

# Memorandum



CITY OF DALLAS

DATE January 16, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **ETHICS ADVISORY COMMISSION 2014 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*

Randy H. Skinner, Chairman  
Ethics Advisory Commission

c: A.C. Gonzalez, City Manager  
Rosa A. Rios, City Secretary

**THIS PAGE INTENTIONALLY LEFT BLANK**



**CITY OF DALLAS**

**ETHICS  
ADVISORY  
COMMISSION**

**ANNUAL REPORT  
2014**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**ETHICS ADVISORY COMMISSION  
2014 ANNUAL REPORT**

**TABLE OF CONTENTS**

ETHICS ADVISORY COMMISSION MEMBERS	TAB 1
MISSION STATEMENT	TAB 2
SUMMARY OF ACTIVITIES	TAB 3
• Pending Issues	
COMMISSION MEETING MINUTES	TAB 4
ETHICS ADVISORY COMMISSION MEETING ATTENDANCE LOG	TAB 5
EXHIBITS	
A. 2014 ETHICS COMPLAINT INDEX	TAB 6
CHAIR COMMENTARY	TAB 7

**THIS PAGE INTENTIONALLY LEFT BLANK**

**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. At each biennial appointment, the Mayor determines the interview method for all nominees submitted for consideration (i.e., interview by full City Council, a City Council Committee, or Ad-hoc Committee established for this purpose).

Commissioner	Position	Member as of	Current Status
Randy H. Skinner, Chairman	1	06/30/08	Holdover as of 10/01/13
Donna L. Wigley	2	02/21/14	Appointed as of 02/05/14
Linda R. Camin	3	03/09/10	Reappointed as of 02/05/14
Mickie Simpson Bragalone, Vice-Chair	4	03/31/10	Reappointed as of 02/05/14
J.D. McLemore	5	02/24/14	Appointed As of 02/05/14
Brent P. McDougal	6	05/08/12	Reappointed as of 03/26/14
LaKisha L. Thomas	7	02/19/14	Appointed As of 02/05/14

## OTHER BOARD MEMBERS SERVING IN 2014

Commissioner	Position	Original Appointment Date	Current Status
Albert Gonzalez	5	04/23/12	Term Ended as of 01/24/14
Roger Wedell	7	02/06/06	Term Ended as of 01/24/14

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 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**

## SUMMARY OF ACTIVITIES

The following are topics of discussion the Ethics Advisory Commission had throughout the year:

- **EAC PENDING ISSUES**

1. Proposed Amendments to Chapter 12A (Ethics Policy):

The proposed changes to Chapter 12A (Ethics Code) were briefed to the entire City Council on Wednesday, August 6, 2014. Following discussion, the City Council requested the City Attorney's Office review additional areas to determine other potential changes. To date, there has been no feedback by the City Attorney's office or additional presentation at the City Council level.

2. Review of Chapter 15A (Campaign Contributions):

As part of the 2013 annual report, the Commission is still waiting for a response from the City Council as to whether or not to conduct a review of Chapter 15A which governs political contributions to City Council candidates by individuals and specific purpose committees. Mayor Michael Rawlings was made aware of this information during the April 18, 2014 Commission meeting when the EAC discussed this matter with him.

- **COMPLAINTS PROCESSED**

A total of two (2) ethics complaints were received and processed by the City Secretary's Office:

DATE SUBMITTED	COMPLAINANT	RESPONDENT	PRELIMINARY PANEL HEARING DATE/RESULTS	EVIDENTIARY HEARING HELD
02/25/14	Erick Rafael Green	David Brown Dallas Chief of Police	Yes 3/17/14 Dismissed	No
4/03/14	Nancy Rangel	John Michael Grizzaffi Dallas County Constable	No N/A Invalid	No

*Note: See 2014 Complaint Index behind Tab 7 for more detailed information*

**THIS PAGE INTENTIONALLY LEFT BLANK**

**TAB 4**



**ETHICS ADVISORY COMMISSION  
MEETING MINUTES  
JANUARY 24, 2014  
9:09 A.M.**

**Members Present:** Randy Skinner, Chair  
Mickie Simpson Bragalone, Vice Chair  
Albert Gonzalez  
Brent McDougal  
Linda Camin  
Roger W. Wedell

**Staff Present:** Rosa A. Rios, City Secretary  
Biliera Johnson, Assistant City Secretary  
Lisa Christopherson, Senior Assistant City Attorney  
Jesse Salazar, Boards and Commissions Manager, CSO  
Dawna Brown, EAC Coordinator, CSO

**Call to Order**

Meeting called to order at 9:09 a.m. by Chairman Skinner.

