Rules of Procedure the commissioners agreed to add a subsection under Filing of Complaints titled "Withdrawal of Complaints".

A motion to approve the amended complaint form and the EAC Rules of Procedure for use with changes as discussed was made by Commissioner Bergstresser and seconded by Commissioner Donnelly. The motion passed unanimously. Exhibits B and C identifies forms approved by the commission.

The City Secretary's Office was directed to continue drafting the EAC Rules of Procedure, as outlined in the Table of Contents.

Vice Chair Bluiett called for discussion of the 2006 Annual Report to the City Council.

The City Secretary stated that the information before them was not that of 2005. Since the report is due on February 1, 2006, her staff would provide the information to the commissioners before their January 20, 2006 meeting.

Vice-Chair Bluiett informed the Commission members that they should review and provide comments on the Preliminary Panel Checklist and Preliminary Panel Findings, as these items would be on the agenda for approval at the next meeting. The next meeting is scheduled for Friday, January 20, 2006.

With no other new business, Vice-Chair Bluiett called for a motion to adjourn. Commissioner Bergstresser moved to adjourn; the motion was seconded by Commissioner Sorrells and passed unanimously.

The meeting adjourned at 11:00 AM.

Vice Chair

Exhibit A

Chapter 176 Briefing Material

Chapter 176, Local Government Code Ethics Advisory Commission Briefing

Introduction

This past legislative session, the 79th Legislature passed a bill, HB 914 requiring local government officials and persons contracting with or seeking to contract with a governmental entity to publicly disclose their business and financial relationships with each other.

HB 914 adds a new Chapter 176 to the Local Government Code (copy attached) and sets forth new conflicts disclosure requirements for city officers and persons who contract with the city or are interested in contracting with the city.

Conflicts Disclosure Statement by Local Government Officers

Chapter 176 requires local government officers to file a "Conflicts Disclosure Statement" with the city secretary if the local government officer becomes aware that a person who is contracting with or considering contracting with the city (or other applicable governmental entity) has:

- an employment or business relationship with the local government officer or a family member related in the first degree to the officer that results in the officer or family member receiving taxable income, or
- given gifts (other than food, lodging transportation or entertainment accepted as a guest) totaling more than \$250 to the local government officer or family member within the preceding 12-month period.

A local government officer for purposes of the city of Dallas would include:

- the Mayor and City Councilmembers,
- members of a city board, commission, or authority appointed by either the mayor or the city council, including advisory boards and commissions,
- members of other boards, commissions, districts or authorities appointed by the mayor or the city council (including non-city boards such as DART, Dallas Central Appraisal District, and the Dallas Housing Authority),
- the Downtown Dallas Development Authority (DDDA), a local government corporation,
- the City Manager,
- the Park and Recreation Board Director, and
- administrators of the city's retirement funds and the Civil Service Board.

A copy of the Conflicts Disclosure Statement is attached. This statement must be filed in addition to any other conflicts disclosure forms that the city officer must file, such as the state Chapter 171 disclosure affidavit form and the city's Code of Ethics conflict of interest disclosure statement.

The new Chapter 176 only requires the local government officer to publicly disclose any conflicts or perceived conflicts, it does not require the local government officer to refrain from participation or voting on a matter involving a city contract with a person with whom the officer or a family member of the officer has employment or business relationships or has received gifts in excess of \$250.

A local government officer must file the Conflicts Disclosure Statement with the City Secretary not later than 5:00 p.m. on the seventh business day after the date on which the local government officer becomes aware of the fact that a person with whom the officer or family member of the officer has employment or business ties or from whom the officer or family member has received more than \$250 in gifts in the preceding 12-month period has executed a contract or is considering executing a contract with the city for the sale or purchase of property, goods, or services.

Failure to file the required Conflicts Disclosure Statement is a Class C misdemeanor punishable by a fine of not more than \$500.

It is a defense to prosecution and a local government officer can "cure" a violation of Chapter 176 by filing the required Conflicts Disclosure Statement within 7 business days after the date the local government officer receives notice of a violation of Chapter 176.

