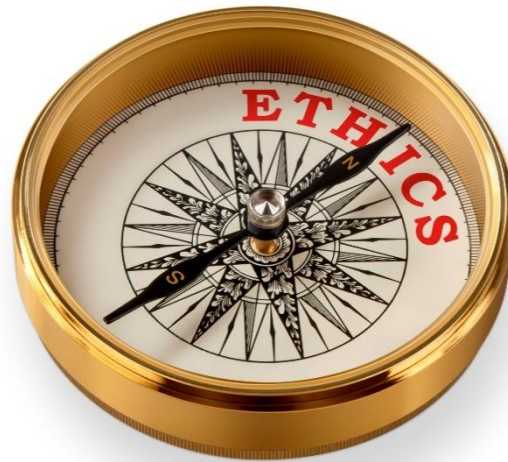


Ethics & Fostering Integrity at City Hall



Riley Fletcher Basic Municipal Law Seminar
Texas City Attorneys Association
Austin, Texas
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Today's Agenda

- ★ L.A.R.I.A.T
- ★ Common Codes of Conduct
- ★ Professional Codes
- ★ State Law
- ★ Municipal Codes
- ★ Quiz



Alan's System for City Codes

Fostering Integrity at City Hall

Leadership

Administration

Regulation

Instruction

Accountability

Transparency

LARIAT

- ★ **Leadership:** Top dogs must inspire the troops.
- ★ **Administration:** Management must have policies, customs, and procedures that are fair and equitable.
- ★ **Regulations:** Rules must require certain conduct and prohibit poor behavior.
- ★ **Instruction:** Training is crucial.
- ★ **Accountability:** A system of rewards and punishment that reinforces your values.
- ★ **Transparency:** Open Government with meetings and records.

Common Codes of Conduct



Ethics of Reciprocity

Golden Rule:

- ★ One should treat others as one would like others to treat oneself
- ★ Do unto others as you'd have done to you



Biblical



10 Commandments:

1. Thou shalt have no other gods before Me.
2. Thou shalt not make idols.
3. Thou shalt not take the name of the LORD your God in vain.
4. Thou shalt remember the Sabbath day, to keep it holy.
5. Thou shalt honor your father and your mother.
6. Thou shalt not murder.
7. Thou shalt not commit adultery.
8. **Thou shalt not steal.**
9. **Thou shalt not bear false witness against your neighbor.**
10. Thou shalt not covet (thy neighbor's wife, house, animals, other).

Scouting

The Girl Scout Law

I will do my best to be:

- honest and fair
- friendly and helpful
- considerate and caring
- courageous and strong
- **responsible for what I say and do**
- **respect myself and others**
- respect authority
- **use resources wisely**
- make the world a better place
- be a sister to every Girl Scout.



Honor Codes

West Point Military Academy:

“A cadet will not lie, cheat,
steal or tolerate those who do.”



Professional Associations

American Society for Public Administration

1. Advance the Public Interest.
2. Uphold the Constitution and the Law.
3. Promote Democratic Participation.
4. Strengthen Social Equity.
5. Fully Inform and Advise.
6. Demonstrate Personal Integrity.
7. Promote Ethical Organizations.
8. Advance Professional Excellence.



Professional Associations

International City Management Association

Tenet 3. Be dedicated to the **highest ideals of honor and integrity** in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public

Tenet 5. Submit **policy proposals** to elected officials; provide them with **facts** and **advice** on matters of policy as a basis for making decisions and setting community goals, and uphold and implement local government policies adopted by elected officials.



ICMA

Leaders at the Core of Better Communities

Professional Associations

IIMC- International Institute of Municipal Clerks:

- To so **conduct my public and private life as to be an example to my fellow citizens;**
- To be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;
- To record that which is true and preserve that which is entrusted to me.



Professional Associations

Building Officials Association of Texas (BOAT):

- **Accept no form of personal favors or gratuity** for public services rendered and conscientiously avoid all circumstances that could compromise professional integrity and above all;
- Recognize the symbol of my office as a Building Official of public faith and acceptance of public trust to be held so long as to be true ethics of public service, constantly striving to achieve these objectives and ideas; ...