**Agenda Item I – Approval of Minutes for April 19, 2013**

Commissioner Wedell moved approval of the minutes of the April 19, 2013 Ethics Advisory Commission Meeting.

Motion seconded by Vice Chair Bragalone and unanimously adopted.

**Agenda Item II – Review and Approval of 2013 Annual Report to the City Council**

Commissioner Wedell expressed his disappointment with City Council not responding to Chairman Skinner's letter dated September 26, 2008 indicated in the annual report. Chairman Skinner and Vice Chair Bragalone both stated they have both individually met with the Mayor to express their frustration.

Commissioner Camin stated she thought the Commission had voted to remove “as requested” from the amendment changes indicated in Tab 6A, Page 2, Section 7. City Secretary Rosa Rios reminded the Commission they did approve the amendment. However, the amendment was presented to Councilmember Jerry Allen, as EAC Liaison and Chair of the Budget, Finance & Audit Committee, but was not accepted and, therefore, not presented to the Budget, Finance & Audit Committee.

After much discussion, Commissioner Wedell recommended that some explanation should be added to the annual report to show the work of the commission. It should state the amendment changes included language from the commission that did not go to the Budget, Finance & Audit Committee for action.

After reviewing the 2012 Annual Report, City Secretary Rios stated at its April 16, 2012 meeting, the Budget, Finance & Audit Committee further recommended the Ethics Advisory Commission examine Rule 11 of the Federal Rules of Civil Procedure. The recommendation was not communicated to the commission until January 24, 2014, so the review has not been conducted but will be scheduled for a future commission meeting. Commissioner Bragalone stated the commission had reviewed the Rule. City Secretary Rios stated she would follow up with Assistant City Attorney Chris Bowers, who wrote the draft ordinance, and would also review previous EAC meeting audios to determine if the discussion occurred.

Commissioner Camin motioned the 2013 Ethics Advisory Commission Annual Report be accepted with the recommended additional changes. Motion seconded by Commissioner Wedell and unanimously accepted.

### **Agenda Item III – Calendar**

City Secretary Rios stated at the next City Council briefing all of the (re)nominated members would be presented to the City Council for appointment. In the past, commission nominees were interviewed by the full City Council or the Budget, Finance & Audit Committee. Mayor Michael Rawlings decided not to conduct interviews this time so the City Secretary’s Office will proceed with the nominees received to date.

Rule 11 of the Federal Rules of Civil Procedure will be added to the agenda for the next meeting. Commissioner Bragalone requested Assistant City Attorney Bowers also be present at the next meeting to answer questions regarding Rule 11 of the Federal Rules of Civil Procedure.

Commissioner McDougal asked if it would be possible for Mayor Rawlings to be present for the next meeting. City Secretary Rios said she would make that request on behalf of the Ethics Advisory Commission.

It was announced this is Commissioner Wedell's last meeting as he had reached term limits in his position. The Commission expressed its appreciation for his service.

Commissioner Camin mentioned she had recently attended a town hall meeting regarding the budget, and it was stated a position would be added to monitor the City's ethics program. Commissioner Camin would like to know if someone has been hired for the position who could update the Commission on this program at the next meeting. City Secretary Rios stated a position was approved that reports to Human Resources, and once hired the individual would be scheduled for a future EAC meeting to make the requested presentation.

### **Adjournment**

Commission Bragalone motioned to adjourn, motion seconded by Commissioner Wedell and unanimously approved.

The meeting was adjourned at 10:29 a.m.

**COPY**

---

Randy H. Skinner, Chairman

**THIS PAGE INTENTIONALLY LEFT BLANK**



City of Dallas

**ETHICS ADVISORY COMMISSION  
MEETING MINUTES  
APRIL 18, 2014  
9:08 A.M.**

**Members Present:** Randy Skinner, Chair  
Mickie Simpson Bragalone, Vice Chair  
J.D. McLemore  
Brent McDougal  
Linda Camin  
Donna Wigley  
LaKisha Thomas

**Staff Present:** Rosa A. Rios, City Secretary  
Biliera Johnson, Assistant City Secretary  
Michael Rawlings, Mayor  
Chris Bowers, Sr. Executive Assistant City Attorney  
John Rogers, Executive Assistant City Attorney  
Jesse Salazar, Boards and Commissions Manager, CSO  
Dawna Brown, EAC Coordinator, CSO

**Call to Order**

Meeting called to order at 9:08 a.m. by Chairman Skinner.