The city may, if it so chooses, require all or certain city employees to also file Conflicts Disclosure Statements if the city employee or a family member of the city employee within the first degree has employment or business ties or has within the preceding 12-month period received in excess of \$250 in gifts from a person contracting with or considering contracting with the city.

If a city employee fails to file the required Conflicts Disclosure Statement, in addition to being subject to a Class C misdemeanor, the city employee will also be subject to reprimand, suspension, or termination of employment from the city.

Conflict of Interest Questionnaire by Persons Doing Business with the City

In addition to requiring local government officers to file Conflicts Disclosure Statements when applicable, Chapter 176 requires persons who contract with or seek to contract with the city (or other applicable governmental entity) for the sale or purchase of property, goods, or services, and their agents, to file a "Conflict of Interest Questionnaire."

The Conflict of Interest Questionnaire must be filed within 7 business days after the date the person submits an application, a response to a request for proposals or bids, correspondence, or other writing related to a potential agreement with the city or within 7 business days after the date the person begins contract discussions or negotiations with the city.

The Conflict of Interest Questionnaire requires that the person filing the questionnaire:

- describe each affiliation or business relationship the person has with each local government officer of the city;
- identify each affiliation or business relationship where the local government officer receives, or is likely to receive, taxable income from the person filing the questionnaire;
- identify each affiliation or business relationship where the person filing the questionnaire receives, or is likely to receive, taxable income from, or at the direction of, a local government officer of the city, and the taxable income is not received from the city;
- describe each affiliation or business relationship with a corporation or other business entity which a local government officer of the city serves (i) as an officer or director, or (ii) holds an ownership interest of 10 percent or more;
- describe each affiliation or business relationship with an employee or contractor of the city who makes recommendations to a city officer with respect to the expenditure of money;
- describe each affiliation or business relationship with a person who (i) is a local government officer, and (ii) appoints or employs a local government officer of the city that is the subject of the questionnaire;
- describe any other affiliation or business relationship that might cause a conflict of interest.

The Act also requires the filing of an updated completed questionnaire with the City Secretary not later than (1) September 1 of each year that an activity described by the Act is pending, or (2) the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

A person commits a Class C misdemeanor if the person violates this section of the Act. It is a defense to prosecution that the person filed the required questionnaire not later than the seventh business day after the date the person received notice of the violation.

A copy of the required Conflict of Interest Questionnaire is attached hereto as Attachment 2.

List of Government Officers to be Made Available

The City Secretary's Office must maintain a list of all local government officers of the city as defined by Chapter 176 and make that list available to the public, and any person who may be required to file a Conflict of Interest Questionnaire.

Posting on the Internet

In addition, all Conflict Disclosure Statements filed by local government officers and Conflict of Interest Questionnaires filed by persons who contract or seek to contract with the city must be made available to the public on the city's Internet website.

Chapter 176 also requires the city to post campaign contribution and expenditure reports filed by a member of the City Council pursuant to the Texas Elections Code on the city's Internet website.

**LOCAL GOVERNMENT OFFICER
CONFLICTS DISCLOSURE STATEMENT**

FORM CIS

(Instructions for completing and filing this form are provided on the back.)

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code

4 Description of the nature and extent of employment or business relationship with person named in item 3

5 List gifts if aggregate value of the gifts received from person named in item 3 exceed \$250

Date Gift Received _____ Description of Gift _____ Did Not Accept Gift

Date Gift Received _____ Description of Gift _____ Did Not Accept Gift

Date Gift Received _____ Description of Gift _____ Did Not Accept Gift

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to a family member (as defined by Section 176.001(2), Local Government Code) of a government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(b), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of a governing body of a local government entity or a director, superintendent, administrator, president, or other person designated as the executive officer of the local government entity. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a Class C misdemeanor.

