

2001 NEW CITY COUNCIL
ORIENTATION

GOVERNMENT
EXHIBIT

3251

3:07-CR-0289-M

CAO_ATT0010001

Section 9

CITY COUNCIL COMMITTEES

9.1. Committees Established.

(a) The following standing committees of the city council are established:

- (1) Arts, education, and libraries committee;
- (2) Business and commerce committee;
- (3) Finance and audit committee;
- (4) Health, youth, and human services committee;
- (5) Housing and neighborhood development committee;
- (6) Legislative affairs committee;
- (7) Municipal and minority affairs committee;
- (8) Public safety committee; and
- (9) Transportation and telecommunications committee.

(b) Each standing committee shall review matters in its area of responsibility that are referred to it by the city council, the city manager, or an individual city council member. A standing committee may by majority vote recommend action to the city council, but committee recommendation is not necessary for a matter to be placed on the city council agenda. The committee chair may make a statement on behalf of the committee on an item in a briefing or voting meeting of the council.

9.2. Appointment.

(a) A standing committee shall consist of not less than three members of the city council appointed by the mayor. The mayor shall also appoint a chair and vice chair of each committee. Only city council members may serve on a standing committee.

(b) The mayor may remove and reassign members to and from the various standing committees.

**CITY OF DALLAS
BOARDS AND COMMISSIONS**

COUNCILMEMBERS INDIVIDUAL BOARD APPOINTMENTS

MEMBERS

ASC	ANIMAL SHELTER COMMISSION.....	15
BOA	BOARD OF ADJUSTMENT.....	15
CAC	CULTURAL AFFAIRS COMMISSION.....	15
CDC	COMMUNITY DEVELOPMENT COMMISSION.....	15
CED	CONSOLIDATED ECONOMIC DEVELOPMENT BOARDS.....	15
CPC	CITY PLAN AND ZONING COMMISSION.....	15
CPR	DALLAS CITIZENS POLICE REVIEW BOARD.....	15
CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS.....	15
EHC	ENVIRONMENTAL HEALTH COMMISSION.....	15
HSC	HUMAN SERVICES COMMISSION.....	15
JNC	JUDICIAL NOMINATING COMMISSION.....	15
LMC	LANDMARK COMMISSION.....	15
MLB	MUNICIPAL LIBRARY BOARD.....	15
MLK	MARTIN LUTHER KING JR COMMUNITY CENTER BOARD.....	15
PAR	PARK AND RECREATION BOARD.....	15
PLA	PERMIT AND LICENSE APPEAL BOARD.....	15
SAC	SENIOR AFFAIRS COMMISSION.....	15
SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD.....	15
URS	URBAN REHABILITATION STANDARDS BOARD.....	30
YAC	YOUTH COMMISSION.....	15

COUNCILMEMBERS FULL BOARD APPOINTMENTS

MEMBERS

BDC	BUSINESS DEVELOPMENT CORPORATION	9
BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS	4
CSB	CIVIL SERVICE BOARD	5
EAC	ETHICS ADVISORY COMMISSION	7
HEA	DALLAS HIGHER EDUCATION AUTHORITY INC BOARD	7
JNC	JUDICIAL NOMINATING COMMISSION.....	1
HFC	HOUSING FINANCE CORPORATION BOARD	11
LMX	LANDMARK COMMISSION ALTERNATE MEMBERS	3
URX	URBAN REHABILITATION STANDARDS BOARDS (ALTERNATES)	8

**CITY OF DALLAS
BOARDS AND COMMISSION**

BOARDS APPOINTED BY THE CITY COUNCIL & OTHER AGENCIES MEMBERS

CAD	DALLAS CENTRAL APPRAISAL DISTRICT BOARD.....	1 and 4
DAR	DALLAS AREA RAPID TRANSIT BOARD	8 and 7
DCT	DALLAS COMMUNITY TELEVISION INC BOARD	15 and 11
DFW	DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD	7 and 4
ERF	EMPLOYEES RETIREMENT FUND BOARD	2 and 3
PFP	POLICE AND FIRE PENSION BOARD	4 and 6
RPC	RAILTRAN POLICY COMMITTEE	2 and 4
RZ1	REINVESTMENT ZONE ONE BOARD (STATE-THOMAS)	5 and 5
RZ2	REINVESTMENT ZONE TWO BOARD (CITY PLACE AREA)	5 and 5
RZ3	REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)	5 and 5
RZ4	REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)	5 and 5
RZ5	REINVESTMENT ZONE FIVE BOARD (CITY CENTER)	10 and 5
RZ6	REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)	5 and 5
RZ7	REINVESTMENT ZONE SEVEN BOARD (SPORTS ARENA)	5 and 4

BOARDS APPOINTED BY THE MAYOR AND COUNCILMEMBERS REPRESENTING COUNCIL DISTRICTS 1,2,3,4,5,6,7, AND 8.

SDD	SOUTHERN DALLAS DEVELOPMENT CORPORATION BOARD	9 and 15
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BOARDS APPOINTED BY CITY COUNCIL (NOMINATED BY THE CITY MANAGER)

BIA	BUILDING INSPECTION ADVISORY, EXAMINING & APPEALS BOARD.....	16
CSA	CITIZENS SAFETY ADVISORY COMMITTEE	25
FCB	FIRE CODE ADVISORY AND APPEALS BOARD	9
RPA	REGULATED PROPERTY ADVISORY COMMITTEE	7

BOARD APPOINTED BY THE MAYOR

DHA	DALLAS HOUSING AUTHORITY BOARD OF COMMISSIONERS.....	5
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BOARD APPOINTED BY THE MAYOR

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CITY SECRETARY
DALLAS, TEXAS

DALLAS CITY COUNCIL INAUGURATION CEREMONY

MONDAY, JUNE 11, 2001 AT 9:00 A.M.
THE MEYERSON SYMPHONY CENTER
2301 FLORA STREET
DALLAS, TEXAS 75201

Public Notice

010808

POSTED CITY SECRETARY
DALLAS, TX

PROGRAM

Music of Celebration

Mary Preston, Resident Organist
Dallas Symphony Orchestra

Master of Ceremony

Welcome and Introductions of the Mayor and City Council
James Richardson Gonzalez, Chairman
Greater Dallas Hispanic Chamber of Commerce

Invocations

Father Raphael Villareal, Christ Episcopal Church
Dr. Ronald D. Henderson, Hamilton Park United Methodist Church
Rabbi Elon Sunshine, Congregation Shearith Israel

Color Guard/Pledge of Allegiance

North Dallas High School Junior ROTC

National Anthem

Children's Chorus of Greater Dallas

Special Musical Selection

Children's Chorus of Greater Dallas

Swearing In of the 2001-2003 Dallas City Council

The Honorable Barbara M. G. Lynn
United States District Judge

State of the City Address

The Honorable Mayor Ronald Kirk

Dance Performance

Grupo Folklorico Mexico Lindo

Benediction

Reverend Dindo Cuario
Cathedral Santuario de Guadalupe

Recessional

Mary Preston, Resident Organist
Dallas Symphony Orchestra

Refreshments served in Lobby

Entertainment by Claude Johnson, Jr. Jazz Trio

Revised

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CITY SECRETARY
DALLAS, TEXAS

AGENDA
CITY OF DALLAS

Public Notice

010795

POSTED CITY SECRETARY
DALLAS, TX

CITY COUNCIL INAUGURAL MEETING

JUNE 11, 2001

COUNCIL CHAMBER, CITY HALL

1500 MARILLA STREET

DALLAS, TEXAS 75201

1:00 P.M.

Invocation and Pledge of Allegiance

Action Item:

Election of Officers of the City Council

- Mayor Pro Tem
- Deputy Mayor Pro Tem

Closed Session, if necessary

Personnel (Sec. 551.074 TOMA)

Appointment/Election of Mayor Pro
Tem & Deputy Mayor Pro Tem

Adjournment

LEGAL FRAMEWORK

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- I. Office of the City Attorney
- II. Ethics Laws
- III. Texas Open Meetings Act
- IV. Contracts and Procurements
- V. Ordinances/Resolutions
- VI. City Codes

I. OFFICE OF THE CITY ATTORNEY

A. Dallas City Charter, Chapter VII. Legal Department

B. Dallas City Code, Article II. Assistant City Attorneys

CHAPTER VII. LEGAL DEPARTMENT

SEC. 1. CREATION OF LEGAL DEPARTMENT; APPOINTMENT OF CITY ATTORNEY.

There is hereby created a department to be known as the legal department. The director or head of this department shall be a competent practicing attorney of recognized ability residing in the city, and he shall be known as the city attorney. He shall be appointed by a majority vote of all the members of the city council and shall

serve for a period of two years from the date of his appointment and thereafter until his successor is appointed, unless sooner discharged by the council, and he shall not be discharged during his term of office except after a public hearing upon written charges and upon a two-thirds vote of the members of the city council. He shall receive such compensation as shall be fixed by the council at the time of his appointment and such compensation shall not be diminished during the term for which he is appointed.

SEC. 2 ASSISTANTS AND EMPLOYEES.

The city attorney shall have such assistants as shall be provided for by ordinance, and they shall receive such compensation as may be fixed by the city council. Any assistant city attorney may be discharged at any time by the city attorney. The city attorney and all assistant city attorneys shall devote their entire time to the service of the city. All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney under the direction of the city attorney. (Amend. of 4-2-83, Prop. No. 7; Amend. of 5-3-97, Prop. No. 10)

SEC. 3. DUTIES OF THE CITY ATTORNEY.

The city attorney shall:

- (1) represent the city in all litigation and controversies;
- (2) have authority to administer oaths and affidavits;
- (3) prosecute, in person or by assistants, all cases brought before the corporation [municipal] court;
- (4) approve as to form in writing all proposed ordinances before they shall be adopted, or file with the city council, in writing, his objection thereto;
- (5) draft all proposed ordinances granting franchises;
- (6) inspect and pass upon all papers, documents, contracts and other instruments in which the city may be interested;

(7) be the legal adviser to the city manager, the council, or any committee thereof, all official boards and commissions and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City of Dallas;

(8) whenever it shall be brought to his knowledge that any person, firm or corporation exercising and enjoying any franchise or privilege from the City of Dallas has been guilty of a breach of any condition of such grant, or has failed to comply in any material matter with the terms and stipulations thereof, make report of said matter to the city council, together with all facts bearing upon the same which may be brought to his attention. If said council shall determine that said complaints are well founded, it shall be its duty to take such action as may be necessary; and in the event the offending party shall fail or refuse to conform to such order as it may make with respect thereto, it shall be the duty of the council to direct the city attorney to institute suit in the court having jurisdiction thereof against such party so offending to obtain a judgment of forfeiture of said franchise or privilege;

(9) advise the city council, the city manager and all the departments of the city concerning new or proposed state or federal legislation and to represent the city before all legislative bodies in matters affecting the city;

(10) upon his own initiative or upon the direction of the city council, to appear in any and all litigation affecting the city and to represent the city in such manner as he deems to be to the best interest of the city, and to institute such legal proceedings as may be necessary or desirable on behalf of the city

(11) to hire or discharge such clerical personnel or other personnel as may be authorized for his department by the city council;

(12) when deemed for the best interest of the city, to advise or represent officers and employees of the city in litigation in matters arising out of the official conduct of their office or duties or in the course of their employment;

(13) perform such other duties as the council may direct or request.

ARTICLE II.**ASSISTANT CITY ATTORNEYS.****SEC. 2-18. QUALIFICATIONS AND APPOINTMENT.**

The city attorney shall select and nominate such assistants, including those assigned to the municipal courts and the department of the city controller, as the city council shall determine are necessary. Each position must be filled by a licensed attorney at law and must be confirmed by the city council. (Code 1941, Art. 20-1; Ord. Nos. 7956; 13439; 22026)

SEC. 2-19. DUTIES.

Under the direction and control of the city attorney, assistant city attorneys shall perform all duties required by the city charter, the Dallas City Code, and any other ordinance or regulation which is enacted by the city council. All powers which are conferred by the city charter on the city attorney may be exercised by assistant city attorneys. (Code 1941, Art. 20-2; Ord. 14995)

SEC. 2-20. COMPENSATION.

Each of the assistant city attorneys shall receive such compensation for his services as may be fixed by the city council at the time of his appointment. (Code 1941, Art. 20-3)

SEC. 2-20.1. GUEST PROSECUTOR PROGRAM.

(a) The city attorney is authorized to conduct a volunteer program known as the guest prosecutor program. The purpose of the program is to allow attorneys who are employed by private law firms to obtain valuable trial experience at the municipal court level on a temporary and voluntary basis while, at the same time, providing a public service that benefits the city and its citizens.

(b) The city attorney may, without further city council approval, enter into arrangements with private law firms within the city through which volunteer attorneys are recommended and provided by the law firms to perform work in the municipal court. Every volunteer attorney recommended by a private law firm for the guest prosecutor program must be approved by the city attorney.

(c) While participating in the guest prosecutor program, a volunteer attorney is not an employee of the city but remains an employee of a private law firm, except that, for purposes of the city's officer and employee liability plan, a volunteer attorney is deemed a plan member under Section 31A-4(5)(D) of this code. The private law firm employing the volunteer attorney is solely and exclusively liable for compensation and benefits (including but not limited to workers' compensation insurance coverage) to be paid to the volunteer attorney during the period of participation in the guest prosecutor program. Nothing in this section, or in any other provision of this code, may be construed to require the city to pay a volunteer attorney for services rendered during the period of the volunteer attorney's participation in the program.

(d) A volunteer attorney, while participating in the guest prosecutor program, is subject to the direction of the city attorney and to the direction of any assistant city attorney designated to supervise the volunteer attorney. A volunteer attorney shall prosecute cases in the municipal court and perform tasks incidental to work as a municipal prosecutor, as directed by the city attorney. For purposes of this article, the city charter, and Section 45.201 of the Texas Code of Criminal Procedure, as amended, a volunteer attorney participating in the program is deemed an assistant city attorney while carrying out the limited duties of prosecuting cases in municipal court and performing tasks incidental to work as a municipal prosecutor.

(e) While participating in the guest prosecutor program, a volunteer attorney shall not:

- (1) perform any legal work for the city other than work described in this section; or
- (2) represent any person in a lawsuit, claim, or other proceeding against the city.

(f) A volunteer attorney, while participating in the guest prosecutor program, is subject to the restrictions of Section 2-122 of this code. A violation of any provision of Section 2-122, this section, or a directive of the city attorney may result in termination of the volunteer attorney's participation in the program. The city attorney may also, in the city attorney's discretion, terminate any arrangement with the private law firm that employs a volunteer attorney who commits a violation of any provision described in this subsection. (Ord. 24219)

II. ETHICS LAWS

**ETHICS LAWS
GOVERNING THE MAYOR
AND MEMBERS OF THE CITY COUNCIL**

6/1/01

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Appendix A - Full Text of State and Local Ethics Laws

Appendix B - Disclosure and Voting Abstention Forms

I. State Laws

A. Chapter 171 - Texas Local Government Code (Conflicts of Interest)

1. Chapter 171 prohibits city council members from:
 - a. participating in any vote or decision relating to any business entity or real property in which the city council member or a member of the city council members' family has a substantial interest if the action will have a special economic effect on the business entity or real property that is distinguishable from its effect on the public;
 - b. acting as a surety for any business entity that does business with the city; and
 - c. acting as a surety on any bond required of an officer of the city.
2. "Substantial Interest" is defined as:
 - a. ownership of 10% or more of the voting stock or shares or either \$15,000 or more or 10% or more of the fair market value of a business entity;
 - b. receipt of at least 10% of one's gross income in the previous year from a business entity;
 - c. equitable or legal ownership interest in real property of \$2,500, or more (fair market value); or
 - d. a family member within the first degree of consanguinity or affinity having the interests described in (2)(a) (b) or (c).
3. Affidavit required before a vote or decision by the city council on any matter in which a city council member or member of a city council member's family has a substantial interest, the city council member must file an affidavit stating the extent of the interest and abstain from any participation in the matter. The city council member must not discuss the issue with other city council members and must leave the room during discussion.

4. Violation of Chapter 171 is a Class A misdemeanor which is punishable by a fine not to exceed \$4,000, confinement in jail for up to 1 year, or both.
5. The rules of Chapter 171 apply in addition to the rules under the City Charter and the City Code of Ethics.
6. Family members under Chapter 171 (Relationships by Consanguinity and Affinity - Chapter 373, Government Code)
 - a. Within First Degree of Consanguinity
 - child
 - parent
 - b. Within First Degree of Affinity
 - Daughter-in-law
 - Son-in-law
 - Parent-in-law
 - Spouse

B. Texas Penal Code

1. Section 36.02 - Bribery

- a. Under Section 36.02 of the Texas Penal Code a person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:
 - (1) any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant;
 - (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

(3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official;
or

(4) any benefit that is a political contribution, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit.

b. It is no defense to prosecution that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.

c. It is no defense to prosecution that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:

1. the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or

2. the public servant ceases to be a public servant.

d. It is an exception to the application of Subdivisions (i), (ii) and (iii) of Subsection (a) that the benefit is a political contribution as defined by Title 15, Election Code.

e. An offense under Section 36.02 is a second degree felony which is punishable by a fine not to exceed \$10,000, and confinement in jail for not more than 20 years or less than 2 years.

