

# Memorandum

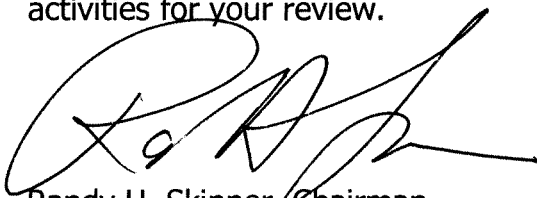


DATE February 1, 2011

TO Honorable Mayor and  
Members of the City Council

SUBJECT **ETHICS ADVISORY COMMISSION 2010 ANNUAL REPORT**

In accordance with Dallas City Code Chapter 8, Section 8-1.1, the Ethics Advisory Commission is submitting the annual report of the Commission's activities for your review.



Randy H. Skinner, Chairman  
Ethics Advisory Commission

C: Mary K. Suhm, City Manager  
Deborah A. Watkins, City Secretary



**CITY OF DALLAS**

**ETHICS ADVISORY COMMISSION**

**2010**

**ANNUAL REPORT**

**FEBRUARY 1, 2011**

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**ETHICS ADVISORY COMMISSION  
2010 ANNUAL REPORT**

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# **TAB 1**

## ETHICS ADVISORY COMMISSION MEMBERS

The Ethics Advisory Commission is composed of seven (7) members. The full City Council appoints members to this commission.

1. Randy H. Skinner, Chairman
2. Charles W. Pankey, Commissioner
3. Linda Camin, Commissioner
4. Mickie Simpson Bragalone, Vice-Chair
5. Paula Rosales Aldana, Commissioner
6. James Adams, Commissioner
7. Roger Wedell, Commissioner

Other Members that served in 2010

2. Calvin C. Bluiett, Vice-Chairman, Replaced 03/03/10\*
5. Rebecca Baird Bergstresser, Commissioner, Resigned 09/01/10\*

(\*Vice-Chair Bluiett and Commissioner Bergstresser were in holdover status and had served four full terms.)

## **TAB 2**

## **MISSION STATEMENT**

The Ethics Advisory Commission is an advisory body 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) Review, index, maintain on file and dispose of sworn complaints.
- 4) Make findings of fact as necessary for the disposition of a complaint.
- 5) Make notifications, extend deadlines and conduct investigations.
- 6) Exert any other powers as are specifically granted in the Code of Ethics.



**TAB 3**

## BOARD MEETINGS

Five (5) EAC meetings were held in 2010 to discuss the following issues:

- **January 15, 2010**

- Approval of the Minutes for the EAC Meeting held April 17, 2009  
**RESULT:** Minutes signed by Randy Skinner, EAC Chair, and filed as a permanent record in the City Secretary's Office
- Review and approval of the 2009 Annual Report  
**RESULT:** The EAC approved the 2009 Annual Report for submission to the City Council
- Board Discussion – Annual Gift Disclosure Policy  
**RESULT:** Boardmembers discussed components of the Annual Gift Disclosure Policy and its impact on the EAC

- **April 16, 2010**

- Approval of the Minutes for the EAC Meeting held January 15, 2010  
**RESULT:** Minutes signed by Randy Skinner, EAC Chair, and filed as a permanent record in the City Secretary's Office
- Board Training  
**RESULT:** Boardmembers received annual training and discussed the following:  
Dallas City Code Chapters 8 and 12A  
Annual Gift Disclosure  
Lobbyist Registration  
History of EAC Recommendations to Council

- **May 21, 2010**

- Approval of the Minutes for the EAC Meeting held April 16, 2010  
**RESULT:** Minutes signed by Randy Skinner, EAC Chair, and filed as a permanent record in the City Secretary's Office
- Review of unresolved EAC recommendations to the Dallas City Council  
**RESULT:** The EAC moved a letter be drafted for review to send to the City Council regarding the recommendation of proposed changes to Chapter 12A \* *See letter to council behind Tab A*
- Board Discussion – Financial Disclosure Reports  
**RESULT:** Representatives from the City Attorney's Office explained the responsibilities of a City of Dallas board and commission member regarding the financial disclosure report versus the gift disclosure report

## BOARD MEETINGS

- **June 18, 2010**

- Approval of the Minutes for the EAC Meeting held May 21, 2010  
**RESULT:** Minutes signed by Randy Skinner, EAC Chair, and filed as a permanent record in the City Secretary's Office
- Review and authorization of EAC letter to the Dallas City Council  
**RESULT:** The EAC moved the letter be signed and sent to the City Council reminding them of the recommendation of proposed changes to Chapter 12A and requesting they provide feedback  
*\*See letter to council behind Tab A*
- Board Discussion – Annual Gift Disclosure  
**RESULT:** The EAC discussed the annual gift disclosure policy and clarified the conflict of interest language