Please refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code.** Enter the name of the person described by Section 176.002, Local Government Code with whom the officer has an employment or other business relationship as described by Section 176.003(a), Local Government Code.
- 4. Description of the nature and extent of employment or business relationship with person named in item 3.** Describe the nature and extent of the relationship of the employment or other business relationship with the person in item 3 as described by Section 176.003(a), Local Government Code.
- 5. List gifts if aggregate value of the gifts received from person named in number 3 exceed \$250.** List gifts received during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the person named in number 3 that in the aggregate exceed \$250 in value.
- 6. Affidavit.** Signature of local government officer.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person doing business with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name each employee or contractor of the local governmental entity who makes recommendations to a local government officer of the governmental entity with respect to expenditures of money AND describe the affiliation or business relationship.

4 Name each local government officer who appoints or employs local government officers of the governmental entity for which this questionnaire is filed AND describe the affiliation or business relationship.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

Page 2

For vendor or other person doing business with local governmental entity

5

Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or other relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each affiliation or business relationship.

6

Signature of person doing business with the governmental entity

Date

PUBLIC OFFICERS AND EMPLOYEES

that payments for the coverage are made by current employees of the county or municipality.

Added by Acts 1993, 73rd Leg., ch. 663, § 1, eff. Sept. 1, 1993. Renumbered from V.T.C.A., Local Government Code § 174.004 by Acts 1995, 74th Leg., ch. 76, § 17.01(38), eff. Sept. 1, 1995.

For applicability provisions of the 1993 Act, and provisions relating to the existing health plans of local governments, see note following V.T.C.A., Local Government Code § 175.001.

§ 175.005. Duty to Inform Retiree of Rights

A county and a municipality shall provide written notice to a person to whom this chapter may apply of the person's rights under this chapter not later than the date the person retires from the county or municipality. A county or municipality may fulfill its requirements under this section by placing the written notice required by this section in a personnel manual or employee handbook that is available to all employees.

Added by Acts 1993, 73rd Leg., ch. 663, § 1, eff. Sept. 1, 1993. Renumbered from V.T.C.A., Local Government Code § 174.005 by Acts 1995, 74th Leg., ch. 76, § 17.01(38), eff. Sept. 1, 1995.

For applicability provisions of the 1993 Act, and provisions relating to the existing health plans of local governments, see note following V.T.C.A., Local Government Code § 175.001.

§ 175.006. Certain Matters not Affected

This chapter does not:

(1) prohibit a county or municipality from uniformly changing the group health insurance plan or group health coverage plan provided for its employees and retirees;

(2) affect the definition of a dependent or the eligibility requirements for a dependent under a plan;

(3) prohibit a county or municipality from agreeing with a person to deduct the cost of coverage provided under this chapter from a pension check;

(4) prohibit a county or municipality from agreeing with a person to pay for the coverage provided under this chapter provided the person reimburses the county or municipality for the actual cost of the coverage;

(5) prohibit a county, municipality, or a pool established under Chapter 172 from increasing the cost of group health coverage to its employees and to persons covered under this chapter to reflect the increased cost, if any, attributable to compliance with this chapter;

(6) affect the right of a county or municipality to provide coverage under Chapter 172; or

(7) affect the right of a county, municipality, or a pool established under Chapter 172 to offer the coverage at the same rate that is available to active employees or to offer the coverage at a reasonable or actual rate established for retirees that may be greater than the rate offered to active employees.

Added by Acts 1993, 73rd Leg., ch. 663, § 1, eff. Sept. 1, 1993. Renumbered from V.T.C.A., Local Government Code § 174.006 by Acts 1995, 74th Leg., ch. 76, § 17.01(38), eff. Sept. 1, 1995.

For applicability provisions of the 1993 Act, and provisions relating to the existing health plans of local governments, see note following V.T.C.A., Local Government Code § 175.001.

§ 175.007. Exemptions

(a) A county or municipality that does not provide health benefits coverage through a self-insured plan or a plan authorized under Chapter 172 is not required to provide coverage under this chapter if the county or municipality makes a good faith effort to purchase insurance coverage that includes coverage required by this chapter from an insurance company authorized to do business in this state and from pools established under Chapter 172 but is unable to find a provider for the coverage.

(b) A county or municipality that is providing coverage substantially similar to or better than the coverage required by this chapter is exempt from this chapter.

Added by Acts 1993, 73rd Leg., ch. 663, § 1, eff. Sept. 1, 1993. Renumbered from V.T.C.A., Local Government Code § 174.007 by Acts 1995, 74th Leg., ch. 76, § 17.01(38), eff. Sept. 1, 1995.

For applicability provisions of the 1993 Act, and provisions relating to the existing health plans of local governments, see note following V.T.C.A., Local Government Code § 175.001.

CHAPTER 176. DISCLOSURE OF CERTAIN RELATIONSHIPS WITH LOCAL GOVERNMENT OFFICERS; PROVIDING PUBLIC ACCESS TO CERTAIN INFORMATION

Section	
176.001.	Definitions.
176.002.	Applicability to Certain Vendors and Other Persons.
176.003.	Conflicts Disclosure Statement Required.
176.004.	Contents of Disclosure Statement.
176.005.	Application to Certain Employees.
176.006.	Disclosure Requirements for Vendors and Other Persons; Questionnaire.
176.007.	List of Government Officers.
176.008.	Electronic Filing.

LOCAL GOVERNMENT CODE

Section

176.009. Posting on Internet.

176.010. Requirements Cumulative.

§ 176.001. Definitions

In this chapter:

(1) "Commission" means the Texas Ethics Commission.

(2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(3) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.

(4) "Local government officer" means:

(A) a member of the governing body of a local governmental entity; or

(B) a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity.

(5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.002. Applicability to Certain Vendors and Other Persons

(a) This chapter applies to a person who:

(1) contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity; or

(2) is an agent of a person described by Subdivision (1) in the person's business with a local governmental entity.

(b) A person is not subject to the disclosure requirements of this chapter if the person is:

(1) a state, a political subdivision of a state, the federal government, or a foreign government; or

(2) an employee of an entity described by Subdivision (1), acting in the employee's official capacity.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(b) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (b) A person described by Section 176.002(a), Local Government Code, as added by this Act, is not required to file a conflict of interest questionnaire under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.003. Conflicts Disclosure Statement Required

(a) A local government officer shall file a conflicts disclosure statement with respect to a person described by Section 176.002(a) if:

(1) the person has contracted with the local governmental entity or the local governmental entity is considering doing business with the person; and

(2) the person:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income; or

(B) has given to the local government officer or a family member of the officer one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$250 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract described by Subdivision (1) has been executed; or

(ii) the local governmental entity is considering doing business with the person.

(b) A local government officer shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the

officer becomes aware of the facts that require the filing of the statement under Subsection (a).

(c) A local government officer commits an offense if the officer knowingly violates this section. An offense under this subsection is a Class C misdemeanor.

(d) It is a defense to prosecution under Subsection (c) that the person filed the required conflicts disclosure statement not later than the seventh business day after the date the person received notice of the violation.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.004. Contents of Disclosure Statement

The commission shall adopt the conflicts disclosure statement for local government officers. The conflicts disclosure statement must include:

(1) a requirement that each local government officer disclose:

(A) an employment or other business relationship described by Section 176.003(a), including the nature and extent of the relationship; and

(B) gifts received by the local government officer and any family member of the officer from a person described by Section 176.002(a) during the 12-month period described by Section 176.003(a)(2)(B) if the aggregate value of the gifts from that person exceed \$250;

(2) an acknowledgment from the local government officer that:

(A) the disclosure applies to each family member of the officer; and

(B) the statement covers the 12-month period described by Section 176.003(a)(2)(B); and

(3) the signature of the local government officer acknowledging that the statement is made under oath under penalty of perjury.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire re-

quired by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.005. Application to Certain Employees

(a) The local governmental entity may extend the requirements of Sections 176.003 and 176.004 to all or a group of the employees of the local governmental entity.

(b) A local governmental entity may reprimand, suspend, or terminate the employment of an employee who fails to comply with a requirement adopted under this section.

(c) An employee of a local governmental entity commits an offense if the employee knowingly violates requirements imposed under this section. An offense under this subsection is a Class C misdemeanor.