2. Section 36.07 - Acceptance of Honorarium

a. Section 36.07 of the Texas Penal Code prohibits a public servant from soliciting, accepting, or agreeing to accept an **honorarium** in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

- b. Section 36.07 does not apply to the acceptance of transportation and lodging expenses, including meals, in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that the services are more than merely perfunctory.
 - c. An offense under Section 36.07 is a Class A misdemeanor which is punishable by a fine not to exceed \$4,000, confinement in jail for up to 1 year, or both.
3. Section 36.08 - Gift To Public Servant
- a. Section 36.08 of the Texas Penal Code prohibits a public servant who exercises discretion in connection with contracts, purchases, payments, claims, or pecuniary transactions from accepting, soliciting or agreeing to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim or other transaction involving the exercise of that discretion.
 - b. "Benefit" means anything reasonably regarded as a pecuniary gain or pecuniary advantage, including benefit to any person in whose welfare the beneficiary has a direct and substantial interest.
 - c. An offense under Section 36.08 is a Class A misdemeanor which is punishable by a fine not to exceed \$4,000, confinement in jail for up to 1 year, or both.
 - d. Section 36.08 does not apply to:
 - (1) a gift or other benefit conferred on account of kinship or personal, professional or business relationship independent of the office held.
 - (2) a political contribution.

- (3) food, lodging, transportation, or entertainment accepted as a guest, if the recipient is required by law to report the items and so reports them.
- (4) an item with a value of less than \$50.00 excluding cash or a negotiable instrument.

4. Section 39.06 - Misuse of Official Information

- a. Under Section 39.06 of the Texas Penal Code a public servant commits an offense if, in reliance on information he has access to by virtue of his office or employment and that has not been made public, he:
 - (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - (2) speculates or aids another to speculate on the basis of the information; or
 - (3) as a public servant coerces another into suppressing or failing to report that information to a law enforcement agency.
- b. A public servant commits an offense if with intent to obtain a benefit or with the intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that he has access to by means of his office or employment and has not been made public.
- c. "Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code (Open Records Act).
- d. An offense under Section 39.06 is a third degree felony which is punishable by a fine not to exceed \$10,000 and confinement in jail for not more than 10 years or less than 2 years. Except that an offense under Subsection (a)(iii) above

is a Class C misdemeanor punishable by a fine not to exceed \$500.

II. Dallas City Charter

A. Chapter 3, Section 10 - Voting

1. Chapter 3, Section 10 of the City Charter requires that city council members **vote** on all matters coming before the city council unless the matter involves:
 - a. consideration of the city council member's own official conduct; or
 - b. the city council member's financial interest.

B. Chapter 3, Section 15 - No Interference With Subordinates of City Manager

Chapter 3, Section 15 of the City Charter prohibits city council members from dictating or attempting to dictate the appointment of any person to, or the removal of any person from office or employment by the city manager or any of his subordinates, or interfering in the appointment of officers and employees in the departments vested in the city manager by the City Charter.

A city council member shall deal only with the city manager on matters for which the city manager is responsible and shall not give orders to any of the subordinates of the city manager's departments either publicly or privately.

C. Chapter 3, Section 17 - Prohibiting Holding or Running for Other Office

Chapter 3, Section 17 of the City Charter prohibits a city council member, during the term for which he was elected, from being appointed to any office or position of emolument in the service of the city.

A city council member forfeits his place on the council if he becomes a candidate for nomination or election to any public office other than a place on the city council or if he becomes a candidate for election to any different place on the city council which requires him to take office prior to the end of his elective term.

D. Chapter 22, Section 11 - Prohibited Financial Interest

Chapter 22, Section 11 of the City Charter also prohibits a city council member from having any financial interest, direct or indirect, in any contract with the city. The penalty for violation of this provision is forfeiture of the office.

E. Chapter 24, Section 1 - Gift From Public Utility

Chapter 24, Section 1 of the City Charter prohibits a city council member from accepting, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from the city during the term of his office except as may be authorized by law or ordinance. Any violation of this provision is a misdemeanor punishable by a fine prescribed by ordinance and removal from office.

III. Dallas City Code

A. Chapter 12A - Code of Ethics

B. Chapter 15A, Article I - Elections

1. Contributions from Individuals:

- a. City council candidates - no more than \$1,000 per city election.
- b. Mayoral candidates - no more than \$5,000 per city election.
- c. An individual may donate personal services to aid or defeat a candidate and such a donation does not constitute a contribution.

2. Contributions from a Political Committee:

- a. City council candidates - no more than \$1,000 per contributing member per city election (\$2,500 maximum contribution for a single candidate).
- b. Mayoral candidates - no more than \$5,000 per contributing member per city election (\$10,000 maximum contribution to a candidate for mayor).
- c. General purpose and specific purpose political committees that make contributions to candidates are required to file certain information with the city secretary.

3. Responsibility of Candidate:

A candidate for mayor or city council (or candidate's campaign treasurer) shall not knowingly accept a contribution that will cause the amount contributed by an individual or political committee, with respect to a single election, to exceed the amounts authorized above.

4. Enforcement

Any written complaint to the city secretary alleging a violation of Chapter 15A, Article I shall be investigated by the city attorney and appropriate enforcement action will be taken, if warranted.

C. Chapter 31A

Article II - City of Dallas Officers Liability Plan

1. Section 31A-5. Coverage.

- a. The City will indemnify and defend a city council member against a loss arising out of any claim, suit, or judgment resulting from an act or omission of the city council member during the discharge of his duties and within the scope of his office, or assigned volunteer work with the city.

- b. A city council member whose position with the city terminates is entitled to coverage in accordance with this plan for any event that occurred while the person was a city council member.
- 2. Section 31A-6. Defense.
 - a. The city will defend any suit against a city council member who is covered under this plan even if the suit is groundless or fraudulent.
 - b. The city may investigate, negotiate, and settle any claim or suit as it determines necessary.
- 3. Section 31A-7. Limits of Coverage.
 - a. The city will pay losses that a city council member is legally obligated to pay, except, in cases arising from incidents or occurrences where the city's liability exists by virtue of the Texas Tort Claims Act, whether or not the city is a party defendant, the city will pay losses covered by this plan that a city council member is legally obligated to pay up to, but not exceeding the limits of liability provided by the Act.
 - b. In addition to the coverage provided above the city will pay:
 - (1) the city's expense in investigating and defending the claim or lawsuit;
 - (2) costs taxed against a city council member in a suit and the interest that accrues after entry of judgment before the city deposits payment with the court on the part of the judgment which does not exceed the limits of coverage;
 - (3) reasonable expenses of the city council member incurred at the city's request; and
 - (4) attorney's fees ordered by the court to be paid by the city council member.

3. Section 31A-8. Notice of Occurrence, Claim, or Suit; Cooperation.

To be entitled to coverage under the plan a city council member must:

- a. Notify the city attorney as soon as practicable upon receipt of written notice of a claim or lawsuit, but not later than three working days after receipt;
- b. cooperate with the city attorney and, upon the city attorney's request, assist in making settlements, in the conduct of suits, and in enforcing any right of contribution or indemnity against a person or organization who may be liable to the city because of injury or damage covered under the plan;
- c. attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses; and
- d. not, except upon advice of the city attorney or when questioned by a policy officer at the scene of an accident, give any oral or written statement or enter into any stipulation or agreement concerning a claim or lawsuit;
- e. not, except at his own cost, voluntarily make any payment, assume an obligation, or incur any expense with respect to a claim or lawsuit without the consent of the city.

4. Section 31A-9. Plan Period.

This plan covers only acts or omissions occurring or alleged to have occurred.

- a. while the plan is in effect;
- b. before the plan was in effect and which are not barred by any statute of limitations; and
- c. if the plan is canceled, while the plan is in effect and which are not barred by any statute of limitations.

5. Section 31A-10. Exclusions.

- a. Coverage under this plan does not apply to a claim or lawsuit that is brought against a city council member:
- (1) by the city;
 - (2) arising out of the intentional, knowing, or criminally negligent violation of a penal statute or ordinance committed by, or with the knowledge or consent of the city council member, or any claim arising out of acts of fraud committed by or at the direction of the city council member with intent to deceive or defraud;
 - (3) arising out of the gross negligence of the city council member, except that the city will defend the plan member in accordance with Section 31A-6(a) of this chapter;
 - (4) arising out of the affirmative dishonesty or actual intent to injure by the city council member;
 - (5) arising while the city council member is operating a city vehicle with no authority to operate the vehicle;
 - (6) arising while the city council member is operating a city vehicle in the course of personal or private business;
 - (7) for liability assumed by the city council member under a contract, unless the contract is entered into at the request of the city;
 - (8) if the city council member joins or attempts to join with the suit against the city council member a claim against the city for benefits under this plan; or
 - (9) if the city council member fails to comply with Section 31A-8 of this plan.

b. The city council may waive the exclusion for gross negligence if the city council determines that circumstances justify the waiver.

6. Section 31A-11. Subrogation.

If payment or legal representation is provided, the city is subrogated to the city council member's rights of recovery against any person or organization to the extent of the city's liability and payments, and the city council member must execute and deliver to the city attorney whatever documents are necessary to secure those rights. The city council member must not do anything after a loss to prejudice those rights.

7. Section 31A-12. Legal Representation.

a. The city will provide legal representation for a city council member in a claim or suit in which the city council member is covered under this plan.

b. If the city attorney determines that there is a conflict of interest for the city attorney in representing a city council member, and the city council member is otherwise entitled to coverage under this plan, the city will pay the reasonable fee of a private attorney to represent the city council member. The private attorney will be selected by mutual agreement of the city council member and the city attorney.

8. Section 31A-13. Determination of Coverage.

If the city denies coverage to a city council member, the city council member may seek a determination of coverage by a court of proper jurisdiction in Dallas County, Texas. If the court rules in favor of the city council member, the city shall provide the city council member all benefits under the plan and shall reimburse the city council member for reasonable attorney fees, expenses and costs incurred in obtaining the determination of coverage.

9. Section 31A-14. No Creation of Cause of Action

Nothing contained in the City's Liability plan shall be construed as creating a right of cause of action against a city council member nor giving a right to a third party to institute or maintain a suit which would not exist under law as a legal claim against a city council member.

APPENDIX A

Full Text of State and Local Ethics Laws

I. STATE LAWS

**A. CHAPTER 171 LOCAL GOVERNMENT
CODE (CONFLICTS OF INTEREST)**

SUBTITLE C. MATTERS AFFECTING
PUBLIC OFFICERS AND EMPLOYEES
OF MORE THAN ONE TYPE OF LOCAL
GOVERNMENT

CHAPTER 171. REGULATION OF CONFLICTS
OF INTEREST OF OFFICERS OF MUNICI-
PALITIES, COUNTIES, AND CERTAIN OTH-
ER LOCAL GOVERNMENTS

Section

- 171.001. Definitions.
171.002. Substantial Interest in Business Entity.
171.0025. Application of Chapter to Member of Higher
Education Authority.
171.003. Prohibited Acts; Penalty.
171.004. Affidavit and Abstention From Voting Required.
171.006. Voting on Budget.
171.006. Effect of Violation of Chapter.
171.007. Common Law Preempted; Cumulative of Muni-
cipal Provisions.
171.008. Renumbered.
171.009. Service on Board of Corporation for No Compens-
ation.

§ 171.001. Definitions

In this chapter:

(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.

(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

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

§ 171.002. Substantial Interest in Business Entity

(a) For purposes of this chapter, a person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 561, § 37, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, § 5.95(27), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 849, § 1, eff. Sept. 1, 1997.

Section 2 of Acts 1997, 75th Leg., ch. 849 provides:

"The change in law made by this Act to Section 171.002, Local Government Code, does not affect a violation of Chapter 171, Local Government Code, that occurred before the effective date of this Act. The prior violation may be prosecuted and a penalty imposed as if the law had not been changed by this Act, and the former law is continued in effect for that purpose."

§ 171.0025. Application of Chapter to Member of Higher Education Authority

This chapter does not apply to a board member of a higher education authority created under Chapter 53, Education Code, unless a vote, act, or other participation by the board member in the affairs of the higher education authority would provide a financial benefit to a financial institution, school, college, or university that is:

- (1) a source of income to the board member; or
- (2) a business entity in which the board member has an interest distinguishable from a financial benefit available to any other similar financial institution or other school, college, or university whose students are eligible for a student loan available under Chapter 53, Education Code.

Added by Acts 1989, 71st Leg., ch. 1, § 41(a), eff. Aug. 28, 1989.

§ 171.003. Prohibited Acts; Penalty

(a) A local public official commits an offense if the official knowingly:

- (1) violates Section 171.004;
- (2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or
- (3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989.

§ 171.004. Affidavit and Abstinence From Vote Required

(a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public;

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from the effect on the public.

(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989.

§ 171.005. Voting on Budget

(a) The governing body of a governmental entity shall take a separate vote on any budget item specially dedicated to a contract with a business entity which a member of the governing body has a substantial interest.

(b) Except as provided by Section 171.004(c), an affected member may not participate in that separate vote. The member may vote on a final budget if:

- (1) the member has complied with this chapter and
- (2) the matter in which the member is concerned has been resolved.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Repealed from § 171.006 and amended by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989.

§ 171.006. Effect of Violation of Chapter

The finding by a court of a violation under this chapter does not render an action of the governing body void.

body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Renumbered from § 171.006 by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989.

§ 171.007. Common Law Preempted; Cumulative of Municipal Provisions

(a) This chapter preempts the common law of conflict of interests as applied to local public officials.

(b) This chapter is cumulative of municipal charter provisions and municipal ordinances defining and prohibiting conflicts of interests.

Amended by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989.

§ 171.008. Renumbered as § 171.006 by Acts 1989, 71st Leg., ch. 1, § 40(a), eff. Aug. 28, 1989

§ 171.009. Service on Board of Corporation for No Compensation

It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.

Added by Acts 1989, 71st Leg., ch. 475, § 2, eff. Aug. 28, 1989.

Section 3 of the 1989 Act provides:

"A local public official who, before the effective date of this Act, served as a member, officer, or director on the board of directors of a corporation, including a nonprofit corporation, and received funds from that corporation may not be held liable for, prosecuted for, or be subject to removal from office as a result of that service."

B. TEXAS PENAL CODE

- 1. Section 36.02 - Bribery**
- 2. Section 36.07 - Acceptance of Honorarium**
- 3. Section 36.08 - Gift to Public Servant**
- 4. Section 39.06 - Misuse of Official Information**

This subsection shall not be applied if claims are aggregated under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 621, § 1, eff. Sept. 1, 1995.

For application provisions of the 1995 Act, see notes following V.T.C.A. Penal Code § 35.01.

§ 35.04. Jurisdiction of Attorney General

(a) The attorney general may offer to an attorney representing the state in the prosecution of an offense under Section 35.02 the investigative, technical, and litigation assistance of the attorney general's office.

(b) The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).

Added by Acts 1995, 74th Leg., ch. 621, § 1, eff. Sept. 1, 1995.

For application provisions of the 1995 Act, see notes following V.T.C.A. Penal Code § 35.01.

**TITLE 8. OFFENSES AGAINST
PUBLIC ADMINISTRATION
CHAPTER 36. BRIBERY AND
CORRUPT INFLUENCE**

Section

- 36.01. Definitions.
- 36.02. Bribery.
- 36.03. Coercion of Public Servant or Voter.
- 36.04. Improper Influence.
- 36.05. Tampering With Witness.
- 36.06. Obstruction or Retaliation.
- 36.07. Acceptance of Honorarium.
- 36.08. Gift to Public Servant by Person Subject to his Jurisdiction.
- 36.09. Offering Gift to Public Servant.
- 36.10. Non-Applicable.

§ 36.01. Definitions

In this chapter:

- (1) "Custody" means:
 - (A) detained or under arrest by a peace officer; or
 - (B) under restraint by a public servant pursuant to an order of a court.
- (2) "Party official" means a person who holds any position or office in a political party, whether by election, appointment, or employment.
- (3) "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

(4) "Vote" means to cast a ballot in an election regulated by law.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1975, 64th Leg., p. 915, ch. 342, § 11, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 3237, ch. 558, § 1, eff. Sept. 1, 1983; Acts 1989, 71st Leg., ch. 67, § 2, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 304, § 4.01, eff. Jan. 1, 1992; Acts 1991, 72nd Leg., ch. 565, § 3, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

Section 12 of the 1983 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

Section 4 of the 1989 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

Subsections (a), (b) and (d) of § 8.01 of Acts 1991, 72nd Leg., ch. 304 provide:

"(a) Except as provided by Subsection (d) of this section, this Act takes effect January 1, 1992, and applies only to a gift, contribution, expenditure, honorarium, compensation, reimbursement, benefit, or other thing of value offered, made, received, or accepted on or after that date.

"(b) A gift, contribution, expenditure, honorarium, compensation, reimbursement, benefit, or other thing of value offered, made, received, or accepted before the effective date of this Act is governed by the law in effect on the date that it was offered, made, received, or accepted, and that law is continued in effect for that purpose."

"(d) Section 1.38 of this Act takes effect January 1, 1993."

Section 12 of Acts 1991, 72nd Leg., ch. 365, provides:

"(a) The changes in law made by Sections 1 through 5 and 7, 9, and 10 of this Act apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

§ 36.02. Bribery

(a) A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

- (1) any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter;
- (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

(3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official; or

(4) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.

(b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.

(c) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:

- (1) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
- (2) the public servant ceases to be a public servant.

(d) It is an exception to the application of Subdivisions (1), (2), and (3) of Subsection (a) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

(e) An offense under this section is a felony of the second degree.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1975, 64th Leg., p. 916, ch. 342, § 11, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 3237, ch. 558, § 2, eff. Sept. 1, 1983; Acts 1991, 72nd Leg., ch. 304, § 4.02, eff. Jan. 1, 1992; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

For applicability of change in law made by 1983 amendatory act to offenses committed before effective date of Act, see notes under V.T.C.A. Penal Code, § 36.01.

§ 36.03. Coercion of Public Servant or Voter

(a) A person commits an offense if by means of coercion he:

- (1) influences or attempts to influence a public servant in a specific exercise of his official power or a specific performance of his official duty or influences or attempts to influence a public servant to violate the public servant's known legal duty; or

(2) influences or attempts to influence a voter not to vote or to vote in a particular manner.

(b) An offense under this section is a Class misdemeanor unless the coercion is a threat to commit a felony, in which event it is a felony of the third degree.