- **November 19, 2010**

- Approval of the Minutes for the EAC Meeting held June 18, 2010  
**RESULT:** Minutes signed by Randy Skinner, EAC Chair, and filed as a permanent record in the City Secretary's Office
- Discussion of EAC meeting schedule  
**RESULT:** The EAC voted to move to a quarterly meeting schedule beginning in January 2011.
- Board Discussion – Dallas City Code Chapter 12A-10 (Political Activity)  
**RESULT:** The EAC discussed appropriate political participation of boardmembers and councilmembers and sought clarification on proper practices from the City Attorney's Office
- Board Training  
**RESULT:** Boardmembers received a brief training on the new online board and commission application procedure

**TAB 4**

## SUMMARY OF ACTIVITIES

- March 3, 2010 – the Mayor/City Council interviewed and appointed Charles W. Pankey, Linda Camin and Mickie Simpson-Bragalone to serve on the EAC with the term ending in 2011.
- March 3, 2010 – the Mayor/City Council interviewed and reappointed Randy H. Skinner, James F. Adams and Roger Wedell to serve on the EAC with the term ending in 2011.
- March 3, 2010 – Randy H. Skinner was reappointed Chairman of the EAC.
- May 19, 2010 – Mickie Simpson-Bragalone was appointed Vice-Chair of the EAC.
- June 18, 2010 – The EAC sent a letter to the City Council reminding them of the recommendation of proposed changes to Chapter 12A and requesting they provide feedback. (*See letter to council behind Tab A*)
- April 16, 2010 – Boardmembers received annual training which included a review of Dallas City Code Chapters 8 and 12A, Annual Gift Disclosure Policy and Lobbyist Registration.
- September 15, 2010 – the Mayor/City Council interviewed and appointed Paula Rosales Aldana to serve on the EAC with the term ending in 2011.
- October 15, 2010 – Paula Rosales Aldana participated in an EAC training session which included Dallas City Code Chapters 8 and 12A, Annual Gift Disclosure Policy, Lobbyist Registration and the History of EAC recommendations to City Council
- Two (2) ethics complaints that met the minimum requirements were received by the City Secretary's Office in 2010:

DATE SUBMITTED	COMPLAINANT	RESPONDENT	PRELIMINARY PANEL HEARING	EVIDENTIARY HEARING
04/02/10	Thomas J. Ellis	Christopher Bowers First City Attorney	Yes	No
11/19/10	Richard P. Sheridan	Deborah Watkins City Secretary	Yes	No

- One (1) letter of complaint that did not meet the minimum requirements for an ethics complaint was received by the City Secretary's Office in 2010:

DATE SUBMITTED	COMPLAINANT	RESPONDENT
04/22/10	Arthur Tu	William Tsao, DART Boardmember

(*See 2010 Complaint Log behind Tab B for more detailed information*)

# **TAB 5**

**2010  
ETHICS ADVISORY COMMISSION  
ATTENDANCE LOG**

2009-2010 MEETING DATES	3/27/09	4/17/09	1/15/10	4/16/10 Orientation	5/21/10	6/18/10	11/19/10
Randy H. Skinner	Reappointed 3/03/10	A	P	P	A	P	P
Charles W. Pankey	Appointed 3/03/10	N/A	N/A	V	P	P	A
Linda Camin	Appointed 3/03/10	N/A	N/A	V	P	P	P
Mickie Simpson Bragalone	Appointed 3/03/10	N/A	N/A	V	P	P	P
Paula Rosales Aidana	Appointed 9/15/10	N/A	N/A	N/A	N/A	N/A	P
James Adams	Reappointed 3/03/10	P	P	A	P	P	P
Roger Wedell	Reappointed 3/03/10	P	P	P	P	P	A
Rebecca Baird Bergstresser	Holdover Resigned 09/01/10	P	P	A	A	P	R
Calvin C. Bluiett	Holdover Replaced 03/03/10	P	P	T/R			

LEGEND: A=ABSENT  
P=PRESENT  
V=VACANT  
T=TERM ENDED  
R=REPLACED/RESIGNED

# **EXHIBIT A**





City of Dallas

June 18, 2010

Honorable Mayor and  
Members of the Dallas City Council  
Dallas City Hall  
1500 Marilla  
Dallas, TX 75201

COPY

**MAYOR AND MEMBERS OF THE DALLAS CITY COUNCIL:**

On May 21, 2010, the Ethics Advisory Commission (EAC) met and discussed previously submitted recommendations to City Council. The recommendations are as follows:

- Proposed amendment to Section 12A-26(a) of the Dallas City Code to clarify the degree of knowledge required to file an ethics complaint. (A copy of the recommended change is attached.)
- Request the City Council give formal direction whether to pursue clarifying "per city election" for purposes of accepting campaign contributions as defined in Chapter 15A of the Dallas City Code. (A copy of this letter is also attached.)