(d) It is a defense to prosecution under Subsection (c) that the person filed the required conflicts disclosure statement not later than the seventh business day after the date the person received notice of the violation.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.006. Disclosure Requirements for Vendors and Other Persons; Questionnaire

(a) A person described by Section 176.002(a) shall file a completed conflict of interest questionnaire with the appropriate records administrator not later than the seventh business day after the date that the person:

(1) begins contract discussions or negotiations with the local governmental entity; or

(2) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the local governmental entity.

(b) The commission shall adopt a conflict of interest questionnaire for use under this section that requires disclosure of a person's affiliations or business rela-

tionships that might cause a conflict of interest with a local governmental entity.

(c) The questionnaire adopted under Subsection (b) must require, for the local governmental entity with respect to which the questionnaire is filed, that the person filing the questionnaire:

(1) describe each affiliation or business relationship the person has with each local government officer of the local governmental entity;

(2) identify each affiliation or business relationship described by Subdivision (1) with respect to which the local government officer receives, or is likely to receive, taxable income from the person filing the questionnaire;

(3) identify each affiliation or business relationship described by Subdivision (1) with respect to which the person filing the questionnaire receives, or is likely to receive, taxable income that:

(A) is received from, or at the direction of, a local government officer of the local governmental entity; and

(B) is not received from the local governmental entity;

(4) describe each affiliation or business relationship with a corporation or other business entity with respect to which a local government officer of the local governmental entity:

(A) serves as an officer or director; or

(B) holds an ownership interest of 10 percent or more;

(5) describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to the expenditure of money;

(6) describe each affiliation or business relationship with a person who:

(A) is a local government officer; and

(B) appoints or employs a local government officer of the local governmental entity that is the subject of the questionnaire; and

(7) describe any other affiliation or business relationship that might cause a conflict of interest.

(d) A person described by Subsection (a) shall file an updated completed questionnaire with the appropriate records administrator not later than:

(1) September 1 of each year in which an activity described by Subsection (a) is pending; and

(2) the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) A person is not required to file an updated completed questionnaire under Subsection (d)(1) in a year if the person has filed a questionnaire under Subsection (c) or (d)(2) on or after June 1, but before September 1, of that year.

(f) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

(g) It is a defense to prosecution under Subsection (f) that the person filed the required questionnaire not later than the seventh business day after the date the person received notice of the violation.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.007. List of Government Officers

The records administrator for a local governmental entity shall maintain a list of local government officers of the entity and shall make that list available to the public and any person who may be required to file a questionnaire under Section 176.006.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.008. Electronic Filing

The requirements of this chapter, including signature requirements, may be satisfied by electronic filing in a form approved by the commission.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.009. Posting on Internet

(a) A local governmental entity shall provide access to the statements and questionnaires filed under this chapter on the Internet website maintained by the local governmental entity.

(b) This subsection applies only to a county with a population of 800,000 or more or a municipality with a population of 500,000 or more. A county or municipality shall provide, on the Internet website maintained by the county or municipality, access to each report of political contributions and expenditures filed under Chapter 254, Election Code, by a member of the commissioners court of the county or the governing body of the municipality in relation to that office as soon as practicable after the officer files the report.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

§ 176.010. Requirements Cumulative

The requirements of this chapter are in addition to any other disclosure required by law.

Added by Acts 2005, 79th Leg., ch. 1014, § 1, eff. June 18, 2005.

Sections 2 and 3(a) of Acts 2005, 79th Leg., ch. 1014 provide:

"Sec. 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005."

"Sec. 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2006."

[Chapters 176 to 179 reserved for expansion]

CHAPTER 180. MISCELLANEOUS PROVISIONS AFFECTING OFFICERS AND EMPLOYEES OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Section

180.001. Coercion of Police Officer or Fire Fighter in Connection With Political Campaign.

Section

- 180.002. Defense of Civil Suits Against Peace Officers, Fire Fighters, and Emergency Medical Personnel.
- 180.003. Maximum Duty Hours of Peace Officers.
- 180.004. Working Conditions for Pregnant Employees.
- 180.005. Appointments to Local Governing Bodies.

§ 180.001. Coercion of Police Officer or Fire Fighter in Connection With Political Campaign

(a) An individual commits an offense if the individual coerces a police officer or a fire fighter to participate or to refrain from participating in a political campaign.

(b) An offense under this section is a misdemeanor and is punishable by a fine of not less than \$500 or more than \$2,000, confinement in the county jail for not more than two years, or both a fine and confinement.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 180.002. Defense of Civil Suits Against Peace Officers, Fire Fighters, and Emergency Medical Personnel

(a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(b) A municipality or special purpose district shall provide a municipal or district employee who is a peace officer, fire fighter, or emergency medical services employee with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if:

(1) legal counsel is requested by the employee; and

(2) the suit involves an official act of the employee within the scope of the employee's authority.

(c) To defend the employee against the suit, the municipality or special purpose district may provide counsel already employed by it or may employ private counsel.

(d) If the municipality or special purpose district fails to provide counsel as required by Subsection (b), the employee may recover from it the reasonable attorney's fees incurred in defending the suit if the trier of fact finds:

(1) that the fees were incurred in defending a suit covered by Subsection (b); and

Exhibit B

Amended Complaint Form



CITY OF DALLAS
ETHICS ADVISORY COMMISSION
AMENDED COMPLAINT FORM *

For Official Use Only

**Please note that pursuant to the Ethics Advisory Commission's Rules of Procedure, a complaint filed under Chapter 12A of the Dallas City Code may be amended only once, and an amended complaint may only be filed within 7 days after the City Secretary's receipt of the original complaint. The amended complaint will supersede and take the place of the original complaint. Once an amended complaint is filed, all information and allegations contained in the original complaint will no longer be regarded as part of the evidence or record of the complaint; therefore, it is the duty of the complainant to ensure that all accurate information that was contained in the original complaint that the complainant wishes to be considered by the Ethics Advisory Commission is included in the amended complaint form. The Ethics Advisory Commission's Rules of Procedure regarding Amendments to a Complaint filed under Chapter 12A are attached to this Amended Complaint Form.*

Please type or print legibly in blue or black ink.

NOTE: FILING A COMPLAINT THAT FALSELY ACCUSES SOMEONE OF A VIOLATION OF THE ETHICS CODE MAY RESULT IN CRIMINAL PROSECUTION OF ANYONE WHO KNOWINGLY MAKES A FALSE ACCUSATION.

PART A – COMPLAINANT INFORMATION

1. Your full name (print) (Identifies you as the Complainant)

Your residence address (Street, City, State and Zip Code) County

Your business address (Street, City, State and Zip Code) County

Business phone # Residence phone #

PART B -- COMPLAINANT DECLARATION

I DECLARE I HAVE A COMPLAINT AGAINST:

2. Full Name of person against whom you are bringing the allegation:

(Check One)	Fill in Appropriate Information		
<input type="checkbox"/>	Elected Official	Office Held	
<input type="checkbox"/>	Appointed Official	Board or Commission/ Title	
<input type="checkbox"/>	Candidate	Office Sought	
<input type="checkbox"/>	City Employee	Title/Department	

Residence address (Street, City, State and Zip Code)

County

Business address (Street, City, State and Zip Code)

County

PART C -- DESCRIPTION OF COMPLAINT

Provide a statement of the facts upon which your complaint is based. Describe the events in the order in which they occurred. Keep dates of events in sequence. Include full names, addresses and phone numbers of all individuals involved, including any witnesses present when alleged violations took place. Be factual; the information you provide in this statement must be based on facts and not on personal conjecture. Try to answer the questions "who", "what", "where", and "when". Attach extra sheets if more space is needed.

THIS AMENDED COMPLAINT AMENDS, SUPERCEDES AND IS IN SUBSTITUTION OF THE ORIGINAL COMPLAINT DATED

_____, 2005 FILED BY _____

(COMPLAINANT) AGAINST _____ . I CERTIFY THAT I HAVE READ THIS AMENDED COMPLAINT, I FULLY UNDERSTAND ITS CONTENTS, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF TEXAS THAT THE FOREGOING STATEMENTS AND PHOTOCOPIES OF ATTACHED DOCUMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT A COPY OF THIS AMENDED COMPLAINT WILL BE SENT TO THE CHAIR OF THE ETHICS ADVISORY COMMISSION AND TO THE INDIVIDUAL CHARGED IN THIS AMENDED COMPLAINT. ALL PAPERS AND COMMUNICATIONS RELATING TO A AMENDED COMPLAINT MUST BE TREATED AS CONFIDENTIAL TO THE EXTENT ALLOWED BY LAW.