(c) It is an exception to the application of Subsection (a)(1) of this section that the person who influences or attempts to influence the public servant is a member of the governing body of a governmental entity, and that the action that influences or attempts to influence the public servant is an official action taken by the member of the governing body. For the purposes of this subsection, the term "official action" includes deliberations by the governing body of a governmental entity.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1989, 71st Leg., ch. 67, §§ 1, 3, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

Section 4 of the 1989 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

§ 36.04. Improper Influence

(a) A person commits an offense if he privately addresses a representation, entreaty, argument, or other communication to any public servant who exercises or will exercise official discretion in an adjudicatory proceeding with an intent to influence the outcome of the proceeding on the basis of considerations other than those authorized by law.

(b) For purposes of this section, "adjudicatory proceeding" means any proceeding before a court or any other agency of government in which the legal rights, powers, duties, or privileges of specified parties are determined.

(c) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

§ 36.05. Tampering With Witness

(a) A person commits an offense if, with intent to influence the witness, he offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding or coerces a witness or prospective witness in an official proceeding:

- (1) to testify falsely;

(2) to withhold any testimony, information, document, or thing;

(3) to elude legal process summoning him to testify or supply evidence;

(4) to absent himself from an official proceeding to which he has been legally summoned; or

(5) to abstain from, discontinue, or delay the prosecution of another witness.

(b) A witness or prospective witness in an official proceeding commits an offense if he knowingly solicits, accepts, or agrees to accept any benefit on the representation or understanding that he will do any of the things specified in Subsection (a).

(c) It is a defense to prosecution under Subsection (a)(5) that the benefit received was:

(1) reasonable restitution for damages suffered by the complaining witness as a result of the offense; and

(2) a result of an agreement negotiated with the assistance or acquiescence of an attorney for the state who represented the state in the case.

(d) An offense under this section is a state jail felony.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

§ 36.06. Obstruction or Retaliation

(a) A person commits an offense if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime.

(b) For purposes of this section, "informant" means a person who has communicated information to the government in connection with any governmental function.

(c) An offense under this section is a felony of the third degree.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1983, 68th Leg., p. 3238, ch. 558, § 4, eff. Sept. 1, 1983; Acts 1989, 71st Leg., ch. 557, § 1, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

For applicability of change in law made by 1983 amendatory act (offenses committed before effective date of Act, see notes under § 36.01.

Section 2 of the 1989 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of the Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act covered by the law in effect when the offense was committed and the former law is continued in effect for this purpose."

§ 36.07. Acceptance of Honorarium

(a) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept a honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

(b) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

(c) An offense under this section is a Class misdemeanor.

Added by Acts 1991, 72nd Leg., ch. 304, § 4.03, eff. Jan. 1, 1992. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

For effective date and application of the 1991 act, see notes following § 36.01.

§ 36.08. Gift to Public Servant by Person Subject to his Jurisdiction

(a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection or investigation by the public servant or his agency.

(b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.

(c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.

(d) A public servant who exercises discretion in connection with contracts, purchases, payments

claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the public servant or tribunal.

(f) A member of the legislature, the governor, the lieutenant governor, or a person employed by a member of the legislature, the governor, the lieutenant governor, or an agency of the legislature commits an offense if he solicits, accepts, or agrees to accept any benefit from any person.

(g) A public servant who is a hearing examiner employed by an agency performing regulatory functions and who conducts hearings in contested cases commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from any person who is appearing before the agency in a contested case, who is doing business with the agency, or who the public servant knows is interested in any matter before the public servant. The exception provided by Section 36.10(b) does not apply to a benefit under this subsection.

(h) An offense under this section is a Class A misdemeanor.

(i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1975, 64th Leg., p. 915, ch. 342, § 11, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 3228, ch. 558, § 5, eff. Sept. 1, 1983; Acts 1991, 72nd Leg., ch. 304, § 4.04, eff. Jan. 1, 1992; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

For saving provisions of the 1973 Act see note set out under § 1.07.

For applicability of change in law made by 1983 amendatory act to offenses committed before effective date of Act, see note under § 36.01.

For effective date and application of the 1991 act, see notes following § 36.01.

§ 36.09. Offering Gift to Public Servant

(a) A person commits an offense if he offers, confers, or agrees to confer any benefit on a public servant that he knows the public servant is prohibited by law from accepting.

(b) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

§ 36.10. Non-Applicable

(a) Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:

(1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;

(2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

(3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code,¹ that is derived from a function in honor or appreciation of the recipient if:

(A) the benefit and the source of any benefit in excess of \$50 is reported in the statement;

(B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;

(4) a political contribution as defined by Title 15, Election Code;

(5) a gift, award, or memento to a member of the legislative or executive branch that is required to be reported under Chapter 305, Government Code

(6) an item with a value of less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code; or

(7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity

(b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Section 2 of the 1989 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

§ 39.04. Violations of the Civil Rights of Person in Custody

(a) An official or employee of a correctional facility or a peace officer commits an offense if he intentionally denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful.

(b) An offense under this section is a Class A misdemeanor.

(c) This section shall not preclude prosecution for any other offense set out in this code.

(d) The Attorney General of Texas shall have concurrent jurisdiction with law enforcement agencies to investigate violations of this statute involving serious bodily injury or death.

(e) In this section, "custody" means the detention, arrest, or confinement of a person.

Added by Acts 1979, 66th Leg., p. 1383, ch. 618, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 3242, ch. 558, § 8, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 18, § 5, eff. April 15, 1987. Renumbered from § 39.021 and amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

For applicability of change in law made by 1983 amendatory act to offenses committed before effective date of Act, see note following V.T.C.A. Penal Code, § 36.01.

§ 39.05. Failure to Report Death of Prisoner

(a) A person commits an offense if the person is required to conduct an investigation and file a report by Article 49.18, Code of Criminal Procedure, and the person fails to investigate the death, fails to file the report as required, or fails to include in a filed report facts known or discovered in the investigation.

(b) A person commits an offense if the person is required by Section 501.055, Government Code, to:

- (1) give notice of the death of an inmate and the person fails to give the notice; or
- (2) conduct an investigation and file a report and the person:

(A) fails to conduct the investigation or file the report; or

(B) fails to include in the report facts known to the person or discovered by the person in the investigation.

(c) An offense under this section is a Class B misdemeanor.

Added by Acts 1983, 68th Leg., p. 2510, ch. 441, § 2, eff. Sept. 1, 1983. Renumbered from § 39.022 and amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994. Amended by Acts 1995, 74th Leg., ch. 321, § 1.104, eff. Sept. 1, 1995.

Section 1.114(b) and (c) of Acts 1995, 74th Leg., ch. 321 provides:

"(b) The amendments made by this article to Sections 39.01 and 39.05, Penal Code, apply only to offenses committed on or after the effective date of this article. An offense committed before the effective date of this article is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

"(c) For purposes of this section, an offense is committed before the effective date of this article if any element of the offense occurs before that date."

Section 3 of the 1983 Act provides:

"The change in the law made by this Act applies only to a report required to be filed after the death of a prisoner who dies on or after the effective date of this Act."

§ 39.06. Misuse of Official Information

(a) A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he:

(1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

(2) speculates or aids another to speculate on the basis of the information; or

(3) as a public servant, including as a principal of a school, coerces another into suppressing or failing to report that information to a law enforcement agency.

(b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:

(1) he has access to by means of his office or employment; and

(2) has not been made public.

(c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that:

(1) the public servant has access to by means of his office or employment; and

(2) has not been made public.

(d) In this section, "information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code.

(e) Except as provided by Subsection (f), an offense under this section is a felony of the third degree.

(f) An offense under Subsection (a)(3) is a Class C misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1983, 68th Leg., p. 3243, ch. 558, § 9, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 30, § 1, eff. Sept. 1, 1987; Acts 1987, 70th Leg., 2nd C.S., ch. 43, § 3, eff. Oct. 20, 1987; Acts 1989, 71st Leg., ch. 927, § 1, eff. Aug. 28, 1989. Renumbered from § 39.03 and amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994. Amended by Acts 1995, 74th Leg., ch. 76, §§ 5.95(90), 14.52, eff. Sept. 1, 1995.

For applicability of change in law made by 1983 amendatory act to offenses committed before effective date of Act, see note following V.T.C.A. Penal Code, § 38.01.

TITLE 9. OFFENSES AGAINST PUBLIC ORDER AND DECENCY

CHAPTER 42. DISORDERLY CONDUCT AND RELATED OFFENSES

Section	
42.01.	Disorderly Conduct.
42.015.	Deleted.
42.02.	Riot.
42.03.	Obstructing Highway or Other Passageway.
42.04.	Defense When Conduct Consists of Speech or Other Expression.
42.05.	Disrupting Meeting or Procession.
42.06.	False Alarm or Report.
42.061.	Silent or Abusive Calls to 9-1-1 Service.
42.07.	Harassment.
42.071.	Stalking.
42.08.	Abuse of Corpse.
42.09.	Cruelty to Animals.
42.10.	Dog Fighting.
42.11.	Destruction of Flag.
42.111.	Renumbered.
42.12.	Discharge of Firearm in Certain Municipalities.
42.13.	Deleted.
42.14.	Renumbered.

§ 42.01. Disorderly Conduct

(a) A person commits an offense if he intentionally or knowingly:

(1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;

(2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;

(3) creates, by chemical means, a noxious and unreasonable odor in a public place;

(4) abuses or threatens a person in a public place in an obviously offensive manner;

(5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in a public place near a private residence that he has no right to occupy;

(6) fights with another in a public place;

(7) enters on the property of another and for a lewd or unlawful purpose looks into a dwelling through the property through any window or other opening in the dwelling;

(8) while on the premises of a hotel or comparable establishment, for a lewd or unlawful purpose looks into a guest room not his own through a window or other opening in the room;

(9) discharges a firearm in a public place other than a public road or a sport shooting range, as defined by Section 250.001, Local Government Code;

(10) displays a firearm or other deadly weapon in a public place in a manner calculated to alarm another person;

(11) discharges a firearm on or across a public road; or

(12) exposes his anus or genitals in a public place and is reckless about whether another person present who will be offended or alarmed by his conduct.

(b) It is a defense to prosecution under Subsection (a)(4) that the actor had significant provocation for his abusive or threatening conduct.

(c) For purposes of this section:

(1) an act is deemed to occur in a public place other than a public road or a sport shooting range, as defined by Section 250.001, Local Government Code, near a private residence if it produces its offensive or proscribed consequences in the public place other than a public road or a sport shooting range near a private residence; and

(2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

(d) An offense under this section is a Class C misdemeanor unless committed under Subsection (a)(9) or (a)(10), in which event it is a Class B misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1977, 65th Leg., p. 181, ch. 89, §§ 1, 2, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 4641, ch. 800, § 1, eff. Sept. 1, 1983; Acts 1991, 72nd Leg., ch. 145, § 2, eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994; Acts 1995, 74th Leg., ch. 318, § 14, eff. Sept. 1, 1995.

Section 2 of the 1983 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purpose:

II. DALLAS CITY CHARTER

- A. Chapter 3, Section 10 - Voting**
- B. Chapter 3, Section 15 - No Interference with Subordinates of City Manager**
- C. Chapter 3, Section 17 - Prohibiting Holding or Running for Other Office**
- D. Chapter 22, Section 11 - Prohibited Financial Interests**
- E. Chapter 24, Section 1 - Gift from Public Utility**

special meeting and may provide for the taking up of any other matters presented at such meeting.

SEC. 8. OPEN MEETINGS.

All official meetings of the council and of all committees thereof shall be open to the public as provided by state law. Those meetings involving an attorney and client relationship need not be open to the public. The city council shall provide for reasonable opportunity for citizens to be heard at all open meetings concerning any subject considered thereat under such rules as the council may provide.

SEC. 9. CITY COUNCIL QUORUM.

A quorum shall consist of nine members, except when the number of city council members, due to vacancies, is reduced to less than nine, in which event a quorum shall consist of all of the remaining city council members; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (Amend. of 8-12-89, Prop. No. 1)

SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, and in these instances, he shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

SEC. 11. MAYOR PRO TEM, DUPUTY MAYOR PRO TEM; DUTIES OF.

The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in the case of the absence or inability of the mayor to perform the duties of his office, who shall, during that time, be vested with all the powers belonging to the mayor. The council shall also elect one of its members as deputy mayor pro tem to act in the absence of both the mayor and the mayor pro tem and to exercise the powers of the mayor during that time.

member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees. (Amend. of 8-12-89, Prop. No. 2)

SEC. 14. PROFESSIONAL AND SECRETARIAL ASSISTANCE TO MAYOR AND COUNCIL.

The city manager shall provide professional and secretarial assistance to the council as may be needed for the performance of their official duties. In addition, the council may provide for an assistant to the council to represent the mayor and the council at ceremonial occasions. Personnel filling these positions shall not be subject to civil service. (Amend. of 6-12-73, Prop. No. 7)

SEC. 15. NO INTERFERENCE BY COUNCIL WITH APPOINTMENTS OR SUBORDINATES OF CITY MANAGER.

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately. This section shall not apply to those professional and secretarial assistants provided for in Section 14 of this chapter. (Amend. of 6-12-73, Prop. No.7)

SEC. 16. EXPULSION OF COUNCIL MEMBER.

Willful violation of the foregoing provisions of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

***SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.**

(a) No person elected to the city council, shall during the term for which he was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board appointed by the council or any appointive officer of the city shall become a candidate for nomination or election to any public office, he shall immediately forfeit his place or position with the city.

(b) A member of the city council shall forfeit his place on the council if he becomes a candidate for nomination or election to any public office other than a place on the city council or if he becomes a candidate for election to any different place on the city council which requires him to take office prior to the end of his elective term.

(c) If any employee of the city shall become a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office which would conflict with his position as an employee of the city, he shall immediately forfeit his place or position with the city. (Amend. of 6-12-73, Prop. No. 8)

SEC. 18. INVESTIGATIONS.

The council, the city manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

*See Section 2-123 of the Dallas City Code for judicial interpretation of this section.

SEC. 10. CITIZENS GIVEN PREFERENCE IN LETTING OF CONTRACTS.

Qualifications, prices and quality of material being equal, citizens and business firms of Dallas shall be given preference in the awarding of all contracts over which the city has jurisdiction, direct or indirect. This section shall not be construed so as to conflict with any provision of the Charter requiring competitive bidding.

SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law. (Amend. of 8-12-89, Prop. No. 1; Amend. of 8-12-89, Prop. No. 15)

SEC. 12. LIENS AND RETAINAGES.

No lien of any kind can ever exist against the public buildings, public halls, public works or any public property of the city except as herein otherwise provided. All subcontractors, materialmen, mechanics and laborers upon any public works or contracts of the city on which no payment bond is required or made, are hereby required to notify the director of finance of all claims that they may have on account of such work against the city. When such notice has been given, the city may retain an amount from any funds due the contractor or contractors, sufficient to satisfy all such claims. Such notice may be given at any time after such indebtedness becomes due and before final settlement

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. NO OFFICER OR EMPLOYEE TO ACCEPT GIFT, ETC., FROM PUBLIC UTILITY.

No officer or employee of the city shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from the city during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any officer or employee of the city who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

SEC. 2. CITY EXEMPT FROM BONDS.

It shall not be necessary in any action, suit or proceeding in which the city or any of its appointive boards or commissions is a party, for any bond, undertaking or security to be executed in behalf of the city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and the city shall be liable as if such obligation had been duly given and executed.

SEC. 3. EXECUTION, GARNISHMENT, ASSIGNMENT, ETC.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to the city, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer any writ of garnishment on any account whatsoever. Any attempted assignment of wages shall be absolutely void so far as the city is concerned unless authorized by state-law and approved by resolution of the city council. This section shall also apply to the property, funds and personnel of appointive boards and commissions of the city council.

SEC. 4. CONDEMNATION OF DANGEROUS STRUCTURES.

Whenever in the opinion of the city council, any building, fence, shed, awning or structure of any kind or part thereof is liable to fall down

III. DALLAS CITY CODE

- A. Chapter 12-A - Code of Ethics**
- B. Chapter 15A, Article I - Elections**
- C. Chapter 31A**
 - 1. Article II - Liability Plan**

CHAPTER 12A
CODE OF ETHICS

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ARTICLE I.

DECLARATION OF POLICY.

SEC. 12A-1. STATEMENT OF PURPOSE AND PRINCIPLES OF CONDUCT.

(a) Purpose. It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:

(1) city officials and employees be independent, impartial, and responsible only to the people of the city;

(2) governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) no city official or employee have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest;

(4) public office not be used for personal gain; and

(5) the city council at all times be maintained as a nonpartisan body.

(b) Principles of conduct.

(1) The city council further believes that an elected or appointed official of the city assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:

(A) Commitment beyond self.

(B) Obedience and commitment beyond the law.

(C) Commitment to the public good.

(D) Respect for the value and dignity of all individuals.

(E) Accountability to the public.

(F) Truthfulness.

(G) Fairness.

(H) Responsible application of resources.

(2) In keeping with the values set forth in Subsection (b)(1), and to assist in the fulfillment of responsibilities to the individuals and communities served, each elected or appointed official should subscribe to the following principles.

(A) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public.

(B) To uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the city's ability to accomplish its mission.

(C) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances.

(D) To be a responsible steward of the taxpayer resources.

(E) To take no actions that could benefit the official personally at the unwarranted expense of the city, avoiding even the appearance of a conflict of interest, and to exercise prudence and good judgment at all times.

(F) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the city's reputation both in the community and elsewhere.

(G) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.

(c) To implement the policy and principles set forth in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(d) This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action against an official or employee under this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-2. DEFINITIONS.

In this chapter, the following words and phrases have the meanings ascribed to them in this section, unless the context requires otherwise:

(1) **ACCEPT.** A person "accepts" an offer of employment or a business opportunity when the person enters into a legally binding contract or any informal understanding that the parties expect to be carried out.

(2) **AFFECT PARTICULARLY AN ECONOMIC INTEREST** or **AFFECT PARTICULARLY A SUBSTANTIAL ECONOMIC INTEREST.** An action is likely to "affect particularly an economic interest" or "affect particularly a substantial economic interest," whichever is applicable, if it is likely to have an effect on the particular interest that is distinguishable from its effect on members of the public in general or on a substantial segment of the public.

(3) **AFFILIATED.** Business entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent business entity.

(4) **AFFINITY.** Relationship by "affinity" (by marriage) is defined in Sections 573.024 and 573.025 of the Texas Government Code, as amended.

(5) **BEFORE THE CITY.** Representation or appearance "before the city" means before:

(A) the city council;

(B) a board, commission, or other city body or city entity; or

(C) a city official or employee.

(6) **BENEFIT** means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

(7) **BUSINESS ENTITY** means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, except that the term does not include a governmental entity.

(8) **CITY** means the city of Dallas, Texas.

(9) **CITY COUNCIL MEMBER** or **MEMBER OF THE CITY COUNCIL** means all members of the Dallas city council, including the mayor.

(10) **CLIENT.**

(A) The term "client" includes any specialized and highly personalized professional business relationship of an individual official or employee. The term does not include a regular or ordinary business or vendor relationship.

(B) If the official or employee does not personally represent the client but conducts business as a member of a primary partnership or professional corporation or conducts business through another entity, a client of the partnership, professional corporation, or entity is deemed to be a client of the official or employee if:

(i) the partnership, professional corporation, or entity derived two percent or more of its annual gross income within the preceding 12 months from the client; and

(ii) the city official or employee knows of the client's relationship.

(11) CODE OF ETHICS or ETHICS CODE means this chapter.

(12) CONFIDENTIAL GOVERNMENT INFORMATION includes:

(A) all information held by the city that is not available to the public under the Texas Open Records Act;

(B) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act; and

(C) any information protected by attorney-client, attorney work product, or other applicable legal privilege.

(13) CONSANGUINITY. Relationship by "consanguinity" (by blood) is defined in Sections 573.022 and 573.023 of the Texas Government Code, as amended.

(14) DEPARTMENT DIRECTOR means the head of any department or office, including an office under the city manager, that is created by the city charter or by ordinance of the city council.

(15) DISCRETIONARY CONTRACT means any contract other than one that by law must be awarded on a competitive bid basis.

(16) ECONOMIC INTEREST includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights, having more than de minimis value. Exceptions are as follows:

(A) Service by a city official or employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an economic interest in the property of the organization.

(B) If a city official's primary source of employment is with a governmental entity other than the city, such employment by the

governmental entity does not create for that city official an economic interest in the property or contracts of the governmental entity.

(C) Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in such securities or other assets unless the person in question participates in the management of the fund.

(17) EMPLOYEE or CITY EMPLOYEE means any person listed on the city of Dallas payroll as an employee, whether part-time, full-time, permanent, or temporary.

(18) EX PARTE COMMUNICATION means any communication not made in a written document filed with the ethics advisory commission and not made orally during a hearing, but does not include a communication made pursuant to an inquiry duly authorized by the commission.

(19) FORMER CITY OFFICIAL OR EMPLOYEE means a person whose official duties as a city official or employee are terminated on or after January 1, 2001.

(20) GIFT means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt), unless consideration of equal or greater value is received by the donor.

(21) INDIRECT OWNERSHIP. A person has "indirect ownership" of an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.

(22) KNOWINGLY or WITH KNOWLEDGE. A person acts "knowingly" or "with knowledge" with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts "knowingly" or "with knowledge" with respect to a result of his or her conduct when the person is aware that the conduct is reasonably certain to cause the result.

(23) OFFICIAL or CITY OFFICIAL includes the following persons:

- (A) City council members.
- (B) Municipal judges.
- (C) The city manager, the first assistant city manager, and all assistant city managers.
- (D) The city auditor and the first assistant city auditor.
- (E) The city attorney and the first assistant city attorney.
- (F) The city secretary and the first assistant city secretary.
- (G) All department directors.
- (H) Members of all boards, commissions (except the youth commission whose members are minors), committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.
- (I) City council appointed members of boards of entities that were not created by the city council.

(24) OFFICIAL ACTION includes:

- (A) any affirmative act (including the making of a formal or informal recommendation), that is within the scope of an official's or employee's duties; and
- (B) any failure to act, if the official or employee is under a duty to act.

(25) OFFICIAL INFORMATION includes information gathered pursuant to the power or authority of city government.

(26) PARTNER includes any partner in a general partnership, limited partnership, or joint venture.

(27) PERSONALLY PARTICIPATED. The requirement of having "personally participated" in a matter is met only if the individual in fact exercised discretion relating to the matter. The fact that the person had responsibility for a matter does not by itself establish that the person "personally participated" in the matter.

(28) REPRESENTATION encompasses every form of communication or personal appearance in which a person, not acting in performance of official duties, formally or informally serves as an advocate for private interests. Lobbying and service as an expert witness, even on an informal basis, are forms of representation. "Representation" does not include appearance as a fact witness in litigation or other official proceedings.

(29) SOLICITATION. "Solicitation" of subsequent employment or a subsequent business opportunity includes any form of proposal or negotiation relating to employment or a business opportunity.

(30) SUBSTANTIAL ECONOMIC INTEREST.

(A) A person has a "substantial economic interest" in a business entity if:

(i) the person owns 10 percent or more of the voting stock, shares, or other ownership interest in the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(ii) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(B) A person has a "substantial economic interest" in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(C) For purposes of determining a "substantial economic interest," ownership of an interest in a mutual or common investment fund that holds securities or other assets does not constitute direct or indirect ownership of such securities or other

assets unless the person in question participates in the management of the fund. (Ord. 24316, effective 1-01-01)

ARTICLE II.

PRESENT CITY OFFICIALS AND EMPLOYEES.

SEC. 12A-3. IMPROPER ECONOMIC BENEFIT.

(a) Economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect particularly the economic interests of:

- (1) the official or employee;
- (2) the official's or employee's outside client;
- (3) the official's or employee's outside employer;
- (4) a business entity in which the official or employee knows that he or she holds an economic interest;
- (5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which he or she holds an economic interest;
- (6) a business entity for which the city official or employee serves as an officer or director or in any other policymaking position; or
- (7) a person or business entity:

(A) from whom, within the past 12 months, the official or employee, directly or indirectly, has:

- (i) solicited an offer of employment;
- (ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

(b) Substantial economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect particularly the substantial economic interests of:

- (1) the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity;
- (2) the official's or employee's domestic partner;
- (3) an outside employer of the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or domestic partner, but only if the official or employee knows the family member or domestic partner has a substantial economic interest in the outside employer;
- (4) a business entity in which the official or employee knows that a substantial economic interest is held by his or her:
 - (A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or
 - (B) domestic partner;
- (5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by his or her:
 - (A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or
 - (B) domestic partner; or
- (6) a person or business entity:

(A) from whom, within the past 12 months, the official's or employee's spouse or domestic partner, directly or indirectly, has:

(i) solicited an offer of employment;

(ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the official's or employee's spouse or domestic partner, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

(c) Recusal and disclosure. A city official or employee whose conduct or action on a matter would violate Subsection (a) or (b) must recuse himself or herself. From the time that the conflict is recognized, the city official or employee shall:

(1) immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and

(2) promptly file with the city secretary a written statement disclosing the conflict on a form provided by the city secretary.

(d) Additional recusal and disclosure requirements. In addition to the requirements of Subsection (c):

(1) a supervised employee shall promptly bring his or her conflict to the attention of a supervisor, who will then, if necessary, reassign responsibility for handling the matter to another person;

(2) the park and recreation director shall promptly bring his or her conflict to the attention of the park and recreation board;

(3) the civil service director shall promptly bring his or her conflict to the attention of the civil service board;

(4) the employees' retirement fund administrator shall promptly bring his or her conflict to the attention of the board of trustees of the employees' retirement fund;

(5) a municipal judge shall promptly bring his or her conflict to the attention of the administrative municipal judge;

(6) the city manager, city attorney, city secretary, city auditor, and administrative municipal judge shall promptly bring his or her conflict to the attention of the city council;

(7) a board or commission member shall promptly disclose his or her conflict to the board or commission of which he or she is a member and shall not be present during any discussion or voting on the matter; and

(8) a city council member shall promptly disclose his or her conflict to the city council and shall not be present during any discussion or voting on the matter.

(e) Disclosure requirements relating to offers of employment. Whenever a city employee who is a department director or of higher rank receives an offer of employment from any person or business entity that the employee knows had an economic interest in any discretionary contract with the city in which the employee personally participated within the preceding 12 months, the employee shall, immediately upon receiving the offer, disclose the offer, whether rejected or not, to the appropriate supervisory person or body designated under Subsection (d). Unless recusal is required under Subsection (c), the employee may continue to personally participate, on the behalf of the city, in contracts and other matters in which the person or entity making the employment offer has an economic interest.

(f) Board of directors of a reinvestment zone. Notwithstanding any other provision of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

(1) own property within that reinvestment zone; and

(2) participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone. (Ord. 24316, effective 1-01-01)

SEC. 12A-4. UNFAIR ADVANCEMENT OF PRIVATE INTERESTS.

(a) General rule. A city official or employee may not use his or her official position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every other person or organization.

(b) Special rules. The following special rules apply in addition to the general rule set forth in Subsection (a):

(1) Acquisition of interest in impending matters. A city official or employee shall not acquire an interest in any matter if the official or employee knows that the interest will be affected by impending official action of the city.

(2) Acquisition of interest in decided matter. A city official or employee shall not acquire an interest in any matter affected by an official action of the city for a period of one year after the date of the official action.

(3) Reciprocal favors. A city official or employee may not enter into an agreement or understanding with any other person that official action by the official or employee will be rewarded or reciprocated by the other person.

(4) Appointment or employment of relatives.

(A) A city official or employee shall not appoint, or take any action to influence the appointment of, his or her domestic partner or any relative within the first degree of consanguinity or

affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city. Any person who, before June 28, 2000, was appointed to a quasi-judicial board or commission within the city by a city official or employee who was either a domestic partner or a relative within the first degree of consanguinity or affinity may:

(i) complete his or her term on the board or commission; and

(ii) continue to be reappointed to that board or commission by the domestic partner or relative until the maximum number of terms allowed under Section 8-1.5 of the city code have been served.

(B) A city council member shall not appoint any fellow city council member's domestic partner or relative within the first degree of consanguinity or affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city. Any person who, before June 28, 2000, was appointed to a quasi-judicial board or commission within the city by a city council member and who was either a domestic partner or relative within the first degree of consanguinity or affinity of another city council member may:

(i) complete his or her term on the board or commission; and

(ii) continue to be reappointed to that board or commission by any city council member until the maximum number of terms allowed under Section 8-1.5 of the city code have been served.

(C) A city official or employee shall not appoint or employ, or take any action to influence the appointment or employment of, his or her domestic partner or any relative within the first degree of consanguinity or affinity to any position of employment within the city. Nothing in this subparagraph prohibits any person who, before June 28, 2000, was lawfully appointed to or employed in any position of employment with the city from continuing to serve in that position of employment.

(5) Supervision of relatives. In addition to the nepotism restrictions of Section 34-5(e) of the city code, no official or employee shall be permitted

to be the immediate supervisor of his or her domestic partner or of any relative within the second degree of consanguinity or affinity.

(6) Fringe benefits. The general rule described in Subsection (a) of this section does not prohibit the city from granting fringe benefits to city employees as a part of their contracts of employment or as an added incentive to securing or retaining employees.

(c) Recusal and disclosure. A city official or employee whose conduct would violate Subsection (b)(4) of this section shall adhere to the recusal and disclosure requirements in Sections 12A-3(c) and (d) of this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-5. GIFTS.

(a) General rule. A city official or employee shall not solicit, accept, or agree to accept any gift or benefit that:

(1) reasonably tends to influence or reward official conduct; or

(2) the official or employee knows is intended to influence or reward the discharge of official duties.

(b) Gifts over \$250. All city officials and employees required to file a financial disclosure statement under Section 12A-19 of this chapter shall report all gifts over \$250 in the financial disclosure statement.

(c) Special applications. Subsections (a)(1) and (a)(2) do not include:

(1) reimbursement of reasonable expenses for travel authorized in accordance with city policies;

(2) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;

(3) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;

(4) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

(5) admission to an event in which the city official or employee is participating in connection with official duties.

(d) Campaign contribution exception. The general rule stated in Subsection (a) does not apply to a campaign contribution received and reported in compliance with the Texas Election Code. (Ord. 24316, effective 1-01-01)

SEC. 12A-6. CONFIDENTIAL INFORMATION.

(a) Improper access. A city official or employee shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities.

(b) Improper disclosure or use. A city official or employee shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's or employee's position. This rule does not prohibit:

(1) any disclosure that is no longer confidential government information;

(2) the confidential reporting of illegal or unethical conduct to authorities designated by law; or

(3) any disclosure, not otherwise prohibited by law, in furtherance of public safety. (Ord. 24316, effective 1-01-01)

SEC. 12A-7. REPRESENTATION OF PRIVATE INTERESTS.

(a) Representation by a member of a board, commission, or other city body. A city official or employee who is a member of a board, commission, or other city body shall not represent any person, group, or entity:

(1) before that board, commission, or body; or

(2) unless the board, commission, or body of which the city official or employee is a member is only advisory in nature:

(A) before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or body; or

(B) before a board, commission, or other city body that has appellate jurisdiction over the board, commission, or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.

(b) Representation before the city.

(1) General rule. A city official or employee shall not represent for compensation any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city. For purposes of this subsection, "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

(2) Exceptions. The rule stated in Subsection (b)(1) does not prohibit:

(A) a person who is classified as a city official only because he or she is an appointed member of a board, commission, or other city body from representing for compensation a person, group, or entity before the city unless such representation is a violation of Subsection (a) of this section; or

(B) an employee who is a duly designated representative of an association of municipal employees from representing that association before the city if otherwise permissible under state law.

(3) Prestige of office and improper influence. In connection with the representation of private interests before the city, a city official or employee shall not:

(A) assert the prestige of the official's or employee's city position for the purpose of advancing private interests; or

(B) state or imply that he or she is able to influence city action on any basis other than the merits.

(c) Representation in litigation adverse to the city.

(1) Officials and employees (other than board and commission members). A city official or employee, other than a person who is classified as an official only because he or she is an appointed member of a board, commission, or other city body, shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city. This rule does not prohibit an employee who is a duly designated representative of an association of municipal employees from such representation if otherwise permissible under state law.

(2) Board and commission members. A person who is classified as a city official only because he or she is an appointed member of a board, commission, or other city body shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.

(3) Affiliates of officials and employees. Subject to applicable professional ethical standards, the restrictions stated in Subsections (c)(1) and (c)(2) do not apply to representation by a partner or other affiliate of a city official or employee so long as the city official or employee does not participate in any manner whatsoever in the partner's or affiliate's representation.

(d) Representation in municipal court. No member of the city council may engage in the practice of law in or before the municipal courts of the city. (Ord. 24316, effective 1-01-01)

SEC. 12A-8. CONFLICTING OUTSIDE EMPLOYMENT.

(a) General rule. A city official or employee shall not:

(1) solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; or

(2) personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or department of which the official or employee is a member.

(b) Exception. The restriction in Subsection (a) does not apply to outside employment of a city official if the employment is the official's primary source of income.

(c) Other rules. The general rule stated in Subsection (a) of this section applies in addition to all other rules relating to outside employment of city officials and employees, including requirements for obtaining prior approval of outside employment as applicable.

(d) Public utility corporations. An employee of the city may accept employment from a public utility corporation enjoying the grant of a franchise, privilege, or easement from the city if:

(1) the employee is to perform the duties of a security guard for the public utility corporation;

(2) the employment is approved by the employee's department head; and

(3) the employment does not conflict with his or her duties as an employee of the city. (Ord. 24316, effective 1-01-01)

SEC. 12A-9. PUBLIC PROPERTY AND RESOURCES.

A city official or employee shall not use, request, or permit the use of city facilities, personnel,

equipment, or supplies for private purposes (including political purposes), except:

(1) pursuant to duly adopted city policies; or

(2) to the extent and according to the terms that those resources are generally available to the public. (Ord. 24316, effective 1-01-01)

SEC. 12A-10. POLITICAL ACTIVITY.

(a) City officials. In any election, except his or her own, a city official shall not:

(1) use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee, except 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;

(2) serve as the designated campaign treasurer for a candidate under the Texas Election Code; or

(3) solicit or receive contributions for a candidate, political party, or political committee, except that a city official is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(b) Employees.

(1) The purpose of this subsection is to implement the order of the United States District Court for the Northern District of Texas in Hickman vs. City of Dallas, 475 F. Supp 137 (N.D. Tex. 1979), by delineating those portions of Chapter III, Section 17(c) of the city charter that may continue to be enforced.

(2) An employee of the city immediately forfeits employment with the city if the employee:

(A) becomes a candidate for election to the Dallas city council;

(B) becomes a candidate for nomination or election in a partisan election for public office within a county in which the city of Dallas resides, or in a partisan election for a public office, the constituency of which includes all or part of a county in which the city of Dallas resides;

(C) becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the city; or

(D) is a managerial or supervisory city employee and becomes a candidate for nomination or election to an elective public office of an entity having direct or indirect contractual relations with the city that involve the employee's department.

(c) Influencing subordinates. A city official or employee shall not, directly or indirectly, induce or attempt to induce any city subordinate of the official or employee to:

(1) participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or

(2) refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this subsection.

(d) Paid campaigning. A city official or employee shall not directly or indirectly accept anything of value for political activity relating to an item pending on the ballot, if the official or employee participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item. "Anything of value" does not include a meal or other item of nominal value the city official or employee receives in return for providing information on an item pending on the ballot.

(e) Official vehicles. A city official or employee shall not display or fail to remove

campaign materials on any city vehicle under his or her control.

(f) Elections. A city employee shall not use the prestige of his or her position with the city on behalf of any candidate, political party, or political committee.

(g) Charter provisions. A city official or employee shall comply with the provisions governing political activity set forth in Chapter XVI, Section 16 of the city charter, as those provisions have been judicially interpreted in Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983).

(h) Public property and resources. Limitations on the use of public property and resources for political purposes are imposed by Section 12A-9 of this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-11. ACTIONS OF OTHERS.

(a) Violations by other persons. A city official or employee shall not knowingly assist or induce, or attempt to assist or induce, any person to violate any provision of this chapter.

(b) Using others to engage in forbidden conduct. A city official or employee shall not violate any provision of this chapter through the acts of another. (Ord. 24316, effective 1-01-01)

SEC. 12A-12. PROHIBITED INTERESTS IN CONTRACTS.

(a) Charter restrictions relating to financial interests in city contracts. A city official or employee shall comply with the restrictions on financial interests in city contracts as set forth in Chapter XXII, Section 11 of the city charter.

(b) Additional restrictions relating to city contracts. An official or employee may not, while in the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) submit a bid or proposal, on behalf of the official or employee or on behalf of a private business entity, to make any city contract, whether or not the contract is required by state law to be competitively bid; or

(2) negotiate or enter into any city contract, on behalf of the official or employee or on behalf of a private business entity, whether or not the contract is required by state law to be competitively bid.

(c) Exceptions. The restrictions contained in Subsections (a) and (b) of this section do not apply to a member of:

(1) a board that functions only in an advisory or study capacity and that does not have the power to make findings as to the rights of specific parties; or

(2) a board of a nonprofit development corporation that acts as an instrumentality of the city. (Ord. 24316, effective 1-01-01)

ARTICLE III.

FORMER CITY OFFICIALS AND EMPLOYEES.

SEC. 12A-13. CONTINUING CONFIDENTIALITY.

A former city official or employee shall not use or disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit:

(1) any disclosure that is no longer confidential government information;

(2) the confidential reporting of illegal or unethical conduct to authorities designated by law; or

(3) any disclosure, not otherwise prohibited by law, in furtherance of public safety. (Ord. 24316, effective 1-01-01)

SEC. 12A-14. SUBSEQUENT REPRESENTATION.

(a) Representation by a former city council member or former board or commission member. A person who was a member of the city council, a board or commission, or another city body shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) for a period of one year after the termination of his or her official duties:

(1) before the city council or that board, commission, or body;

(2) unless the board, commission, or body of which the former city official or employee was a member is only advisory in nature:

(A) before city staff having responsibility for making recommendations to, or taking any action on behalf of, the city council or that board, commission, or body; or

(B) before a board, commission, or other city body that has appellate jurisdiction over the board, commission, or body of which the former city official or employee was a member, if any issue relates to his or her former duties.

(b) Representation before the city. A former city official or employee shall not represent for compensation any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city for a period of one year after termination of his or her official duties. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member of a board, commission, or other city body. For purposes of this subsection, "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

(c) Representation in litigation adverse to the city. A former city official or employee shall not, absent consent from the city, represent any person, group, or entity (other than himself or herself or his

or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is one in which the former city official or employee personally participated prior to termination of his or her official duties or is a matter substantially related to such a matter.

(d) Statement or implication of inappropriate influence. In connection with the representation of private interests, a former city official or employee shall not state or imply that he or she is able to influence city action on any basis other than the merits. (Ord. 24316, effective 1-01-01)

SEC. 12A-15. DISCRETIONARY CONTRACTS.

(a) Impermissible interest in discretionary contract or sale. Within one year after the termination of official duties, a former city official or employee shall not have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or service. Any violation of this subsection, with knowledge, express or implied, of the person or corporation contracting with the city will render the contract involved voidable by the city manager or the city council. This subsection applies only to contracts or sales made on a discretionary basis and not to contracts or sales made on a competitive bid basis.

(b) Additional restrictions. A former city official or employee may not, within one year after leaving the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) submit a proposal, on behalf of the official or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid; or

(2) negotiate or enter into any city contract that is not required by state law to be competitively bid.

(c) Prior participation in negotiation or award of contract and disclosure requirements. A former city official or employee may not, within one year after the termination of official duties, perform work on a compensated basis relating to a discretionary contract, if he or she personally participated in the negotiation or awarding of the contract. A former city official or employee, for one year after termination of official duties, must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to any discretionary contract with the city.

(d) Exceptions. The prohibitions of Subsections (a), (b), and (c) do not apply to:

(1) a contract for the personal services of a former city official or employee;

(2) a member of a board or commission that is only advisory in nature; or

(3) the provision of goods, facilities, or services by the city to a former city official or employee pursuant to duly adopted city policies and on nonnegotiable terms generally available to the public. (Ord. 24316, effective 1-01-01)

ARTICLE IV.

IDENTIFICATION OF PERSONS REPRESENTED BEFORE CITY.

SEC. 12A-16. APPEARANCE BEFORE CITY COUNCIL, BOARDS, COMMISSIONS, AND OTHER CITY BODIES.

A person who appears before the city council, a city board or commission, or any other city body shall identify himself or herself and give his or her business or residence address. (Ord. 24316, effective 1-01-01)

SEC. 12A-17. REPRESENTATION OF OTHERS.

A person who represents, orally or in writing, the interests of another person (other than his or her spouse, minor children, or domestic partner) before the city council, a city board or commission, another city body, or a city official or employee shall disclose the identity of the person represented. (Ord. 24316, effective 1-01-01)

ARTICLE V.

PARTICIPATION IN ETHICS VIOLATIONS.

SEC. 12A-18. PARTICIPATION IN ETHICS VIOLATIONS.

No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person to engage in conduct violative of this chapter. (Ord. 24316, effective 1-01-01)

ARTICLE VI.

FINANCIAL DISCLOSURE.

SEC. 12A-19. FINANCIAL DISCLOSURE REPORT.

(a) Who must file.

(1) City officials and designated city employees. Before initially accepting appointment or assuming the duties of office, and annually thereafter, the following city officials and employees shall file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b) of this section:

(A) City council members.

(B) City of Dallas appointed members to the following boards, commissions, and committees:

- (i) Board of adjustment and board of adjustment alternate members.
- (ii) Building inspection advisory, examining, and appeals board.
- (iii) Business development corporation board.
- (iv) City plan and zoning commission.
- (v) Civil service board and civil service board adjunct members.
- (vi) Community development commission.
- (vii) Dallas area rapid transit board.
- (viii) Dallas - Fort Worth international airport board.
- (ix) Ethics advisory commission.
- (x) Fire code advisory and appeals board.
- (xi) Housing finance corporation board.
- (xii) Landmark commission and landmark commission alternate members.
- (xiii) Park and recreation board.
- (xiv) Permit and license appeal board.
- (xv) All reinvestment zone boards.
- (xvi) Urban rehabilitation standards board and urban rehabilitation standards board alternates.

(C) The city manager, city attorney, city auditor, and city secretary, and their first assistants.

(D) Assistant city managers.

(E) Municipal judges.

(2) Candidates for city council. A non-incumbent candidate for a place on the city council shall, within 10 days from the date of filing as a candidate, file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b) of this section.

(b) Contents of financial disclosure report.

(1) For purposes of this subsection:

(A) FAMILY MEMBER means a spouse, domestic partner, or dependent of an official or employee required to file a financial disclosure report under Subsection (a) of this section.

(B) REPORTING PARTY means an official or employee filing a financial disclosure report as required under Subsection (a) of this section.

(2) Each financial disclosure report must be on a form provided by the city secretary and must contain all of the following information:

(A) Name of the reporting party.

(B) Name of each family member of the reporting party.

(C) Names under which the reporting party and his or her family members do business.

(D) Names of the employers of the reporting party and his or her family members.

(E) Identification of each source of income amounting to more than \$1,000 received in the preceding calendar year by the reporting party or a family member.

(F) Identification of each business entity (including self-employment in the form of a sole proprietorship under a personal or assumed name) in which the reporting party or a family member has an investment of more than \$1,000 at the fair market value at the time of the financial disclosure report, which investment must be described in the financial disclosure report.

(G) Identification of each non-profit entity or business entity in which the reporting party or a family member is a partner, manager, director, officer, or board member, or serves in any other policymaking position.

(H) Identification of any business entity that the reporting party knows is a partner, parent, or subsidiary business entity of a business entity owned, operated, or managed by the reporting party or a family member.

(I) Identification of any person or business entity from whom, within the previous calendar year, the reporting party or his or her spouse or domestic partner, directly or indirectly, has:

(i) received and not rejected an offer of employment; or

(ii) accepted an offer of employment that is binding or expected by the parties to be carried out.

(J) Identification (by street address, legal, or lot-and-block description) of all real property located within the State of Texas in which the reporting party or a family member has a leasehold interest; a contractual right to purchase; or an interest as fee simple owner, beneficial owner, partnership owner, joint owner with an individual or corporation, or owner of more than 25 percent of a corporation that has title to the real property. The following property is not required to be disclosed:

(i) Property used as a personal residence of a peace officer.

(ii) Property over which the reporting party has no decision power concerning acquisitions or sales.

(iii) Property held through a real estate investment trust, mutual fund, or similar entity, unless the reporting party or a family member participates in the management of the trust, fund, or entity.

(K) Identification of persons or entities to whom the reporting party or a family member owes an unsecured debt of more than \$5,000, but not including debts for:

(i) money borrowed from a relative within the second degree of consanguinity or affinity; or

(ii) revolving charge accounts.

(L) Identification of all persons or entities who owe the reporting party or a family member an unsecured debt of more than \$5,000, but not including debts owed by relative within the second degree of consanguinity or affinity.

(M) Identification of the source of each gift or accumulation of gifts from one source of more than \$250 in estimated fair market value received by the reporting party or a family member, or received by a person for the use or benefit of the reporting party or a family member, within the preceding calendar year and the estimated fair market value of each gift. This requirement does not include:

(i) a gift received from a relative within the second degree of consanguinity or affinity if given on account of kinship;

(ii) a gift received by will, by intestate succession, or as distribution from an inter vivos or testamentary trust established by a spouse, domestic partner, or ancestor;

(iii) gifts received among and between fellow city officials and city employees;

(iv) a lawful campaign or officeholder contribution reported as required by Chapter 254 of the Texas Election Code; and

(v) admission to an event in which the reporting party is participating in connection with official duties.

(c) Open records. A financial disclosure report is an open record subject to the Texas Open Records Act and must be maintained in accordance with the Local Government Records Act.

(d) Annual filing date. An annual financial disclosure report filed by an official or employee who is required to report must be received by the city secretary by 5:00 p.m. on April 30. When the deadline falls on a Saturday or Sunday, or on an official city holiday 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, or official city holiday. The city secretary may for good cause grant an extension of time in which to file a report upon written request submitted in advance of the deadline. The extension may not exceed 15 days.

(e) Reporting periods. Each initial or annual financial disclosure report filed by an individual designated in Subsection (a)(1) of this section, and each report filed by a candidate for the city council, must disclose information relating to the prior calendar year.

(f) City secretary.

(1) The city secretary shall:

(A) prior to January 15 of each year, notify all city officials and employees designated in Subsection (a)(1) of their obligation to file financial disclosure reports and provide the officials and employees with the appropriate forms to be completed;

(B) provide forms to all new city council appointees and to persons filing for election to the city council, and advise them of reporting requirements and deadlines;

(C) provide guidance and assistance on the reporting requirements for persons required to file financial disclosure reports and develop common standards, rules, and procedures for compliance with this article;

(D) review reports for completeness and timeliness;

(E) maintain filing, coding, and cross-indexing systems to carry out the purpose of this article and maintain a publicly available list of all persons required to file a financial disclosure report;

(F) make the reports filed under this article available for public inspection and copying at reasonable times; and

(G) upon determining that a person who is required to file a financial disclosure report has failed to do so timely or has filed incomplete or unresponsive information:

(i) notify the person by certified mail that failure to file or correct the filing within 15 days after the original deadline is a violation of this chapter; and

(ii) publicly announce to the city council the names of those who have not timely or completely filed a financial disclosure report and to whom the notification is being sent.

(2) The failure of the city secretary to provide any notification required by Subsection (f)(1) of this section does not bar appropriate remedial action, but may be considered on the issue of culpability.

(g) In addition to other remedies and penalties set forth in this chapter, a violation of this section is punishable by a criminal fine not to exceed \$500. (Ord. 24316, effective 1-01-01)

SEC. 12A-20. SHORT FORM ANNUAL REPORT.

A person who is required to file an annual financial disclosure report may fulfill those filing obligations by submitting a short sworn statement on a form provided by the city secretary, if there have

been no changes in the information disclosed by that person in a complete financial disclosure report filed within the past five years. The short statement must indicate the date of the person's most recently filed complete financial disclosure report and must state that there have been no changes in that information. (Ord. 24316, effective 1-01-01)

SEC. 12A-21. TRAVEL REPORTING REQUIREMENTS.

(a) Any person listed in Subsection (d) of this section who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency must file with the city secretary (except subordinates of the city manager, who shall file with the city manager) before embarking on the travel (time permitting), or not more than seven days after the travel is concluded, a disclosure statement identifying:

- (1) the name of the sponsor of the trip or excursion;
- (2) the name of the person or entity paying for the trip or excursion, if different from the sponsor;
- (3) the places to be visited; and
- (4) the purpose and dates of the travel.

(b) The city manager shall, within 10 working days after the travel is concluded, file with the city secretary the information listed in Subsection (a) that has been filed with the city manager's office by affected subordinates of the city manager.

(c) Nothing in this section authorizes personnel reporting to the city manager to violate policies and procedures established by the city manager regarding travel request authorizations.

(d) The following persons are required to report under this section:

- (1) City council members.
- (2) The city manager, city attorney, city secretary, and city auditor, and their first assistants.
- (3) Municipal judges.
- (4) Members of boards and commissions.
- (5) Assistant city managers.
- (6) Department directors and their assistants, including the civil service director, the park and recreation director, and their assistants. (Ord. 24316, effective 1-01-01)

SEC. 12A-22. ITEMS RECEIVED ON BEHALF OF THE CITY.

A city official or employee who accepts on behalf of the city any item by way of gift or loan valued over \$250 shall, within 30 days after the acceptance of the gift or loan, report that fact and deliver the item to the city manager, who shall have the item appropriately inventoried as city property. (Ord. 24316, effective 1-01-01)

SEC. 12A-23. VIOLATION OF REPORTING REQUIREMENTS.

Failure to timely file a report required under this article is a violation of this chapter, as is the filing of a report with incorrect, misleading, or incomplete information. (Ord. 24316, effective 1-01-01)

ARTICLE VII.

ETHICS ADVISORY COMMISSION.

SEC. 12A-24. ETHICS ADVISORY COMMISSION - CREATION; COMPOSITION, TERMS, AND QUALIFICATIONS.

(a) Creation and composition. There is hereby created the ethics advisory commission, to be

composed of seven members appointed by the city council as a whole. The mayor shall appoint the chair, and the full city council shall appoint the vice chair.

(b) Terms of office. All members of the commission will be appointed for an initial term to expire on September 1, 2001. All subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified. Notwithstanding the term limits established for city boards in Section 8-1.5(a) of the city code, the city council shall appoint and reappoint members to the ethics advisory commission in a manner that will provide the commission with a mix of both existing members and new members.

(c) Qualifications. Each member of the ethics advisory commission shall meet the requirements of Chapter 8 of the city code, except as specifically provided otherwise in this article. Additionally, no member of the commission may be:

- (1) a city official or the spouse or domestic partner of a city official;
- (2) a city employee or the spouse or domestic partner of a city employee;
- (3) an elected public official;
- (4) a candidate for elected public office;
- (5) a person who, for compensation, represents the private interests of others before the city council; or
- (6) a paid campaign worker or a political consultant of a current city council member. (Ord. 24316, effective 1-01-01)

SEC. 12A-25. JURISDICTION AND POWERS.

(a) Jurisdiction. The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of this chapter by any person subject to those provisions, including but not limited to current city officials and

employees, former city officials and employees, and persons doing business with the city, if a complaint is filed within one year after the date of the alleged violation. The commission may not consider any alleged violation that occurred before January 1, 2001 or more than one year before the date of the filing of a complaint.

(b) Termination of city official's or employee's duties. The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics advisory commission with respect to alleged violations occurring prior to the termination of the official's or employee's official duties.

(c) Powers. The ethics advisory commission has the following powers only:

(1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article.

(2) To meet as often as necessary to fulfill its responsibilities.

(3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission.

(4) To review, index, maintain on file, and dispose of sworn complaints.

(5) To make findings of fact as necessary for the disposition of a complaint.

(6) To make notifications, extend deadlines, and conduct investigations.

(7) Such other powers as are specifically granted in this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-26. COMPLAINTS.

(a) Filing. Any resident of the city or any person doing business or attempting to do business with the city (other than an ethics advisory commission member) who believes there has been a

violation of this chapter may file a sworn complaint, under the penalty of perjury, with the city secretary. 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.

(b) Confidentiality. No city official or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties. *Ex parte* communications by or to members of the ethics advisory commission are prohibited by Section 12A-27(c) of this chapter. All papers and communications relating to a complaint must be treated as confidential to the extent allowed by law.

(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.

(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.

(e) Summary dismissal.

(1) Within 21 days after receipt of a complaint, either the chair or vice chair, selected on a rotational basis, and two commission members,

selected by lot by the city secretary, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.

(2) If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

(3) The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members. (Ord. 24316, effective 1-01-01)

SEC. 12A-27. HEARING PROCEDURES.

(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(e), it will be pursued further at a hearing before the ethics advisory commission. Not less than 10 days before the hearing, the commission shall, by certified mail or personal service, give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made. The notice must state the specific provision or provisions of this chapter alleged in the complaint to have been violated, as determined by the preliminary panel.

(b) Notice of charges. Before the commission may find that a violation of a particular provision of this chapter occurred, the person charged in the complaint must have notice that compliance with that provision is in issue and be given an opportunity to respond. Notice of the violation of a particular provision is conclusively established if:

(1) the complaint alleged that the provision was violated; or

(2) the ethics advisory commission or its legal counsel provides the person charged in the complaint with written notice of the alleged violation of the provision and with a 10-day period within which to respond in writing to the charge.

(c) Ex Parte communications. It is a violation of this chapter for:

(1) the complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of a complaint with a member of the ethics advisory commission; or

(2) a member of the ethics advisory commission to:

(A) knowingly entertain an *ex parte* communication prohibited by Subsection (c)(1); or

(B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to the complaint. (Ord. 24316, effective 1-01-01)

SEC. 12A-28. HEARING RULES.

(a) Hearings on complaints. The rules contained in this section apply to all hearings of the ethics advisory commission on complaints not summarily dismissed under Section 12A-26(e).

(b) General rules. A determination that a violation of this chapter has occurred can be made

only upon an affirmative vote of at least three-fifths of the commission members present and voting, otherwise the complaint must be dismissed. A finding that a violation occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

(c) Procedural rules. A quorum of four commission members must be present for a hearing. Any member of the commission who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint. All witnesses must be sworn, and the members of the ethics advisory commission or its legal counsel shall conduct questioning of witnesses. The commission is not bound by the rules of evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to Subsections (d) and (e) of this section.

(d) Rights of the person charged. The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to be represented by legal counsel or another advisor.

(e) Rights of the complainant. The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except to represent the complainant while testifying. The complainant may not present or cross-examine witnesses, except with the permission of the commission. (Ord. 24316, effective 1-01-01)

SEC. 12A-29. DISPOSITION OF COMPLAINT.

(a) Written decision. The ethics advisory commission shall make all reasonable efforts to issue a written decision within 45 days after receipt of a complaint. The commission shall state its findings in the written decision. The written decision must either:

(1) dismiss the complaint, with the grounds for dismissal set forth in the decision; or

(2) find that there has been a violation of this chapter and identify in the decision the particular provision or provisions violated.

(b) Notification. Copies of the findings and decision must be forwarded to the complainant, the person charged in the complaint, the city attorney, and any member of the ethics advisory commission who did not participate in the disposition of the complaint. A copy of the findings and decision must also be forwarded to the city secretary, who shall make it available to the public as authorized by law.

(c) Similar charges barred. If the complaint is dismissed because the evidence failed to establish a violation of this chapter, the ethics advisory commission shall not entertain any other similar complaint based on substantially the same evidence. (Ord. 24316, effective 1-01-01)

SEC. 12A-30. REFERRAL OF MATTER FOR APPROPRIATE ACTION; RECOMMENDATION OF SANCTIONS.

(a) If the ethics advisory commission determines that a violation of this chapter has occurred, it shall take the following actions:

(1) If the complaint involved a current employee under the jurisdiction of the city manager, city attorney, city auditor, city secretary, civil service director, park and recreation director, or employees' retirement fund administrator, the matter will be referred respectively to the city manager, city attorney, city auditor, city secretary, civil service director, park and recreation director, or employees' retirement fund administrator.

(2) If the complaint involved the civil service director, the park and recreation director, or the employees' retirement fund administrator, the matter will be referred respectively to the civil service board, the park board, or the board of trustees of the employees' retirement fund.

(3) If the complaint involved the city manager, city attorney, city auditor, city secretary, or a municipal judge, the matter will be referred to the city council.

(4) If the complaint involved a city council member, a board or commission member, a former city official, or a former city employee, the matter will be referred to the city council.

(b) When referring a matter under Subsection (a), the ethics advisory commission may recommend the following sanctions:

(1) Letter of notification. A letter of notification may be recommended when the commission finds that a violation of this chapter was clearly unintentional or when the action or conduct found to have been a violation of this chapter was performed by the official or employee in reliance on a public written opinion of the city attorney. A letter of notification must advise the official or employee to whom the letter is directed of any steps to be taken to avoid future violations.

(2) Letter of admonition. A letter of admonition may be recommended when the commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.

(3) Reprimand. A reprimand may be recommended when the commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.

(4) Removal or suspension from office. Removal from office or suspension from office may be recommended when the commission finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. The commission may include the length of any suspension in its recommendation.

(5) Miscellaneous. The commission may recommend any enforcement remedy or penalty authorized under Article VIII of this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-31. PETITION FOR DECLARATORY RULING.

Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the city secretary affirming his or her innocence, and to request the ethics advisory commission to review the allegations and make known its findings. (Ord. 24316, effective 1-01-01)

SEC. 12A-32. LEGAL COUNSEL.

(a) City attorney's office. The city attorney's office shall act as the legal counsel to the ethics advisory commission. Additionally, the city attorney's office shall:

(1) issue advisory opinions to city officials and employees about the requirements imposed by this chapter and other ethics laws; and

(2) train and educate all city officials and employees with respect to their ethical responsibilities.

(b) Outside legal counsel. An independent outside attorney, who does not otherwise represent the city, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:

(1) a complaint is filed relating to:

(A) an alleged violation of this chapter by a city council member; or

(B) an alleged violation of this chapter by a city employee who is a department director or of higher rank;

(2) the ethics advisory commission requests such an appointment; or

(3) the city attorney requests such an appointment for good cause shown. (Ord. 24316, effective 1-01-01)

SEC. 12A-33. OPINIONS ISSUED BY THE CITY ATTORNEY.

(a) Requests by city officials and employees. By written request to the city attorney, any city official or employee may request an advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. A department director may also make a written request to the city attorney for an advisory opinion regarding proposed actions or conduct of his or her employees. The city attorney shall make all reasonable efforts to issue a written advisory opinion within 30 days after receipt of the request. The city attorney, for good cause shown, may decline to issue a written advisory opinion.

(b) Reliance. A person who reasonably and in good faith acts in accordance with a written advisory opinion issued by the city attorney may not be found to have violated this chapter by engaging in conduct approved in the advisory opinion, if:

(1) the person requested the issuance of the opinion;

(2) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and

(3) the person waives the attorney-client privilege with respect to the written advisory opinion.

(c) Pending city attorney opinions. Whenever an advisory opinion from the city attorney has been requested regarding the actions or conduct of an official or employee, no action may be taken by the ethics advisory commission regarding those particular actions or conduct until the city attorney issues the advisory opinion. Any time limits that the ethics advisory commission is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney to issue the advisory opinion. (Ord. 24316, effective 1-01-01)

SEC. 12A-34. ANNUAL REPORT.

The ethics advisory commission shall prepare and submit an annual report to the city council

detailing the activities of the commission during the prior year. The format for the report must be designed to maximize public and private understanding of the commission's operations. The report may recommend changes to the text or administration of this chapter. The city secretary shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethics advisory commission. (Ord. 24316, effective 1-01-01)

ARTICLE VIII.

ENFORCEMENT, CULPABLE MENTAL STATE, AND PENALTIES.

SEC. 12A-35. GENERAL.

The remedies contained in this article are available whenever the ethics advisory commission finds a violation or violations of this chapter. (Ord. 24316, effective 1-01-01)

SEC. 12A-36. CULPABLE MENTAL STATE.

To commit a violation under any provision of this chapter, a person must have acted or failed to act knowingly or with knowledge. (Ord. 24316, effective 1-01-01)

SEC. 12A-37. DISCIPLINARY ACTION.

(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures. Where no specific appeal procedure is otherwise prescribed, an appeal by an employee will be to the trial board.

(b) If a city council member fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.

(c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter. (Ord. 24316, effective 1-01-01)

SEC. 12A-38. PROSECUTION FOR PERJURY.

Any person who knowingly files a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas. (Ord. 24316, effective 1-01-01)

SEC. 12A-39. DISQUALIFICATION FROM CONTRACTING.

(a) Any person who has been found by the ethics advisory commission to have intentionally or knowingly violated any provision of this chapter may be prohibited by the city council from entering into any contract with the city for a period of two years.

(b) It is a violation of this chapter:

(1) for a person debarred from entering into a contract with the city to enter or attempt to enter into a contract with the city during the period of disqualification from contracting; or

(2) for a city official or employee to knowingly assist in a violation of Subsection (b)(1) of this section.

(c) Nothing in this section prohibits any person from receiving a city service or benefit, or from using a city facility, according to the same terms generally available to the public.

(d) A business entity may be disqualified from contracting with the city based on the conduct of the entity's employee or agent, if the conduct occurred within the scope of employment or agency with the entity. (Ord. 24316, effective 1-01-01)

SEC. 12A-40. CITY ATTORNEY ACTION.

If the city council determines that a person has violated this chapter, the city council may direct the city attorney to initiate whatever legal action is necessary, including but not limited to injunctive relief. (Ord. 24316, effective 1-01-01)

ARTICLE IX.

ADMINISTRATIVE PROVISIONS.

SEC. 12A-41. OTHER ETHICAL OBLIGATIONS.

(a) This chapter is cumulative of and supplemental to all applicable provisions of the city charter, other city ordinances, and state and federal laws and regulations. Compliance with this chapter does not excuse or relieve any person from any obligation imposed by the city charter, other city ordinances, or state or federal laws or regulations.

(b) Even if a city official or employee is not prohibited from taking official action by this chapter, action may be prohibited by duly promulgated personnel rules. (Ord. 24316, effective 1-01-01)

SEC. 12A-42. DISSEMINATION OF CODE OF ETHICS.

(a) Before January 1, 2001, and periodically thereafter as appropriate, the city secretary shall provide a copy of this chapter to every city official, and the city manager, city attorney, city secretary, city auditor, park and recreation director, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under each's supervision. Within 30 days after entering upon the duties of his or her position, every new city official or employee must be furnished with a copy of this chapter. Each city official and employee shall acknowledge, in writing, the receipt of a copy of this chapter. Copies of this chapter must be made readily available to the public.

(b) The failure of any person to receive a copy of this chapter will have no effect on that person's duty to comply with this chapter or on the enforcement of the provisions of this chapter. (Ord. 24316, effective 1-01-01)

**SEC. 12A-43. EXPIRATION AND REVIEW
OF CODE OF ETHICS.**

This chapter expires on January 1, 2005, unless reenacted, with or without amendment, prior to that date. Not later than 90 days before this expiration date, the city council shall consider whether or not this chapter should be reenacted, amended, or allowed to expire. (Ord. 24316, effective 1-01-01)

CHAPTER 15A

ELECTIONS

ARTICLE I.

CAMPAIGN CONTRIBUTIONS.

- Sec. 15A-1. Definitions.
- Sec. 15A-2. Campaign contribution limitation.
- Sec. 15A-3. Campaign contributions by political committees.
- Sec. 15A-4. Personal services.
- Sec. 15A-5. Use of legal name.
- Sec. 15A-6. Responsibility of campaign treasurer and candidate.
- Sec. 15A-7. Enforcement.

ARTICLE II.

TEMPORARY POLITICAL CAMPAIGN SIGNS.

- Sec. 15A-8. Definition.
- Sec. 15A-9. Purpose and findings.
- Sec. 15A-10. Temporary political campaign signs permitted.
- Sec. 15A-11. Responsibility.
- Sec. 15A-12. Distribution and removal.
- Sec. 15A-13. Permit required; regulations.

ARTICLE I.

CAMPAIGN CONTRIBUTIONS.

SEC. 15A-1. DEFINITIONS.

The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code. (Ord. Nos. 15434; 16718; 21035; 22925)

SEC. 15A-2. CAMPAIGN CONTRIBUTION LIMITATION.

(a) An individual shall not make a contribution of more than:

- (1) \$1,000 per city election in support of, or opposition to, a single candidate for election to

Place Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 on the city council; or

- (2) \$5,000 per city election in support of, or opposition to, a single candidate for election to Place Number 15 on the city council.

(b) Each individual is entitled to contribute the full amount of the limitation established in Subsection (a), regardless of marital status.

(c) A political committee shall not:

- (1) make a contribution of more than \$1,000 per contributing member per city election to a single candidate for election to Place Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 on the city council;

- (2) make a contribution of more than \$5,000 per contributing member per city election to a single candidate for election to Place Number 15 on the city council; or

- (3) make a total contribution per city election of more than \$2,500 to a candidate for a single-member district nor more than \$10,000 to a candidate for mayor.

(d) For the purpose of this article an initial election and a runoff election are separate elections. (Ord. Nos. 15434; 16105; 16718; 18403; 21035)

SEC. 15A-3. CAMPAIGN CONTRIBUTIONS BY POLITICAL COMMITTEES.

(a) A general purpose political committee that makes a contribution to a candidate for election to the city council shall file with the city secretary:

- (1) a copy of the latest campaign treasurer designation, a verified statement of the number of contributing members of the committee, and a copy of the monthly reports filed with the Secretary of State:

(A) for the three months immediately preceding the date of the contribution and

(B) for the two months immediately following the date of the contribution or

(2) if the committee does not file monthly reports with the Secretary of State, then reports on the dates and covering the reporting periods required by state law for candidates.

(b) A general purpose political committee shall make its initial filing with the city secretary no later than five business days following the date of its first contribution to a candidate for city council, the initial filing to include the required campaign treasurer designation, the verified statement of the number of contributing members of the committee, and copies of reports filed with the Secretary of State for the preceding three months, if the committee files monthly with the Secretary of State. Subsequent monthly reports filed by general purpose political committees must be filed with the city secretary by the deadline and covering the reporting periods designated in Chapter 254, Texas Election Code, for monthly reports filed with the Secretary of State.

(c) Specific purpose political committees must file campaign reports with the city secretary in accordance with Chapter 254, Texas Election Code. (Ord. Nos. 15434; 16105; 16718; 21035; 22925)

SEC. 15A-4. PERSONAL SERVICES.

An individual may donate personal services and personal traveling expenses to aid or defeat a candidate and such a donation does not constitute a contribution as defined in Section 251.001 of the Texas Election Code. (Ord. Nos. 15434; 16718; 21035)

SEC. 15A-5. USE OF LEGAL NAME.

(a) An individual shall not make a contribution in support of, or opposition to, a candidate for city council under a name other than the name by which the individual is identified for legal purposes.

(b) A contribution must be made in the name of the individual who owns and is contributing the thing of value, and one individual shall not make a contribution on behalf of another individual. (Ord. Nos. 15434; 16718; 21035)

SEC. 15A-6. RESPONSIBILITY OF CAMPAIGN TREASURER AND CANDIDATE.

(a) A campaign treasurer for a political committee shall file reports required by this article. Failure to file a timely report required by this article constitutes an offense.

(b) A candidate for city council or the candidate's campaign treasurer shall not knowingly accept a contribution that will cause the amount contributed to a candidate by an individual or a political committee, with respect to a single city council election, to exceed the amount authorized in Section 15A-2. (Ord. Nos. 15434; 16105; 16718; 21035)

SEC. 15A-7. ENFORCEMENT.

If the city secretary receives a written complaint alleging violation of this article or if the city secretary determines that a required report of a candidate or political committee has not been filed by the deadline imposed by this article or state law, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted. (Ord. Nos. 16718; 21035)

ARTICLE II.

TEMPORARY POLITICAL CAMPAIGN SIGNS.

SEC. 15A-8. DEFINITION.

In this article TEMPORARY POLITICAL CAMPAIGN SIGN means a sign that:

(1) is displayed in addition to other signs authorized under Article VII, Chapter 51 or Article VII, Chapter 51A of this code; and

(2) refers only to the issues or candidates involved in an election that is called by a governmental entity. (Ord. Nos. 18203; 19455)

SEC. 15A-9. PURPOSE AND FINDINGS.

(a) The purpose of this article is to promote citizen participation in the election process and to acknowledge and recognize the longstanding custom in this community of displaying large numbers of political campaign signs before elections. The city council has determined that the city's interest in promoting election participation outweighs the interest in maintaining an aesthetically pleasing appearance in the city when the proliferation of signs can be restricted to a short period of time.

(b) The city council also recognizes that there are a multitude of candidates and issues that appear on ballots in this city. This article offers the citizen an opportunity to express views concerning the many candidates and issues involved in elections by displaying many signs.

(c) Chapters 51 and 51A of this code offer ample opportunity for citizens to display signs that convey noncommercial messages, including political campaign messages; therefore, the time restrictions in this article do not constitute a ban on political campaign messages during other times. On the contrary, political campaign messages, as well as other noncommercial messages, may be displayed at any time on signs regulated by Article VII, Chapter 51 or Article VII, Chapter 51A. (Ord. Nos. 18203; 19455)

SEC. 15A-10. TEMPORARY POLITICAL CAMPAIGN SIGNS PERMITTED.

(a) In addition to signs authorized and regulated by Article VII, Chapter 51 or Article VII, Chapter 51A of this code, temporary political campaign signs may be erected in accordance with this article at any occupancy or upon any premise without limit as to number.

(b) The regulations of this article do not affect messages displayed on signs regulated by Article VII, Chapter 51 or Article VII, Chapter 51A of this code. Those signs may display political campaign messages and are not regulated by this article. (Ord. Nos. 18203; 19455)

SEC. 15A-11. RESPONSIBILITY.

The candidate named on the sign or the person named on the sign pursuant to Section 255.001 of the Texas Election Code is the person responsible for a temporary political campaign sign before a statement is filed in accordance with Section 15A-12. After a statement is filed in accordance with Section 15A-12, the person signing the statement is the person responsible for the temporary political campaign signs referenced in the statement. (Ord. Nos. 18203; 22925)

SEC. 15A-12. DISTRIBUTION AND REMOVAL.