**Agenda Item I – Approval of Minutes for January 24, 2014**

Commissioner Camin suggested making the following changes:

- Page 2, paragraph 4 - Commissioner Camin motioned the 2013 Ethics Advisory Commission Annual Report be accepted with the recommended additional changes. Motion seconded by Commissioner Wedell and unanimously accepted.
- Page 3, paragraph 1 - It was announced this is Commissioner Wedell's last meeting as he had reached term limits in his position. The Commission expressed its appreciation for his service.

Commissioner McDougal moved approval of the minutes of the January 24, 2014 Ethics Advisory Commission Meeting with the changes recommended by Commissioner Camin.

Motion seconded by Vice Chair Bragalone and unanimously adopted.

### **Agenda Item II – Discuss EAC Pending Issues**

There were two items pending, 1) Budget, Finance and Audit Committee (BFAC) recommended amendments to Chapter 12A of the Dallas City Code and 2) review of campaign contributions in Chapter 15A of the Dallas City Code.

#### 1. BFAC recommended amendments to Chapter 12A:

Chairman Skinner requested Sr. Executive Assistant City Attorney Chris Bowers go into further detail regarding the recommended amendment changes to Chapter 12A. Mr. Bowers distributed a summary of and reiterated the BFAC's recommended amendments to the Code of Ethics. The EAC reviewed and discussed the proposals listed. City Secretary Rosa Rios explained some of the proposals were administrative in nature and were necessary to alleviate the need to schedule hearings for incomplete or incorrect complaints filed. Commissioner Bragalone stated the administrative changes would not only help the City Secretary's Office, but would also benefit the citizens by making them aware of the necessary documentation needed to file a complaint.

Mr. Bowers stated the proposals included a recommendation to deem a complaint as frivolous. The proposal was modeled after the City of San Antonio's process for deeming complaints to be frivolous.

Mayor Michael Rawlings confirmed the proposals were brought to the attention of the BFAC a year ago. Ms. Rios stated the BFAC recommended the proposals be scheduled for City Council approval; however, the proposals had as yet not been scheduled for City Council consideration. Mayor Rawlings stated the City Council needed to be briefed on the proposals and requested Ms. Rios speak with Councilmember Jerry Allen, Chair of the BFAC, to provide for a future City Council briefing. Commissioner Bragalone reiterated some of the proposed recommendations are older than one year. The Mayor thanked the EAC for their work.

2. Review of Chapter 15A (Campaign Contributions):

Ms. Rios stated, in June 2008, EAC nominees were interviewed at the City Council level. During that time, it was suggested by Councilmember Angela Hunt the EAC review the campaign contribution process. Ms. Rios informed the EAC Chapter 15A of the Dallas City Code sets political contribution limitations, but makes no mention of limitations regarding officeholder contributions. As the Code is currently written, the EAC cannot address any issues outside of Chapter 12A Code of Ethics, unless specifically directed by the City Council. Mayor Rawlings stated he would like the EAC to have the ability to look into any area of the City Code that deals with ethical issues. Mr. Bowers stated Chapter 12A would need to be amended to give the EAC the power to look into other matters concerning ethics.

Commissioner Bragalone clarified (1) if a complaint comes before the EAC where conduct pertaining to campaign contributions violate a provision of Chapter 12A, the EAC may review the matter; (2) if a complaint was filed where the complainant believed some provision of Chapter 15A had been violated, the EAC would not have jurisdiction on the complaint; and (3) adopting the EAC's recommendation to amend Chapter 12A-25(c)(7) to state, "To advise the city council as requested on ethical matters and make recommendations concerning the city's ethics code and policies" would address the Mayor's immediate concerns.

Mayor Rawlings asked Mr. Bowers for suggestions on how to empower the EAC.

**Agenda Item III – Proposed amendments to Chapter 12A including discussion on Rule 11 of the Federal Rules of Civil Procedure**

Ms. Rios stated when the BFAC met regarding the proposed changes the EAC recommended to Chapter 12A, there was direction given by the Committee for the EAC review the applicability of Rule 11 of the Federal Rules of Civil Procedure to the proposed changes. Mr. Bowers presented the EAC with a handout on "Proposals Regarding Knowledge Needed To File A Complaint." The handout presented existing language in Section 12A-26 of the Code of Ethics and incorporated all recommendations by Deputy Mayor Pro Tem Tennell Atkins, and BFAC which, if adopted, would make it easier to prosecute complainants who submit false information for perjury, as well as provided operational changes recommended by the City Secretary's Office.