Signature

Before me the undersigned authority, on the ____ day of _____, 200__, personally appeared, _____, known to me to be the person whose name is subscribed hereto, and being duly sworn stated that he/she has personal knowledge of the facts hereinabove and that such facts are true and correct.

Notary Public

<NOTARY SEAL>

_____ County, Texas

My Commission expires:

Should you have any questions concerning this form, please contact **Michelle Calloway at (214) 670-3044** in the City Secretary's Office during regular business hours (8:15am – 5:15pm).

Upon completion of **ALL** sections of the amended complaint form, please hand deliver or send by certified mail with any attachments to:

Office of the City Secretary
CITY HALL
1500 Marilla Avenue – Suite 5DS
Dallas, TX 75201

Section 3.2 Amended Complaints. All amended complaints shall be submitted to the EAC through the City Secretary's office Ethics Coordinator, only on a printed form prescribed by the City Secretary' office for amended complaints (see Exhibit _____, page _____). If a complainant determines, after filing a complaint, that he or she wishes to amend his or her original complaint, to add something to, or withdraw something from, the original complaint which has been filed so as to perfect that which is or may be deficient, or to correct that which has been incorrectly stated in the complaint by the complainant, or to allege a new or additional violation of Chapter 12A of the Code or to amend the complaint to add a new respondent, the complainant may file an amended complaint in accordance with this section.

A complaint may be amended only once, and may only be filed within 7 (seven) days after the City Secretary's receipt of the original complaint. The amended complaint will supersede and take the place of the original complaint. Once an amended complaint is filed, all information and allegations contained in the original complaint will no longer be regarded as a part of the evidence or record of the complaint; therefore, it is the duty of the complainant to ensure that all accurate information that was contained in the original complaint that he or she wishes to be considered by the Ethics Advisory Commission is included in the amended complaint. The deadline established in Section 12A-26(e)(1) for making a preliminary finding on a complaint will automatically be extended another 21 days from the date an amended complaint is received by the City Secretary.

The amended complaint must:

- 1) identify the person or persons who allegedly committed the violation;
- 2) provide a statement of the facts on which the complaint is based;
- 3) to the extent possible, identify the ethics provision or provisions allegedly violated; and
- 4) identify sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

Audio cassettes, VHS tapes, other media formats, supporting documentation and all other such information the complainant feels is relevant may be submitted together with the complaint. All amended complaints must be signed, dated, notarized and sworn to under penalty of perjury.

The city secretary shall, in writing, advise the person filing an amended complaint that falsely accusing someone of a violation of the Code of Ethics may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the amended complaint that falsely responding to an amended complaint may result in criminal prosecution of anyone who knowingly makes a false response.

Exhibit C

Rules of Procedures



ETHICS ADVISORY COMMISSION

RULES OF PROCEDURE

CITY OF DALLAS, TX

TABLE OF CONTENTS

Section 1	Authority.....
Section 2	MEETINGS
2.1	Regular Meetings.....
2.2	Special Meetings.....
2.3	Quorum.....
2.4	Agenda.....
2.5	Citizen Speakers.....
2.6	Executive Session.....
Section 3	FILING OF COMPLAINTS
3.1	Complaint Form(s).....
3.2	Amended Complaints.....
3.3	Responses.....
3.4	Withdrawal of Complaints.....
3.5	Procedural Motions.....
3.6	Summary Dismissals.....
3.7	City Secretary Responsibilities.....
Section 4	PRELIMINARY PANEL MEETINGS
4.1	Preliminary Panel Selection.....
4.2	Responsibilities of Preliminary Panel.....
4.3	Preliminary Panel Meetings.....
4.4	Preliminary Panel Meeting Rules and Procedures.....
4.5	City Secretary Participation.....
4.6	City Attorney Participation.....
4.7	Preliminary Panel Findings.....
Section 5	ETHICS ADVISORY COMMISSION HEARINGS
5.1	EAC Quorum.....
5.2	EAC Quorum Roles and Responsibilities.....
5.3	Hearing Procedures.....
5.4	Hearing Rules.....
5.5	Disposition of Complaint.....
5.6	Recommendation of Sanctions.....
5.7	City Secretary Participation.....
5.8	City Attorney Participation.....
Section 6	CITY SECRETARY’S OFFICE RESPONSIBILITIES

Section 3 FILING OF COMPLAINTS

Section 3.1 Complaint Form. All complaints shall be submitted to the EAC through the City Secretary's office Ethics Coordinator only in printed form. No amendments to the original complaint are permitted.

The complaint must:

- 1) identify the person or persons who allegedly committed the violation;
- 2) provide a statement of the facts on which the complaint is based;
- 3) to the extent possible, identify the ethics provision or provisions allegedly violated; and
- 4) identify sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

[Dallas City Code, Chapter 12A-26(a)]

A person filing a complaint alleging a violation of Chapter 12A of the Dallas City Code Citizens must utilize the official Complaint Form provided by the City Secretary's office (see Exhibit _____, page _____). The City Secretary's office shall make the complaint form available on the city's website. Audio cassettes, VHS tapes, other media formats, supporting documentation and all other such information the complainant feels is relevant to the allegation may be submitted together with the complaint. All complaints must be signed, dated, notarized and sworn to under penalty of perjury.

Section 12A-26(d) of the Dallas City Code provides:

- (c) **Notification.** *The city secretary shall promptly forward a copy of a complaint to the chair of the ethics advisory commission and to the person charged in the complaint. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information he or she feels is relevant. Copies of all information provided to the ethics advisory commission by the complainant and the person charged in the complaint must be distributed to all parties to the complaint within 10 days after the ethics advisory commission receives the information.*

Section 12A-26(d) of the Dallas City Code provides:

- (d) **False accusations and responses.** *The city secretary shall, in writing, advise the person filing the complaint that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.*

Section 3.2 Amended Complaints. All amended complaints shall be submitted to the EAC through the City Secretary's office Ethics Coordinator, only on a printed form prescribed by the City Secretary' office for amended complaints (see Exhibit ____, page ____). If a complainant determines, after filing a complaint, that he or she wishes to amend his or her original complaint, to add something to, or withdraw something from, the original complaint which has been filed so as to perfect that which is or may be deficient, or to correct that which has been incorrectly stated in the complaint by the complainant, or to allege a new or additional violation of Chapter 12A of the Code or to amend the complaint to add a new respondent, the complainant may file an amended complaint in accordance with this section.

A complaint may be amended only once, and may only be filed within 7 (seven) days after the City Secretary's receipt of the original complaint. The amended complaint will supersede and take the place of the original complaint. Once an amended complaint is filed, all information and allegations contained in the original complaint will no longer be regarded as a part of the evidence or record of the complaint; therefore, it is the duty of the complainant to ensure that all accurate information that was contained in the original complaint that he or she wishes to be considered by the Ethics Advisory Commission is included in the amended complaint. The deadline established in Section 12A-26(e)(1) for making a preliminary finding on a complaint will automatically be extended another 21 days from the date an amended complaint is received by the City Secretary.

The amended complaint must:

- 1) identify the person or persons who allegedly committed the violation;
- 2) provide a statement of the facts on which the complaint is based;
- 3) to the extent possible, identify the ethics provision or provisions allegedly violated; and
- 4) identify sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

Audio cassettes, VHS tapes, other media formats, supporting documentation and all other such information the complainant feels is relevant may be submitted together with the complaint. All amended complaints must be signed, dated, notarized and sworn to under penalty of perjury.

The city secretary shall, in writing, advise the person filing an amended complaint that falsely accusing someone of a violation of the Code of Ethics may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the

person charged in the amended complaint that falsely responding to an amended complaint may result in criminal prosecution of anyone who knowingly makes a false response.