(a) The person responsible for temporary political campaign signs who desires to distribute, display, or permit to be distributed more than 10 temporary political campaign signs shall sign and file a notarized statement with the department of streets, sanitation, and code enforcement services that states the following:

I, (name of responsible person), am responsible for the temporary political campaign signs supporting (or in opposition to) (name of candidate or issue). I agree to remove any illegally placed sign within 24 hours of notification and to remove all signs within 10 days following the election or runoff election.

(b) The person responsible for temporary political campaign signs shall:

(1) not distribute, display, or permit to be distributed or displayed a temporary political campaign sign in the city until 60 days before an election;

(2) remove all temporary political campaign signs for which the person is responsible within 10 days after a general, special, or runoff election to which the signs pertain or after termination of a candidacy, whichever occurs first; and

(3) remove any illegally placed temporary political campaign sign for which the person is responsible within 24 hours after

notification from a representative of the department of streets, sanitation, and code enforcement services.

(c) An owner or occupant shall:

(1) not erect or cause to be erected temporary political campaign signs more than 60 days prior to an election;

(2) remove temporary political campaign signs within 10 days after the general, special, or runoff election to which a sign pertains or after the termination of a candidacy, whichever occurs first. (Ord. Nos. 18203; 22026; 22141; 22925)

**SEC. 15A-13. PERMIT REQUIRED;
REGULATIONS.**

(a) A person must obtain a permit under Subchapter 61 of the Dallas Building Code for a sign authorized under this article if the sign:

(1) has an effective area greater than 20 square feet;

(2) is more than eight feet high;

(3) is illuminated;

(4) has any moving elements;

(5) is erected in or over any public way
or

(6) projects more than 18 inches from a wall, roof, parapet, or eaves.

(b) A sign erected pursuant to this article must comply with the requirements of Chapters 51 and 51A of this code that do not pertain to the content of the message displayed and do not pertain to the number of signs displayed. (Ord. Nos. 18203; 19455)

ARTICLE II.

**CITY OF DALLAS OFFICER AND
EMPLOYEE LIABILITY PLAN.**

SEC. 31A-4. DEFINITIONS.

- (1) CITY means the city of Dallas, Texas.
- (2) CITY VEHICLE means a vehicle or mobile equipment either leased or owned by the city.
- (3) LOSS means an amount which a plan member is legally obligated to pay resulting from an act or omission of the plan member which is covered under this plan.
- (4) PLAN means the City of Dallas Officer and Employee Liability Plan.
- (5) PLAN MEMBER means a person who is:
 - (A) an employee of the city;
 - (B) a member of a city board, commission, or committee created by charter, ordinance, or resolution of the city;
 - (C) a member of the city council;
 - (D) a volunteer who has been approved as a volunteer by a departmental volunteer coordinator and who is working under the direction of an employee of the city; or

(E) a member of the board of trustees of the police and fire pension fund of the city. (Ord. Nos. 18575; 20811)

SEC. 31A-5. COVERAGE.

(a) The city shall indemnify and defend a plan member, in accordance with the terms of this plan, against a loss arising out of any claim, suit, or judgment resulting from an act or omission of the plan member during the discharge of his duties and within the scope of his office, employment, or assigned volunteer work with the city.

(b) A plan member whose position with the city terminates is entitled to coverage in accordance with this plan for any event that occurred while the person was a plan member. (Ord. 18575)

SEC. 31A-6. DEFENSE.

(a) The city will defend any suit against a plan member who is covered under this plan even if the suit is groundless or fraudulent.

(b) The city may investigate, negotiate, and settle any claim or suit as it determines necessary. (Ord. 18575)

SEC. 31A-7. LIMITS OF COVERAGE.

(a) The city will pay losses covered by this plan that a plan member is legally obligated to pay, except, that in cases arising from incidents or occurrences where the city's liability exists by virtue of the Texas Tort Claims Act (Chapter 101, Texas Civil Practices and Remedies Code), whether or not the city is a party defendant, the city will pay those losses covered by this plan that a plan member is legally obligated to pay up to, but not exceeding the limits of liability provided by that Act, as amended, for a municipality.

(b) In addition to the coverage provided in paragraph (a) the city will pay:

(1) the city's expenses in investigating and defending the claim or lawsuit;

(2) costs taxed against a plan member in a suit covered by this plan and interest that accrues after entry of judgment before the city has deposited payment with the court on that part of the judgment which does not exceed the limits of coverage;

(3) reasonable expenses of the plan member incurred at the city's request; and

(4) attorney's fees ordered by the court to be paid by the plan member. (Ord. Nos. 18575; 18905; 19884)

SEC. 31A-8. NOTICE OF OCCURRENCE, CLAIM, OR SUIT; COOPERATION.

To be entitled to coverage under the plan a plan member must

(1) notify the city attorney as soon as practicable upon receipt of written notice of a claim or lawsuit, but no later than three working days after receipt;

(2) cooperate with the city attorney and, upon the city attorney's request, assist in making settlements, in the conduct of suits, and in enforcing any right of contribution or indemnity against a person or organization who may be liable to the city because of injury or damage covered under the plan;

(3) attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses; and

(4) not, except upon advice of the city attorney or when questioned by a police officer at the scene of an accident, give any oral or written statement or enter into any stipulation or agreement concerning a claim or lawsuit;

(5) not, except at his own cost, voluntarily make any payment, assume any obligation, or incur any expense with respect to a claim or lawsuit without the consent of the city. (Ord. 18575)

SEC. 31A-9. PLAN PERIOD.

This plan covers only acts or omissions occurring or alleged to have occurred:

- (1) while the plan is in effect;
- (2) before the plan was in effect and which are not barred by any statute of limitations; and
- (3) if the plan is cancelled, while the plan is in effect and which are not barred by any statute of limitations. (Ord. 18575)

SEC. 31A-10. EXCLUSIONS.

(a) Coverage under this plan does not apply to a claim or lawsuit that is brought against a plan member:

- (1) by the city;
- (2) arising out of the intentional, knowing, or criminally negligent violation of a penal statute or ordinance committed by or with the knowledge or consent of the plan member, or any claim arising out of acts of fraud committed by or at the direction of the plan member with intent to deceive or defraud;
- (3) arising out of the gross negligence of the plan member, except that the city will defend the plan member in accordance with Section 31A-6(a) of this chapter;
- (4) arising out of affirmative dishonesty or actual intent to injure by the plan member;
- (5) arising while the plan member is operating a city vehicle with no authority to operate the vehicle;
- (6) arising while the plan member is operating a city vehicle in the course of personal or private business, unless the operation of the vehicle is pursuant to the general orders or the applicable standard operating procedure of the police department;

(7) for liability assumed by the plan member under a contract, unless the contract is entered into at the request of the city;

(8) if the plan member joins or attempts to join with the suit against the plan member a claim against the city for benefits under this plan; or

(9) if the plan member fails to comply with Section 31A-8 of this plan.

(b) The city council may waive the exclusion for gross negligence set forth in Subsection (a)(3) of this section if the city council determines that circumstances justify the waiver. (Ord. Nos. 18575; 19884; 20454)

SEC. 31A-11. SUBROGATION.

If payment or legal representation is provided under this plan, the city is subrogated to the plan member's rights of recovery against any person or organization to the extent of the city's liability and payments, and the plan member must execute and deliver to the city attorney whatever documents are necessary to secure those rights. The plan member must not do anything after a loss to prejudice those rights. (Ord. 18575)

SEC. 31A-12. LEGAL REPRESENTATION.

(a) The city will provide legal representation for a plan member in a claim or suit in which the plan member is covered under this plan.

(b) If the city attorney determines that there is a conflict of interests for the city attorney in representing a plan member, and the plan member is otherwise entitled to coverage under this plan, the city will pay the reasonable fee of a private attorney to represent the plan member. The private attorney will be selected by mutual agreement of the plan member and the city attorney. (Ord. 18575)

**SEC. 31A-13. DETERMINATION OF
COVERAGE.**

If the city denies coverage to a plan member, the plan member may seek a determination of coverage by a court of proper jurisdiction in Dallas County, Texas. If the court rules in favor of the plan member, the city shall provide the plan member all benefits under the plan and shall reimburse the plan member for reasonable attorney fees, expenses and costs incurred in obtaining the determination of coverage. (Ord. 18575)

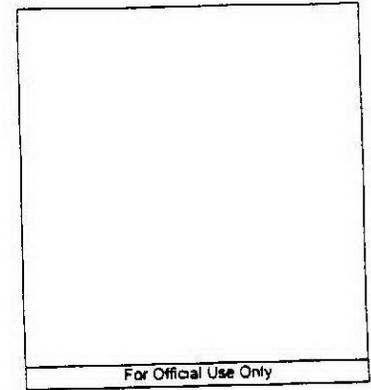
**SEC. 31A-14. NO CREATION OF CAUSE OF
ACTION.**

Nothing contained in this plan shall be construed as creating a right or cause of action against a plan member nor as giving a right to a third party to institute or maintain a suit which would not otherwise exist under law as a legal claim against a plan member. (Ord. 18575)

APPENDIX B

Disclosure and Voting Abstention Forms

- 1. AFFIDAVIT ON ABSTENTION FROM VOTING**
- 2. FINANCIAL DISCLOSURE REPORT**
- 3. TRAVEL REPORTING DISCLOSURE**



FINANCIAL DISCLOSURE REPORT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

See page 8 of this form for the list of persons required to file a financial disclosure report.

Please print or type all information. Attach additional pages if more space is needed.

Date of Report: ___/___/___

Type of Report: Initial Annual

Reporting Period: From: ___/___/___ Through: ___/___/___

Reporting Party (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	

1. Name of Reporting Party:

2. Please give the full name(s) of your spouse or domestic partner, and your dependents.

<u>Name</u>	<u>Relationship</u>

3. Please list the names under which you and all persons listed in Item 2 do business.

4. Please list the name(s) of your employer(s) and the names of all employers for all persons listed in Item 2.

7. Please list the name of each nonprofit or business entity in which you or a person listed in Item 2 is a partner, manager, director, officer, or board member, or serves in any other policymaking position.

<u>Name of Business/Nonprofit Entity</u>	<u>Position Held</u>

8. Please list the name of any business entity that is a partner, parent, or subsidiary of a business entity owned, operated, or managed by you or a person listed in Item 2.

<u>Business Entity Owned, Operated, or Managed by You or a Person Listed in Item 2</u>	<u>Partner, Parent, or Subsidiary</u>

9. Please list the name of any person or business entity from whom, in the preceding calendar year, you or your spouse or domestic partner, directly or indirectly, has: a) received and not rejected an offer of employment; or b) accepted an offer of employment that is binding or expected by the parties to be carried out.

<u>Person/Business Entity Making Offer</u>	<u>Person Receiving/Accepting Offer</u>

12. Please list the names of all persons or entities who owe you or a person listed in Item 2 an unsecured debt of more than \$5000 (do not include debts owed by a relative within the second degree of consanguinity or affinity).

13. Please list the source of each gift or accumulation of gifts from one source of more than \$250 in estimated fair market value received by you or a person listed in Item 2, or received by a person for the use or benefit of you or a person listed in Item 2, within the preceding calendar year and the estimated fair market value of each gift. *

<u>Source of Gift(s)</u>	<u>Estimated Fair Market Value</u>

* This requirement does not include:

- a) a gift received from a relative within the second degree of consanguinity or affinity if given on account of kinship, or from a domestic partner, if given on account of personal relationship;
- b) a gift received by will, by intestate succession, or as distribution from an inter vivos or testamentary trust established by a spouse, a domestic partner, or an ancestor;
- c) gifts received among and between fellow city officials and city employees;
- d) a lawful campaign or officeholder contribution reported as required by Chapter 254 of the Texas Election Code; and
- e) admission to an event in which you are participating in connection with official duties.

Have any additional or supplemental pages been attached to this report? Yes ___ No ___

If additional or supplemental pages have been attached, please identify each page with your name and the item number to which the information on the supplemental page refers.

OATH

This report (including any accompanying supplements) to the best of my knowledge and belief is true, correct, and complete.

Signature of Reporting Party

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

NOTARY SEAL

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

Persons required to file Financial Disclosure Reports under Chapter 12A of the Dallas City Code:

- City council members
- City of Dallas appointed members to the following boards, commissions and committees:
 - Board of adjustment and board of adjustment alternate members.
 - Building inspection advisory, examining, and appeals board.
 - Business development corporation board.
 - City plan and zoning commission.
 - Civil service board and civil service board adjunct members.
 - Community development commission.
 - Dallas Area Rapid Transit board.
 - Dallas-Fort Worth International Airport board.
 - Ethics advisory commission.
 - Fire code advisory and appeals board.
 - Housing finance corporation board.
 - Landmark commission and landmark commission alternate members.
 - Park and recreation board.
 - Permit and license appeal board.
 - All reinvestment zone boards.
 - Urban rehabilitation standards board and urban rehabilitation standards board alternates.
- The city manager
- The city attorney
- The city auditor
- The city secretary
- The first assistant city manager
- The first assistant city attorney
- The first assistant city auditor
- The first assistant city secretary
- All assistant city managers
- Municipal judges
- Candidates for city council



CITY OF DALLAS

TRAVEL REPORTING DISCLOSURE

As Required by Sections 12A-21 of the Dallas City Code

Date of Report: _____

Name of Reporting Party: _____

Elected/Appointed Official: _____

City Employee/Title/Dept: _____

The person listed above who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency must file with the city secretary (except subordinates of the city manager, who will file with the city manager), before embarking on the travel (time permitting), or not more than seven days after the travel is concluded, a disclosure statement identifying:

(1) _____
Name of sponsor of the trip or excursion

(2) _____
Name of person or entity paying for the trip or excursion, if different from sponsor

(3) _____
Place(s) to be visited

(4) _____
Purpose of travel

(5) _____
Date(s) of travel

Have any additional or supplemental pages been attached to this report?

Yes _____ No _____

If additional or supplemental pages have been attached, please identify each page with your name and the item to which the material on the supplemental page refers.

OATH

This report (including any accompanying supplements) to the best of my knowledge and belief is true, correct, and complete.

Signature of Reporting Party

SWORN to and subscribed before me by _____

On this the _____ day of _____, 20____, to certify which, witness
my hand and seal of office.

(Seal)

Signature of officer/notary

Printed name of officer/notary

Title of officer/notary

The following persons are required to report under this section:

City council members
City manager and first assistant city manager
City attorney and first assistant city attorney
City secretary and first assistant city secretary
City auditor and first assistant city auditor
Assistant city managers

Municipal judges
Members of boards and commissions
Department directors and their assistants
Civil service director and his/her assistants
Park and recreation director and his/her assistants

III. TEXAS OPEN MEETINGS ACT (T.O.M.A.)

SUMMARY
TEXAS OPEN MEETINGS ACT (T.O.M.A.)

I. Definitions

- A. A "Governmental body" means the City Council; any board, commission, task force or committee which has rule-making or quasi-judicial power in the city; any body having more than purely advisory duties or functions; any board or commission which is established by ordinance or the Charter of the City of Dallas or; any committee of a "governmental body."
- B. A "Meeting" is any deliberation between a quorum of members of the governmental body or a committee of the governmental body at which any public business or public policy over which the governmental body or the committee has supervision or control, is discussed or considered.
- C. A "Deliberation" is a verbal exchange between a quorum of members of the governmental body or a committee concerning any issue of public business.

II. General Rule - Written notice of all meetings must be given in accordance with the Act and all meetings are public unless they pertain to matters authorized to be discussed in closed session under the T.O.M.A.

III. Notice

- A. Must be in writing indicating the date, hour, and place of the meeting.
- B. Must specifically describe the subject matter so that the public will know what will be discussed.
- C. Must be posted in a place readily accessible to the general public at all times for at least 72 hours preceding the scheduled time of the meeting.

IV. Emergency Meetings

- A. These are meetings that involve cases of emergency or urgent public necessity.
- B. Cases of emergency and urgent public necessity are limited to:
 - (1) imminent threats of public health or safety, or

- (2) reasonably unforeseeable situations requiring immediate action.
- C. Negligence or carelessness does not give rise to reasonable unforeseeable situations.
- D. Written notice which clearly identifies the emergency or urgent public necessity may be posted 2 hours before the meeting is convened in a place readily accessible to the general public.

V. Closed Meetings

- A. In order for a meeting to be closed, the subject matter of the meeting must fit within one of the T.O.M.A.'s listed exceptions.
- B. Permissible topics for closed meetings:
 - (1) Section 551.071 - Advice from an attorney, but only about:
 - (a) pending or contemplated litigation,
 - (b) settlement offers, or
 - (c) privileged legal communications.
 - (2) Section 551.072 - Deliberations concerning the purchase, exchange, or lease of real property.
 - (3) Section 551.073 - Deliberations concerning negotiated contracts for prospective gifts or donations, when public discussions would be detrimental to the negotiating position of the City.
 - (4) Section 551.074 - Personnel matters (employment, appointment, evaluation, reassignment, duties, discipline, dismissal, complaints, or charges concerning a public employee or officer) unless the employee requests an open meeting.
 - (5) Section 551.076 - Deliberations concerning the deployment, or specific occasions for implementation, of security personnel or devices.
 - (6) Section 551.086 - Deliberations regarding economic development negotiations.
- C. Procedural requirements for the conduct of closed meetings:
 - (1) Quorum must first be convened in open meeting for which notice was properly posted.

- (2) Presiding officer must openly announce which sections of the T.O.M.A. are being used to justify excluding the public.
- (3) Tape recordings or a certified agenda of closed meetings must be kept with the exception of those closed to seek advice from an attorney
- D. Only those City employees whose presence is necessary to the purpose for which the closed meeting was authorized may attend the closed meeting. [JM-238 (1984)].
- E. No final action, decision, or vote with regard to any matter considered in a closed meeting shall be made except in a meeting open to the public and properly posted.

