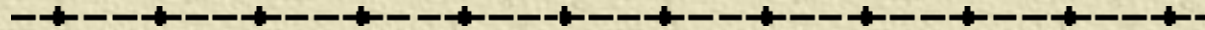


City of San Antonio

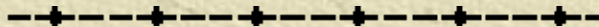
Code of Ethics



Helen Valkavich

City of San Antonio

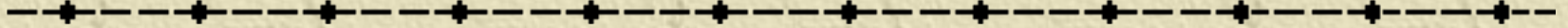
June 24, 2009



STATEMENT OF PURPOSE

The Code establishes standards of conduct, disclosure requirements, and enforcement mechanisms relating to **city officials and employees** and others whose actions inevitably **affect public faith** in city government such as former city officials former employees, candidates for public office, **persons doing business with the city**, and **lobbyists**.

Lobbyists



Municipal Question

Previously, the Ethics Code excluded platting and zoning matters from the definition of “municipal question.”

General lobbying regulations now apply to issues of platting and zoning. Zoning or platting matters may not be a “municipal question” if it is a routine, administrative event.

Lobbying

-
- 1) any communication
 - 2) to a city official,
 - 3) to influence or persuade the official,
 - 4) to favor or oppose action on a municipal question.

Lobbying

✦ Officials defined:

- ✦ Mayor and Members of Council;
- ✦ Assistants to the Mayor;
- ✦ Assistants to City Council;
- ✦ Municipal Court Judges;
- ✦ City Manager;
 - Deputy City Manager
 - Assistant City Managers
 - Assistants to the City Mgr
 - Secretary to the City Mgr

Lobbying

✦ Officials defined:

- ◆ Department heads;
- ◆ Assistant department heads;
- ◆ Executive secretaries;
- ◆ Members of bid committees;
- ◆ Mkt Square Superintendent;
- ◆ Community Action Mgr;
- ◆ Public Utilities Supervisor;

Lobbying

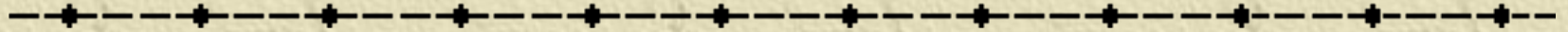
✦ **Officials** include members of boards and commissions:

- Board of Adjustment;
- Board of Appeals;
- City Public Service;
- Firefighters/Police Officers
Civil Service Commission;
- Electrical Examining Board;
- Ethics Review Board;

Municipal Question

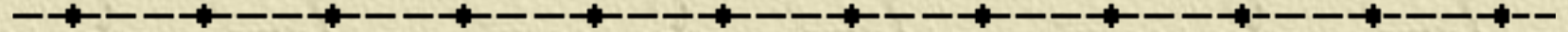
A public policy issue of a discretionary nature pending or impending before the council or any board or commission in the form of ordinances, motions, recommendations, reports, policies, appointments & bids.

Municipal Question



Does not include day to day application, administration, or execution of existing city programs and policies.

Communication



To constitute lobbying, there must be a communication made to “influence” or “persuade.”

Not Lobbying If . . .

-
- merely requests information or inquires about facts or status of any municipal question issue;
 - responds in writing to a request for information by a city official;
 - responds to a public notice soliciting communications from the public and the communication is directed to the designated official;

Not Lobbying If . . .

-
- communication is made in a speech, publication or other material distributed by mass communication methods;
 - the communication takes place at a meeting open to the public under the Open Meetings Act;
 - the communication is a written comment filed at a public proceeding.

Registration

A person or entity must register as a lobbyist if:

- 1) that person is compensated in connection with the lobbying activity; or
- 2) that person expends monies for the lobbying activities.

unless person or entity is in exempt category.

Registration Exemptions

- **Individuals who neither receive compensation or expend money for lobbying on behalf of client;**
- **Neighborhood associations and non-profit associations whose activity is mobilizing constituents;**
- **Journalists**
- **Client of a registrant;**
- **Agent or employee of registrant, if registrant fully reports**

Compensation

Compensation means money or benefit received or to be received in connection with lobbying services.

Compensation for professional services that do not primarily require contact or advocacy with officials is not compensation in connection with lobbying services if contact is incidental to primary purpose of employment.

Expenditures

Expenditure means money or thing of value spent in connection with lobbying services.

Does not include photocopy costs for individuals communicating on their own behalf.

Registration

- Initial registration required within 90 days after first lobbying contact or prior to official city action, whichever is first.
- Current fee = \$300 flat fee each registrant and agent. Must file separate registration for each client.
- Must register annually by January 31.

Quarterly Reports

- Name of registrant, name of client;
- specific issues lobbied on;
- list of contacted city officials;
- list of agents or employees who lobbied on behalf of client

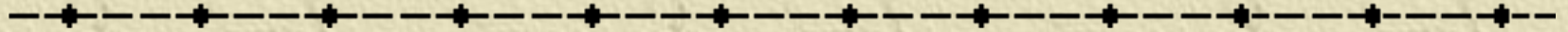
Quarterly Reports

- ✦ Gift, benefit or expenditure greater than \$50 made to or on behalf of city official or immediate family member;
- ✦ Exchange of money, goods, services to business entity of city official if in excess of \$1,000 and official has been lobbied or has appellate jurisdiction over the lobbied matter.

Records Retention

- ✦ Registrant must retain all records supporting information in activity reports for 5 years after report filed.

Identification of Clients

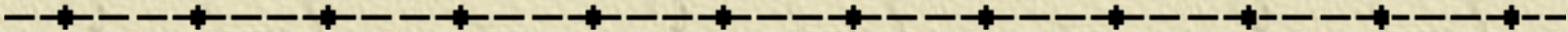



- ✦ Lobbyist must identify himself or herself and the clients represented when contacting a city official or appearing before City Council or city board.

Cone of Silence



Contractors and lobbyists cannot contact city employees or officials regarding a proposed contract from the time the RFP, RFQ or other solicitation has been released until item is posted on the City Council agenda.



**Standards of Conduct
for
Persons Seeking to Do
Business with the City**

Discretionary Contracts Form

- ◆ the identity of any individual party
- ◆ the identity of any business entity that is a party;
- ◆ any individual or business subcontractor, partner, or parent or subsidiary business which would be a party
- ◆ the identity of any lobbyist or PR firm employed to assist in securing contract

Discretionary Contracts Form

All political contributions totaling \$100 or more within the past 24 months made directly or indirectly to any current or former member of City Council, any candidate for Council or to any political action committee (PAC) that contributes to Council elections.

Discretionary Contracts Form

Indirect contributions by an individual include but are not limited to, contributions made by an individual's spouse.

Indirect contributions by an entity, include contributions made by the officers, owners, attorneys or registered **lobbyists** of the entity.

Political Contributions

Legal signatory of a “high-risk” contract with the city cannot make a political contribution to city council candidate or officeholder from time response to RFP/RFQ is submitted until 30 days after contract award.

Political Contributions

Revisions under consideration at June 25, 2009 Council meeting to expand contribution restriction to also include individuals seeking contracts, owners/officers of entities seeking contract, paid consultants assisting with contract effort and those seeking zoning changes.

Local Gov't Code

Chapter 176

✦ All vendors/contractors must submit a “conflict of interest questionnaire” to City Clerk within 7 days after:

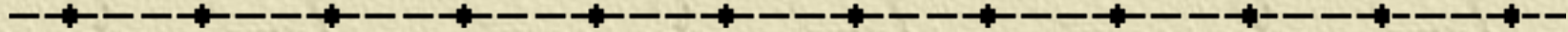
- ✦ contract negotiations begin; or
- ✦ submission of application, response to RFP, RFQ, or other writing related to potential agreement.

Local Gov't Code

Chapter 176

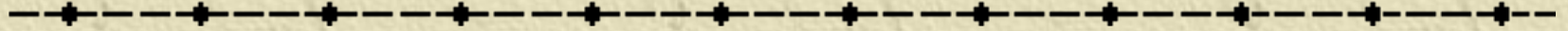
✦ The questionnaire requires the contractor or contract seeker to disclose business or employment relationships with councilmembers and the city manager.

Texas Ethics Commission responsible for form which is posted on the city's ethics webpage.



**Standards of Conduct
for
Current City Officials and
Employees**

Conflicts of Interest



Conflicts of Interest

✦ An official or employee shall not take any official action that he or she should reasonably know is likely to affect the economic interest of :

- ✦ the official or employee;
- ✦ parent, child, spouse or other 2nd degree family member;
- ✦ member of the official or employee's household.

Conflicts of Interest

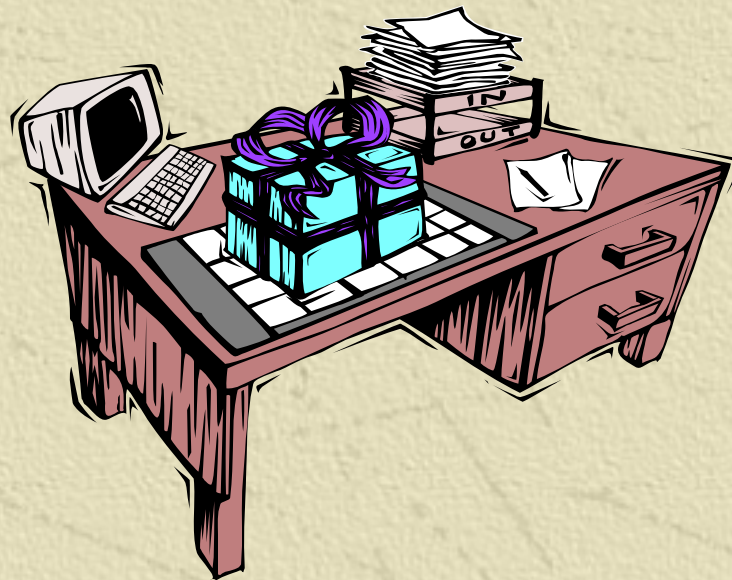
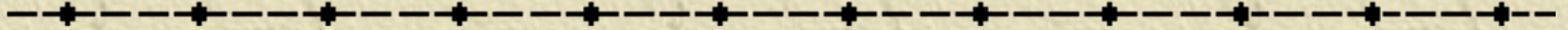
-
- ◆ outside employer of official, spouse, child (except minor child) or parent;
 - ◆ business entity in which economic interest exists for any of the above;
 - ◆ business or nonprofit entity for which official or employee serves as director or officer; or

Conflicts of Interest

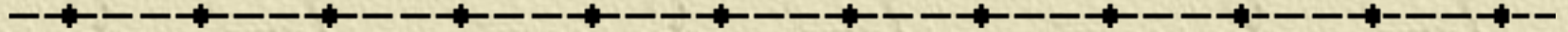
- ◆ business with which official or employee has negotiated employment or business opportunity.



Gifts



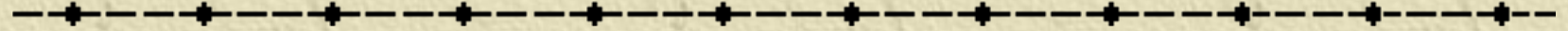
Gifts



Rule 1: – City official or employee cannot accept any gift from any source that:

- 1) influences or rewards official conduct; or
- 2) the official knows or should know is being offered with the intent to influence official conduct.

Gifts



Rule 2: – City official or employee cannot accept gifts from:

- 1) anyone doing business or seeking to do business with the City;
- 2) registered lobbyists; or
- 3) persons seeking zoning or platting decisions.

Gift Exceptions

- 1) items of nominal value;
- 2) meals up to \$50, no more than \$500 total in calendar year from a single source;
- 3) lodging, transportation, entertainment up to \$500 per year from a single source, accepted as a guest of the donor;

Political Contributions



Campaign and officeholder contributions made pursuant to the Texas Election Code are not gifts.