Professional Associations

AICP Code of Ethics & Professional Conduct



We Shall Not:

- Advocate a Position Clearly Adverse to Prior
- **As Salaried Employee Moonlight without Permission**
- Accept pay from other related our public job
- Work on project for Employer that benefits Family member
- **Use info to personal advantage**
- Deliberately or recklessly misrepresent the qualifications or opinions of other professionals
- **Influence Peddle** (implying ability to influence decisions)

State Law



Conflict of Interest

- Tex. Loc. Gov't Code §171
- Related to Finances and Real Estate
- Substantial Interest:
 - 10% Stock
 - \$15,000 in fmv
 - 10% Income
 - \$2,500 Real Property
- Must **Declare** (Through Affidavit)
- Must **Abstain** (Talking & Voting)



Incompatibility

- Common Law Rule (not Statutory)
- Case-By-Case Determination by Courts
- *Thomas v. Abernathy County Line ISD* (1927)
- Conflict of Loyalties
- Conflict of Duties
- Can't appoint yourself
- Can't be own supervisor
- e.g., Councilmember can't be City Manager, Mayor can't be on School Board



Public Disclosures

- Tex. Loc. Gov't Code §176
- Mayors & Council Members must file
- Conflicts Disclosures Statements
 - Business / Employment Relationships (\$2,500+)
 - Family Relationships (1st Degree)
 - Gifts (\$250+ in 12 mos.)
- When related person is seeking city business

Criminal Offenses- *Bribery*

- Tex. Penal Code §36.02
- Public Servant violates the law if they
 - Offer, Solicit or Accept
 - Any Benefit as Consideration
 - For a Decision, Opinion, Vote, Recommendation, or Action



Criminal Offenses- *Honorarium*

- Tex. Penal Code § 36.07
- Gifts for Services:
 - Public Servant Solicits or Accepts
 - Honorarium
 - For Services would not have been requested to provide *but for* official duties or position
- Transportation & Lodging OK if related to speaking event
- Gifts, Awards & Mementos OK if < **\$50**

Criminal Offenses- *Misuse Info*

- Tex. Penal Code §39.06
- A Public Official cannot use
 - For Personal Gain or Speculation
 - Knowledge acquired by holding public office
 - Not available to the general public



Criminal Offenses- *Abuse of Office*

- Tex. Penal Code §39.02
- Public Servant commits offense *if*
 - Intends to obtain a **benefit**, or
 - Intends to **harm** or **defraud** another
 - Violates law regarding office held, or
 - Misuses government property, services, personnel, or other



Municipal Codes of Conduct

- Home-Rule Charters
- Ethics Ordinances
 - Board of Ethics
 - Process & Criteria
 - Representation of Others
 - Moonlighting
 - Revolving Door
 - Purchasing Rules
 - Vendor Disclosures
 - Lobbying
 - Reprimands, Sanctions



Municipal Ethics Quiz

- What do you think?
- Did you make your selections?



Scenario 6: *Let's Do Lunch!*

- City Manager has series of private lunches at invitation of 3 finalists for Solid Waste Contract.
- Contract is for a 7-year exclusive franchise.



Scenario 9: *Enjoy the Perks!*

- Purchasing Manager & staff head to Dallas.
- They enjoy a suite at an NBA game.
- Suite belongs to investor in a company that operates the city's wastewater treatment plant.



Scenario 12: *Don't Let the Door Hit Ya...*

- City Engineer resigns.
- Goes to work for Development Firm
- Projects include lots that the Engineer previously characterized as “unbuildable”.



Scenario 17: *Which Hat to Wear?*

- Chairperson of P&Z recuses himself from voting on an item.
- Chair is representing the Property Owner
- Chair is advocating the Owner's Interests.



Best Practices

- Be familiar with the Law & Codes
- Network with honorable colleagues
- Remember you are part of a team
- Imagine Your Worst Enemy Learns
- Know your place
- Make Training a Priority
- Engage in a Dialogue
- Put Your Citizens 1st
- Remember Whose Money It Is
- Remember Why You Got Into Public Service



Do your part to Foster Integrity