VI. Violations and Penalties

- A. Section 551.104 - Tape recordings or certified agenda of closed meetings must be kept for at least two years after the date of the meeting, or during the pendency of legal action about the propriety of the closed meeting.
- B. Section 551.141 - An action taken by a governmental body in violation of the T.O.M.A. is voidable.
- C. Section 551.143 - Anyone who knowingly conspires to circumvent the provisions of the T.O.M.A. by meeting in numbers of less than a quorum for the purpose of secret deliberations shall be guilty of a misdemeanor punishable by a fine of \$100 to \$500, imprisonment in jail for 1 to 6 months or both.
- D. Section 551.144 - Anyone who (1) calls or aids in calling, (2) closes or aids in closing or (3) knowingly participates in a meeting which is closed to the public where a closed meeting is not permitted by the T.O.M.A. shall be guilty of a misdemeanor punishable by a fine of \$100 to \$500, imprisonment in jail for 1 to 6 months or both.
- E. Section 551.145 - It is a Class C misdemeanor (\$500 fine) to participate in a closed meeting if the participant knows that a tape recording or certified agenda of the meeting is not being made.
- F. Section 551.146 - It is a Class B misdemeanor (\$2,000 fine and 6 months in jail) to disclose the contents of a tape recording of a closed meeting and anyone adjudged guilty thereof shall be liable to any person damaged or injured thereby.

IV. CONTRACTS AND PROCUREMENTS

CONTRACTS REQUIRED TO BE COMPETITIVELY BID

- Contracts that require an expenditure over \$15,000 of city funds must be competitively bid, if not exempt from the competitive bidding requirements of state law. (Chapter 252, Local Gov't. Code) (will discuss exempt procurements later).
- What this entails is that the City must publish a notice in newspaper (at least once a week for 2 consecutive weeks) setting out the date and time City will accept and open bids for a particular contract.
- Once bids are received the contract must be awarded to the lowest responsible bidder - which is a bidder who is able to successfully carry out the contract based on the bidder's experience, past performance, business and financial capabilities, skills and reliability. Price is not the only factor, the bidder must also be able to do the service or work required by the contract.
- Contracts of \$15,000 or less are not subject to the competitive bidding requirements and do not require City Council authorization. The City's procurement procedures, however, require that in an expenditure of more than \$1,000 but less than \$3,000 that at least 3 vendors be contacted for bid proposals so that the purchase is made at the lowest possible cost; expenditures over \$3,000 follow the same procedure but at least 2 MBE vendors must be contacted.
- Competitively bid contracts over \$15,000 but less than \$50,000 do not require City Council authorization. The City Council has delegated this authority to the City Manager.
- Competitively bid contracts over \$50,000, however, must be approved by the City Council.
- State law allows the City Council to reject any and all bids if it chooses.

CONTRACTS NOT SUBJECT TO THE COMPETITIVE BIDDING REQUIREMENTS

- Contracts over \$15,000 that are not subject to the competitive bid requirements include:
 - (1) Professional Services Contracts
 - (2) Personal Services Contracts
 - (3) Planning Services Contracts
 - (4) Sole Source Procurements
 - (5) Emergency Procurements
 - (6) Interlocal Agreements
- Professional Services Contracts are awarded on the basis of demonstrated

competence and qualifications for the type of professional services to be performed at fair and reasonable prices - Engineers, Architects, CPA, Auditors, Lawyers, Physicians, Construction Managers.

- Personal Services Contracts are those awarded to individuals (as opposed to firms or corporations) and there is no statutory standard with respect to selection. Selection is totally within the City's discretion, provided the value of the services to be received is adequate consideration for the fee to be paid.
- Planning Services Contracts are those services primarily intended to guide governmental policy to ensure the orderly and coordinated development of municipal land areas. The Texas Legislature made planning services exempt from the competitive bid requirements in 1995.
- Sole source procurements are goods or services available from only one source.
- Emergency procurements are those procurements necessary to preserve and protect the public health and safety of the City's residents. They do not have to be bid but must be ratified by the City Council.
- Interlocal Agreements are agreements with other governmental entities for specific services, authorized by the Interlocal Cooperation Act (Chapter 791, Gov't. Code)
- All contracts over \$15,000 that are not subject to the competitive bid requirements must be approved by the City Council.

CONTRACTS SUBJECT TO COMPETITIVE SEALED PROPOSAL PROCEDURES

- High technology procurement, which is the procurement of equipment, goods or services of a highly technical nature (such as computers, telecommunication equipment, microwave and radio systems, etc.), the purchase of insurance and expenditures of federal or state funds for a community development program over \$15,000 must comply with the state competitive sealed bidding or competitive sealed proposal procedures. If the competitive sealed bidding procedure is used, the contract must be awarded to the lowest responsible bidder. If the competitive sealed proposal procedure is used, the contract must be awarded to the responsible offeror or whose proposal is determined to be the most advantageous to the city, considering the relative importance of price and other evaluation factors included in the request for proposals.
- High technology procurements, insurance purchases or expenditures of federal and state funds for community development programs of \$15,000 or less are not subject to the competitive bid requirements.

CHANGE ORDERS

- Change orders of \$25,000 or less on competitively bid contracts can be approved by the City Manager without City Council action.
- Change orders over \$25,000 on competitively bid contracts must be approved by the City Council.
- The aggregate of all change orders may not increase a contract price by more than 25%.

CRIMINAL PENALTIES

- A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly (a) makes or authorizes separate, sequential or component purchases to avoid the competitive bidding requirements or (b) fails to competitively bid a purchase that he knows is required by state law to be bid. These offenses are Class B misdemeanors the penalty of which is a \$2,000 fine, 180 days in jail, or both. Any other violation is a Class C misdemeanor which carries a fine of up to \$500.
- A final conviction of a municipal officer or employee for the Class B misdemeanor offenses, results in the immediate removal from office or employment of that person. For 4 years after conviction the removed officer or employee is ineligible:
 - to be a candidate or appointed or elected office in the State.
 - to receive compensation through a contract with the City.
 - to be employed by the municipality with which the person served when the offense occurred.

ARTICLE IV.

PURCHASING.

Division 1. Purchasing and Contracting Generally.

SEC. 2-27. DEFINITIONS.

In this article:

(1) CITY EXPENDITURE means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.

(2) COMMUNITY DEVELOPMENT ITEM means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.

(3) CONSTRUCTION SERVICES means:

(A) the construction of capital improvements to city-owned real property or right-of-way, including but not limited to buildings, structures, streets, traffic signals, signal systems or control devices, storm drainage facilities, sidewalks, alleys, water or wastewater mains or appurtenances, process plants, or other similar facilities;

(B) the renovation, modification, alteration, or repair of existing capital improvements upon or within city-owned real property or right-of-way; or

(C) other construction, renovation, alteration, modification, or repair activities that are treated or defined under state law as public works.

(4) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's authorized representatives. The director or any designated representative of the director shall act as the city purchasing agent.

(5) GENERAL SERVICES means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not include personal services, professional services, planning services, or construction services.

(6) GOODS means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.

(7) GOVERNMENTAL CONTRACT has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(8) HIGH TECHNOLOGY ITEM means an item of equipment, goods, or services of a highly technical nature, including but not limited to:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.

(9) NONRESIDENT BIDDER has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(10) PERSONAL SERVICES means any service personally performed by the individual with whom the city has contracted.

(11) PLANNING SERVICES has the meaning given that term in Section 252.001, Texas Local Government Code, as amended.

(12) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers. (Ord. 24243)

SEC. 2-28. POWERS AND DUTIES OF THE DIRECTOR AS CITY PURCHASING AGENT.

The director shall perform the following duties:

(1) except where otherwise directed in this code, supervise all purchases by the city, other than real property, in accordance with this article and state law;

(2) sell personal property of the city not needed for public use;

(3) keep accurate inventories of all property under the director's supervision;

(4) maintain the store rooms and warehouses placed under the director's supervision; and

(5) perform such other duties as are assigned by the city manager. (Code 1941, Art. 27-1; Ord. Nos. 13104; 17157; 18094; 19312; 21674; 24243)

SEC. 2-29. APPROVAL OF PLANS AND SPECIFICATIONS.

If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or construction services, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director's office longer than five years after the date of their approval. (Ord. Nos. 12755; 13104; 14885; 17700; 18850; 19312; 20061; 24243)

SEC. 2-30. GENERAL DELEGATION OF CONTRACTING AUTHORITY.

(a) Pursuant to Chapter XXII, Section 2(b) of the city charter, the city council shall, by ordinance, establish rules under which a contract may be let without city council approval. This section is established for that purpose. To the extent that this section, the city charter, or another provision of this code does not delegate approval authority for a particular contract, contract amendment, or other legal instrument, it is presumed that the contract, contract amendment, or other legal instrument must be approved by the city council.

(b) This section may not be construed to delegate authority to approve, without city council action, any contract, contract amendment, or other legal instrument that is required by state law to be approved by the city council.

(c) This section does not apply to:

(1) the city's furnishing of ambulance service; water, wastewater, storm water drainage, or sanitation utility service; or any other similar municipal service to customers inside or outside of the city;

(2) a contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the city charter or another section of this code; or

(3) the city's grant of, or other action relating to, any license, franchise, permit, or other authorization pursuant to its regulatory powers.

(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods or general services, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$15,000.

(2) A contract requiring a city expenditure exceeding \$15,000, but not exceeding \$50,000, for the purchase of goods or general services required by state law to be procured through competitive bid or competitive sealed proposal.

(3) A change order to a contract required by state law to be procured through either competitive bid or competitive sealed proposal that increases or decreases the contract price by \$25,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$15,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$15,000.

(5) An amendment to a contract not required by state law to be procured through competitive bid or competitive sealed proposal, which amendment increases the contract price by \$15,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$15,000 or less if:

(A) the original contract price does not exceed \$15,000 and the amendment increases the total contract price to an amount greater than \$15,000; or

(B) the original contract price exceeds \$15,000 and the amendment increases the original contract price by more than 25 percent.

(6) The exercise of a renewal option of a contract required by state law to be procured through either competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$50,000.

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$15,000.

(e) All contracts, contract amendments, or other legal instruments (except purchase orders for supplies and equipment and change orders as described by Chapter XXII, Section 1 of the city charter) must be signed by the city manager and approved as to form by the city attorney. Purchase orders for supplies and equipment must be signed by the director. Subject to the restrictions provided by this code, the city charter, or state law, change orders may be approved by formal administrative action or may, as the city manager directs, be signed by the director of the department designated by the city manager to administer the contract that is the subject of the change.

(f) The city manager may delegate the authority granted under this section to the extent allowed by the this code, the city charter, or state law. The city manager may make rules and procedures, which are not in conflict with this code, the city charter, or state law, concerning the form and substance of administrative actions and the administration of contracting and change order processes.

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this article. (Ord. 24243)

SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING \$15,000.

(a) Except as otherwise provided by this section, all purchases of goods, general services, or construction services under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.

(b) If the city expenditure for the purchase of goods, general services, or construction services exceeds \$1,000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, or construction services exceeds \$3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.

(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17700; 17777; 18850; 19312; 20061; 22434; 24243)

SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING \$15,000.

(a) No city expenditure exceeding \$15,000 may be made without advertising for competitive bids, except in cases of immediate emergency or where

competitive bidding is not otherwise required by state law or the city charter. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(b) The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this article:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(4), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended).

(2) If the purchase is for general services or for construction services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended). The city manager, or the city council if the contract is being considered under Subsection (b)(4), shall select the contractor with the lowest responsible bid or the most advantageous proposal, whichever applies.

(3) If, in the opinion of the city manager, or the city council if the purchase is being considered under Subsection (b)(4), no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

(4) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(c) The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$50,000:

(1) The director or the director's designee shall tabulate the bids or sealed proposals.

(2) The city manager shall recommend to the city council who, in the city manager's opinion, is the lowest responsible bidder (or who has the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended). The city council shall determine the lowest responsible bidder or the most advantageous proposal, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this article.

(d) The following additional rules govern all purchases made by competitive bid in accordance with Subsections (b) and (c) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(4) Where a contract is required to be awarded under this section to the lowest responsible bidder and a competitive bid is received from a

nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.

(e) For the purchase of a community development item, a high technology item, or insurance requiring a city expenditure exceeding \$15,000, the director may follow the competitive sealed proposal procedures authorized in this article and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this article and by Chapter 252, Texas Local Government Code, as amended.

(f) A contract for construction services requiring a city expenditure not exceeding \$25,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.

(g) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section. (Ord. 24243)

SEC. 2-33. PERSONAL, PROFESSIONAL, AND PLANNING SERVICES.

Personal, professional, or planning services must be procured, regardless of who approves the contract, in accordance with applicable state law and through

procedures established by the city manager or a designee that are not in conflict with this article or applicable state law. (Ord. 24243)

SEC. 2-34. INTEREST ON CERTAIN LATE OR DELAYED PAYMENTS.

Unless otherwise authorized by the city council, at the request of the city manager, no contractor of the city is entitled to interest on any late or delayed payment that is caused by any good faith claim or dispute in connection with the contract, or that the city has a right or obligation to withhold under the contract or state or federal law, nor is any contractor entitled to attorney's fees in any dispute to collect such payments. (Ord. Nos. 18850; 19312; 20061; 22434; 24243)

SECS. 2-35 THRU 2-37.1.9. RESERVED.

(Repealed by Ord. Nos. 21856; 24243)

V. ORDINANCES/RESOLUTIONS

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. COUNCIL ACTION.

The city council shall evidence its official actions by written ordinances, resolutions or oral motion. The use of one method or the other shall not affect the validity of the action, except in those instances where one or the other is required by state law or this Charter.

SEC. 2. STYLE OF ORDINANCES AND RESOLUTIONS.

The style of all ordinances shall be: "Be It Ordained By The City Council Of The City of Dallas", and the style of all resolutions shall be: "Be It Resolved By The City Council Of The City of Dallas." In each case words of like import may be used, but such caption may be omitted when said ordinances are published in book form, or are revised and digested under the order of the council.

SEC. 3. PASSAGE.

All ordinances and resolutions of the city council, unless otherwise provided by state law, this charter, or the ordinance itself, shall be final on the passage or adoption by the required majority pursuant to one motion duly made, seconded and passed. Where the state law or this charter provides for a different procedure before the action of the council may become final, then in that event, the council shall follow the procedure required.

SEC. 4. VOTING.

The vote upon the passage of any ordinance, resolution or motion shall be taken by voice vote unless otherwise requested by a member of the city council, in which case a roll call vote shall be taken. The results of all voting shall be entered upon the minutes of the proceedings of the council. Every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the members present unless more is required by state law, this Charter, or ordinance. (Amend. of 6-12-73, Prop. No. 33; Amend. of 8-12-89, Prop. No. 13)

SEC. 5. EFFECTIVE DATE.

All ordinances and resolutions passed by the city council shall become effective immediately from and after final publication, except in the following instances:

(1) where the state law or other provisions of this Charter provide otherwise, in which case the effective date shall be the earliest time therein prescribed;

(2) where the ordinance or resolution prescribes a different effective date;

(3) where an ordinance or resolution is adopted under the initiative and referendum provisions of this Charter, in which case the effective date thereof shall be immediately after the canvass of the election.

SEC. 6. OFFICIAL RECORDS.

The city secretary shall keep an accurate record of all actions taken by the city council and shall preserve each ordinance, resolution, and motion of the city council as permanent records of the city. (Amend. of 4-2-83, Prop. No. 3)

SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation thereof, shall be published at least once in the official newspaper of the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.

SEC. 8. CODIFICATION OF ORDINANCES.

The city council shall have power to cause the ordinances of the city to be printed, in code form, and shall have the same arranged and digested as often as the council may deem advisable; however, failure to print the ordinances as herein provided shall not affect the validity of the same.

SEC. 9. HOW PLEAD.

In all judicial proceedings, it shall be sufficient to plead any ordinance by caption, or by the number of sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section. All ordinances of the city when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Dallas," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all the courts and places without further proof.

SEC. 10. APPROVAL OF MAYOR NOT NECESSARY.

The approval or signature of the mayor shall not be necessary to make an ordinance or resolution valid.

SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five registered voters of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 60 days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to 10 percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)

SEC. 12. CITY SECRETARY TO EXAMINE PETITION.

Within 30 days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)

SEC. 13. CITY COUNCIL EITHER TO PASS ORDINANCE OR CALL ELECTION.

If the petition properly signed, is presented to the city council, the council shall either:

(1) pass said ordinance without alteration within 20 days after the attachment of the secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this Charter); or

(2) forthwith the secretary shall attach to the petition accompanying such ordinance his certificate of sufficiency, the city council of the city shall proceed to call a special election, at which said ordinance, without alteration, shall be submitted to a vote of the people.

SEC. 14. BALLOTS; ONE OR MORE ORDINANCES MAY BE VOTED; PROVISION FOR REPEAL.

The ballots used when voting upon said ordinance shall be in a manner so as to apprise the voters of the nature of the proposed ordinance and contain two propositions so that they may vote either "for" or "against" the propositions indicating their preference on the ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section of the Charter, but more than one special election shall not be held in any period of six months.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in the official newspaper of the city and published once at least 10 days prior to election.

SEC. 16. ADOPTION OF CODES.

The city council may adopt technical codes, manuals or other recognized standards by reference, so long as the same, with any amendments, are on file with the city secretary. When so adopted they shall be considered the same as though fully set out in the ordinance adopting the same.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall

VI. CITY CODES

The city codes of the City of Dallas include the following:

- 3-Volume Set, Dallas City Code (Chapters 1-51A)**
- Administrative Procedures for the Construction Codes (Ch. 52)**
- Fire Code (Ch. 16)**
- Building Code (Ch. 53)**
- Plumbing Code (Ch. 54)**
- Mechanical Code (Ch. 55)**
- Electrical Code (Ch. 56)**