They are reported and regulated under the Texas Election Code and the Municipal Campaign Finance Code.

State Law

Sec. 36.02 Penal Code



A person commits bribery (felony) if he intentionally or knowingly offers or accepts a benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant.

State Law

Sec. 36.08 Penal Code

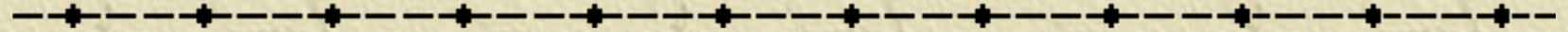
Public servant with discretion in contracts or other transactions commits a crime if they solicit or agree to accept any benefit from:

- a person who has a contract or an interest in a future contract or transaction; or**
- a person who is subject to regulations, inspection or investigation by the agency.**

Exception Under State Law

Sec. 36.10 Penal Code

- ✦ Sec 36.08 does not apply for items with a value of less than \$50.
- ✦ Sec. 36.08 also does not apply to food, lodging, transportation or entertainment accepted as a guest, if all parties file required reports.



**Standards of Conduct
for
Former City Officials and
Employees**

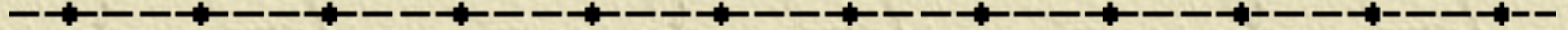
Former City Officials and Employees

- ✦ Confidentiality;
- ✦ No representation of private interests for compensation for 2 years, except self and family;
- ✦ Cannot work on contract for 2 years if personally involved;
- ✦ Officers/Employees (financial disclosure) cannot have interest in discretionary contract for 1 year.

Former Board Members

- ✦ Confidentiality;
- ✦ No representation of private interests for 2 years before former board or commission;
- ✦ No representation with city staff either, if board more than advisory;
- ✦ Cannot have interest in discretionary contract for 1 year.

Ethics Review Board



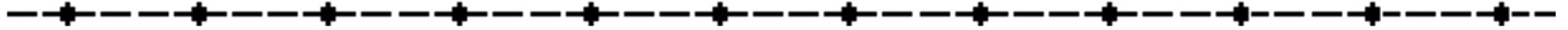


ADVISORY OPINIONS

Ethics Review Board

Citizens may request advisory opinion from Ethics Review Board.

- Reliance - opinion will be considered in adjudicating a complaint filed against a person who sought opinion



For more information



- Online Payments
- City Job Vacancies
- City Council Agenda
- City Bids >>
- Contracting & Capital Projects >>
- Office of Emergency Management
- City News Releases
- Events
- Traffic >>
- Local Stats >>
- Contact Us



Your input is important

A \$550 Million Bond Program will be considered by voters next May. It will not require a tax increase. Public participation is integral to determining what projects will be included. [Click here](#) to learn more.

Headlines Monday, January 29, 2007

- Mayor's 2007 State of the City Address
- Free tax preparation assistance available for eligible families
- Start your spring cleaning early -- Free Landfill Disposal Day
- Community input sought on BRAC actions in San Antonio
- Next Houston Street Fair & Market set for January 27
- Latest information on the Helotes compost fire
- Additional information from the TCEQ and Metro Health
- City of San Antonio's 2006 Annual Report

Top Links

- Jobs
- Library
- Police
- Airport
- City Departments
- Development Svcs
- Pay Court Fines
- Council Agenda

TVSA LIVE WEBSTREAM
Watch City Council meetings and City programs


City Officials / Information

- Mayor
- City Council
- City Manager
- Ethics - Campaign Finance - Lobbyists
- Request a City Document or Record
- Your Local, State & Federal Officials
- Your City Government



I would like to...

Apply for a City job



City of San Antonio

Code of Ethics

Helen Valkavich

Camila Kunau

City of San Antonio

207-8940