At the April 2012 BFAC meeting, Councilmember Scott Griggs made an amendment to the EAC proposed changes to model Rule 11 of the Federal Rules of Civil Procedure. The BFAC approved this change. Commissioner Bragalone stated she preferred the simpler language, but had no objection to the change suggested by Councilmember Griggs. Ms. Rios stated she would get with Councilmember Allen to revisit Chapter 12A in its entirety and look at scheduling it for a City Council briefing. The EAC would be informed of the date.

Commissioner Bragalone made a motion that the recommendations for amendments to Chapter 12A made by the EAC be revised to accept and incorporate the changes recommended by the BFAC on April 16, 2012, with respect to Section 12A-26(a), being the portion that addressed the personal knowledge component; motion seconded by Chairman Skinner and unanimously approved.

Executive Assistant City Attorney John Rogers presented the EAC with a summarized version of Chapter 12A (Code of Ethics) which they could use as a reference.

### **Adjournment**

Commissioner Bragalone motioned to adjourn; motion seconded by Commissioner McDougal and unanimously approved.

The meeting was adjourned at 10:29 a.m.

**COPY**

---

Randy H. Skinner, Chairman

**THIS PAGE INTENTIONALLY LEFT BLANK**

**TAB 5**

**2014  
ETHICS ADVISORY COMMISSION  
ATTENDANCE**

<b>2014 MEETING DATES</b>	<b>PLACE</b>	<b>1/24/2014 REGULAR MEETING</b>	<b>4/18/2014 REGULAR MEETING</b>	<b>7/18/2014 REGULAR MEETING</b>	<b>10/17/2014 REGULAR MEETING</b>
Randy H. Skinner	01	P	P	CANCELLED	CANCELLED
VACANT	02	V		CANCELLED	CANCELLED
Donna Wigley	02		P	CANCELLED	CANCELLED
Linda Camin	03	P	P	CANCELLED	CANCELLED
Mickie Simpson Bragalone	04	P	P	CANCELLED	CANCELLED
Albert Gonzalez	05	P	V	CANCELLED	CANCELLED
J.D. McLemore	05		P	CANCELLED	CANCELLED
Brent McDougal	06	P	P	CANCELLED	CANCELLED
Roger Wedell	07	P	V	CANCELLED	CANCELLED
LaKisha Thomas	07		P	CANCELLED	CANCELLED

**TAB 6**

## 2014 ETHICS COMPLAINT INDEX

DATE FILED	COMPLAINANT	RESPONDENT	CODE VIOLATION CITED	DATE HEARD	STATUS/OUTCOME
02/25/14	Erick Rafael Green	David Brown Dallas Chief of Police	12A-3(a) 12A-4(a) 12A-18	03/17/14	Dismissed by Preliminary Panel. Based upon the evidence submitted the complaint fails to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
4/03/14	Nancy Rangel	John Michael Grizzaffi Dallas County Constable	Unknown Source Chapter IV-4.1.E, 4.11, 4.12, 4.13, 6.5; 18 U.S. Code §2236; 18 U.S. Code §872; 4 <sup>th</sup> Amendment	N/A	Invalid – EAC jurisdiction of powers does not include Dallas County employees. Complainant was notified to file complaint with Dallas County

TAB 7

## CHAIR COMMENTARY

During my tenure as Chair of the Ethics Advisory Commission, I continually met with Mayor Michael Rawlings, Council member Jerry Allen, City Auditor Craig Kinton, Dallas City Attorney's Office and former City Manager Mary Suhm in establishing a citywide ethics program for the City of Dallas employees. We met regularly with DeLaPorte & Associates, Inc. a company that has spent the last 30 plus years specializing in cultural transformation for some of the world's largest companies. They initially helped and guided us in the best practices of ethics and government. They also had a one-on-one meeting with the entire Ethics Advisory Commission.

These efforts assisted in the hiring of the City's Ethics and Diversity Officer, Cheryl Orr, with whom I have met and oriented in the City's past efforts in addressing ethics at both an officer and employee level. She was further updated on Judy Nadler, former Santa Clara Mayor and Councilmember and Senior Fellow in the Governmental Ethics Markkula Center for Applied Ethics at Santa Clara University, who met with city council on January 15, 2013 to address this at the City Council level.

*Randy H. Skinner*

---

Randy H. Skinner  
Chair, Ethics Advisory Commission