

MUNICIPAL ETHICS: Crafting a Code



Module #6:
Draft "B"

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3-106. Purpose

■ Added:

ensure that decision makers provide responsible stewardship of City resources and assets.

3-107. Prospective

■ Added:

This Article shall apply prospectively, and shall not sustain any Complaints based on acts or omissions alleged to have taken place prior to adoption of this Article.

3-108. Applicability

■ Added:

Application of this Article to Former City Officials shall be limited to alleged violations:

1. that occurred during term as a City Official;
2. of the prohibition on representing others for compensation (§3-112(d)(2)); or
3. of the prohibition of subsequent work on prior projects (§3-112(h)).

3-109. Definitions

■ Added & Modified the following terms:

- Charged
- City Auditor
- Department Heads: *appointed by City Council: Manager, Auditor, Attorney, Judge.*
- Former City Official
- Interfere
- Panel
- Recklessly

3-111. Expectations

■ Added:

- Clarification that list of Expectations is merely *aspirational*
- Individuals maintain their rights

3-112. Mandates: Duty to Report

■ Added:

Disclosures under this subsection shall be for the time period, *including the previous calendar year*, and up to date where the Conflicting Interest arises before the City Official.

3-113. Prohibitions: Conflicts

■ Added:

- Disclosures under this subsection shall be for the time period, including the previous calendar year, and up to date where the Conflicting Interest arises before the City Official.
- *Business Entity:* ... political subdivision, government agency, university, or any other entity recognized by law.
- *Deliberations:* ... This term does not apply to a general vote on a broad, comprehensive or omnibus motion, such as approval of the budget.

3-113. Prohibitions: Gifts

■ Added:

- meals, lodging, ... furnished in connection with public events, ..., or charity functions, or community events, if furnished by the sponsor...;
- It is not a violation under this Article for a City Official to accept a Gift prohibited by this Article on behalf of the City of Denton. Conveyance of a Gift prohibited by this Article to the City of Denton or a nonprofit corporation cures any potential violation.

3-113. Prohibitions: Rep Others

■ Added:

Former City Officials. ... The prohibition in this subsection solely applies to the Former City Official, and shall not be construed to apply to other Persons.

3-114. Implementation: Staffing

■ Added:

- **Conflicts Log.** The City Auditor's Office shall, in cooperation with the City Secretary's Office, maintain a Conflicts Log on an ongoing basis listing the Conflicting Interests disclosed by City Officials in accordance with this Article. The log is a public record. The City Auditor is neither authorized nor required to inspect or act upon the content of the Conflicts Log.
- **City Manager.** If a Complaint accuses the City Auditor of violating this Article, the duties of the City Auditor under this Article shall be performed by the City Manager for purposes of processing that Complaint.

3-117. Board of Ethics

■ Added:

- In total, members may only serve 3 terms.
- Ineligibility... family w/i 3rd degree.
- Officers. At the first meeting of each fiscal year the Board of Ethics shall select from among its members a Chairperson and Vice-Chairperson.

3-119. Complaints

■ Added:

- Limited to alleged violations of Sections 3-112 (Mandates) or 3-113 (Prohibitions)
- Confidentiality... Clerical and administrative steps shall be taken to identify and manage confidential information in accordance with this Article.

3-120. Preliminary Assessment

■ Added:

- The Chairperson shall order a meeting of the Panel, which shall be conducted in compliance with the Texas Open Meetings Act.
- Each Panel shall select a Presiding Officer to conduct Panel deliberations.

3-121. Meetings

■ Added:

- The Chairperson counts toward quorum and retains the right to vote.
- *Representation:* The Accused has right to present a defense. Both the Complainant and the Accuser have right to legal counsel.
- Proceedings postponed by majority of Board of Ethics. The Complainant and Accused are each entitled to 1 postponement without cause. Additional postponements only for good cause

3-124. General Procedural

■ Added:

- Deadlines. Any deadline shall be construed as expiring at 5:00 p.m. local time on the last day.
- Mailbox Rule. Under this Article, a deadline for any response or request for appeal is met when the date the response or request for appeal is mailed falls within the timeline requirements of this Article. The posted date of any mailing will control whether it meets the timeline requirements of this Article.

TX: Nepotism

- Tex. Gov't Code §573
- Can't Bestow Patronage on Relatives
- Mayor & Council's family cannot be hired by City if related within:
 - 2nd degree by affinity (marriage)
 - 3rd degree by consanguinity (blood or adoption)
- Full-Time, Part-Time (but not volunteer)
- Ok if Charter gives Manager Hiring Authority
- Bastrop & Laredo's codes Mirror State Law

Moving Forward

- Tonight's Public Hearing

- April 3rd?

- April 17th?