The EAC is requesting consideration of these recommendations by the City Council. If more information on these matters is required, please notify Deborah Watkins, City Secretary, who will advise the EAC.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy H. Skinner".

Randy H. Skinner, Chairman  
Ethics Advisory Commission

**Attachments**

c: Ethics Advisory Commission  
Deborah Watkins, City Secretary  
Rosa A. Rios, Assistant City Secretary  
Warren Ernst, Administrative Assistant City Attorney  
Gwen Satterthwaite, Executive Assistant City Attorney  
Lisa Christopherson, Senior Assistant City Attorney  
Daniel Soliz, Boards and Commissions Manager, CSO

**DRAFT**

2/16/07

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12A-26 of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended; clarifying the degree of knowledge required to file an ethics complaint with the ethics advisory commission; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 12A-26, "Complaints," of Article VII, "Ethics Advisory Commission," of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended, is amended to read as follows:

**"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 be sworn under penalty of perjury and state that the complainant has information and belief, based on credible evidence, that a violation of this chapter has occurred. 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 credible 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 or as required by law. *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 unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable 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. Copies of all information provided to the ethics advisory commission by the complainant and the person charged in the complaint must be distributed to all parties to the complaint within 10 days after the ethics advisory commission receives the information.

(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."

SECTION 2. That CHAPTER 12A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

LC/DCC/00405A



September 26, 2008

Honorable Mayor and  
Members of the Dallas City Council  
Dallas City Hall  
1500 Marilla - 5FN  
Dallas, TX 75201

**COPY**

Dear Mayor and Members of the Dallas City Council:

On June 4 and 18, 2008, the City Council interviewed individuals for appointment and reappointment to serve as members of the Ethics Advisory Commissions (EAC) for the term 2007-2009.

During the interview discussion, City Councilmembers expressed interest in the EAC reviewing specific issues and concerns. On June 11, 2008, some of the issues were resolved by amending Chapter 12A of the Dallas City Code. The following issues are pending resolution:

- gifts and contributions to Councilmembers from zoning applicants
- clarification of the definition of "per city election" period for purposes of collecting campaign contributions defined Chapter 15A of the Dallas City Code

After discussion on September 19, 2008 regarding how to address the issues expressed by the City Council as a part of our work plan, the EAC members request formal direction and/or consensus of the City Council in order to begin work on the specific issues identified. At present, the issues are not considered a part of the commission's purview as currently stated in Chapter 12A of the Dallas City Code.

Once we receive formal consensus or vote of the City Council, the EAC will include the specific issues as a part of our work plan.

If you need clarification or have questions regarding the issues stated above, please contact me at [skinner.randy@gmail.com](mailto:skinner.randy@gmail.com) or call me at (214) 316-1356.

Sincerely,

Randy Skinner  
Chairman, Ethics Advisory Commissions

- C: Members, Ethics Advisory Commissions  
Deborah Watkins, City Secretary  
Mary K. Suhm, City Manager  
Thomas P. Perkins, Jr., City Attorney  
Rosa A. Rios, Assistant City Secretary  
Jesus Toscano, Executive Assistant City Attorney  
Gwen Satterthwaite, Executive Assistant City Attorney  
Lisa Christopherson, Assistant City Attorney  
Daniel Soliz, Manager of Boards and Commissions, City Secretary Office

# **EXHIBIT B**

## ETHICS ADVISORY COMMISSION 2010 COMPLAINT INDEX



EAC CASE NUMBER	FILE NUMBER	DATE FILED	COMPLAINANT	RESPONDENT	CODE VIOLATION CITED	DATE HEARD	STATUS / OUTCOME
48	10-5176	04/02/10	Thomas J. Ellis	Christopher Bowers First Assistant City Attorney	12A- 1(a)(2) 1(b)(1)(B) 1(b)(1)(E) 1(b)(1)(F) 1(b)(1)(H) 1(b)(2)(B) 1(b)(2)(F) 12A-4	04/16/10	Dismissed by Preliminary Panel. Based upon the evidence submitted the complaint is not supported by just cause and fails to state a claim under Chapter 12A Dallas City Code (Code of Ethics).
49	10-5212	04/22/10	Arthur Tu	William Tsao DART Boardmember	DART Board Rules of Procedure 5.2, 5.3, 5.6	N/A	Invalid—Complaint was not submitted to EAC or on required form. Links to forms, instructions, EAC Rules of Procedure and City of Dallas Code of Ethics sent to complainant and information forwarded to CAO.
50	10-5282	11/12/10 Amended 11/19/10	Richard P. Sheridan	Deborah Watkins City Secretary	12A- 3(a)(1)&(7) 3(b) 3(c)1&2 3(d)6 12A-4(a)	12/10/10	Dismissed by Preliminary Panel. Based upon the evidence submitted the complaint is not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics).