



ANNUAL REPORT

February 1, 2003

ETHICS ADVISORY COMMISSION

Date: February 1, 2003

Memo: To the Honorable Mayor and
Members of the City Council

Re: Ethics Advisory Commission Annual Report

In accordance with Chapter 8, Section 8-1.1, the Ethics Advisory Commission is submitting their annual report of our activities for your review.

Daniel C. Perez, Chairman
Ethics Advisory Commission

ETHICS ADVISORY COMMISSION

ANNUAL REPORT

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ETHICS ADVISORY COMMISSION MEMBERS

Daniel C. Perez, Chairman

Calvin C. Bluiett, Vice-Chairman

Rebecca Baird Bergstresser

James Clark

Margaret Donnelly

Gloria M. Tarpley

MISSION STATEMENT

The Ethics Advisory Commission is a quasi-judicial board having the jurisdiction to review and make findings concerning any alleged violation of the City of Dallas' Code of Ethics. It can make findings concerning any persons subject to the provisions of the Code, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city. Complaints must be filed within one year after the date of the alleged violation. The commission may not consider any alleged violation occurring before January 1, 2001 or more than one year before the date of the filing of a complaint.

The Ethics Advisory Commission has the power to:

- 1) Establish, amend and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with the Code of Ethics.
- 2) Meet as often as necessary to fulfill its responsibilities.
- 3) Request from the City Manager (who obtains personnel from the City Secretary) through the City Council the appointment of such staff as is necessary to carry out the duties of the Commission.
- 4) Review, index, maintain on file, and dispose of sworn complaints.
- 5) Make findings of fact as necessary for the disposition of a complaint.
- 6) Make notifications, extend deadlines, and conduct investigations.
- 7) Exert any other powers as are specifically granted in the Code of Ethics.

SUMMARY & HIGHLIGHTS

Five full meetings were held.

Five preliminary panels were seated.

Three of the complaints were dismissed.

Two complaints were referred to the full Commission.

Two evidentiary hearings were held.

Just cause was found and the complaint referred to the full Commission. The complaint was dismissed.

Just Cause was found and the complaint referred to the Mayor and City Council with a reprimand sanction recommendation. Sanction was upheld by Council and issued on November 13, 2002.

A declaratory ruling case brought before the full Commission and left pending in 2001 was subsequently withdrawn in February 2002.

Amendments to the Ethics Code were reviewed as requested by Mayor Laura Miller.

RECOMMENDATIONS

At the request of Mayor Laura Miller, the Commission reviewed the following proposed amendments to the Code and made the corresponding recommendations:

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

Amendment endorsed unanimously.

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

Amendment endorsed unanimously.

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

Amendment endorsed unanimously.

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

Amendment endorsed unanimously, except for Part 2 (permanent ban on certain representation), which was unanimously not endorsed.

5. Adds Section 12A-15.1 to prohibit a former city official or employee who had significant reporting, decision-making, advisory, or supervisory responsibilities from: (1) receiving compensation for any work performed for another person or organization that had a economic interest in any particular project before the city in which the

officer or employee personally participated during the preceding 12 months; or (2) ever receiving compensation from another person or organization on a particular project in which the official or employee personally participated while in city service or employment. These restrictions would not apply to a former member of a city board or commission that was only advisory in nature, and the city council could waive the provisions after a review of specific circumstances if the waiver is in the city's interest. Violators would be subject to a criminal penalty not to exceed \$500.

Amendment endorsed unanimously, except for Part 2 (permanent ban on certain employment), which was unanimously not endorsed.

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

Endorsed the concept of having lobbying regulations, but with no specific recommendations as to a registration process (EAC did not feel it had the expertise to create and evaluate a detailed lobbying registration process).

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

Amendment was unanimously not endorsed; Commission feels current form is adequate and that State of Texas form is unduly burdensome and may have negative impact on citizen's willingness to serve on boards, commissions or elected office.

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

Amendment unanimously endorsed.

Political Activity

The Commission recommended that Section 12A-10 of the Dallas City Code be amended to allow city officials to lend their names and official city titles in connection with any election ordered by the city of Dallas on a measure or proposition.

Ethics Advisory Commission

Section 12A-24(a) of the Ethics Code makes provision for a seven-member commission. Only six members currently serve. The Commission recommends/requests the vacant seat to be filled as soon as possible.

ACTIVITY REPORT

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INDEX OF COMPLAINTS

<u>CASE #</u>	<u>STATUS/OUTCOME</u>	<u>ETHICS CODE CITATION</u>
4	Pending in 2001; withdrawn in 2002	12A-31
5	Dismissed for lack of Just Cause	12A-10
6	Dismissed for lack of Just Cause	12A-6(a), 12A-11(a), 12A-18
7	Dismissed for lack of Just Cause	12A-10
8	Referred to Mayor/City Council with a reprimand recommendation	12A-4(a), 12A-6(a)(b)