

BEAT THE RAP *AND* THE RIDE

KEEPING YOU AND YOUR CLIENTS OUT OF JAIL

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YOU CAN BEAT THE RAP,
BUT YOU CAN'T BEAT THE
RIDE...

RANGES OF PUNISHMENT

RANGES OF PUNISHMENT (TEXAS PENAL CODE)

- CLASS C MISDEMEANOR: PUNISHABLE BY A FINE NOT TO EXCEED \$500
- CLASS B MISDEMEANOR: PUNISHABLE BY A FINE NOT TO EXCEED \$2,000, CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS, OR BOTH
- CLASS A MISDEMEANOR: PUNISHABLE BY A FINE NOT TO EXCEED \$4,000, CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED ONE YEAR, OR BOTH
- STATE JAIL FELONY: GENERALLY PUNISHABLE BY CONFINEMENT IN JAIL FOR A TERM OF NOT MORE THAN TWO YEARS OR LESS THAN 180 DAYS, A FINE NOT TO EXCEED \$10,000, OR BOTH
- THIRD DEGREE FELONY: PUNISHABLE BY IMPRISONMENT FOR A TERM OF NOT MORE THAN 10 YEARS OR LESS THAN 2 YEARS, A FINE NOT TO EXCEED \$10,000, OR BOTH
- SECOND DEGREE FELONY: PUNISHABLE BY IMPRISONMENT FOR A TERM OF NOT MORE THAN 20 YEARS OR LESS THAN 2 YEARS, A FINE NOT TO EXCEED \$10,000, OR BOTH
- FIRST DEGREE FELONY: PUNISHABLE BY IMPRISONMENT FOR LIFE OR FOR ANY TERM OF NOT MORE THAN 99 YEARS OR LESS THAN 5 YEARS, A FINE NOT TO EXCEED \$10,000, OR BOTH

LEGAL EXPENSES

LEGAL EXPENSES

- AN OFFICIAL MUST PAY CRIMINAL DEFENSE COSTS UP-FRONT BECAUSE A CITY MAY NOT PAY THE EXPENSES OF AN OFFICIAL WHO IS FOUND GUILTY OF CRIMINAL CHARGES
 - I.E., A CITY MUST DEFER PAYMENT OF CRIMINAL LEGAL EXPENSES UNTIL THEY KNOW THE OUTCOME OF THE CASE
- IF A PUBLIC OFFICIAL IS FOUND NOT GUILTY, A CITY HAS DISCRETION TO PAY FOR A PERSON'S LEGAL EXPENSES IN A CRIMINAL MATTER UPON FINDINGS THAT THE PAYMENT FURTHERS A CITY PURPOSE AND THAT THE PROSECUTION WAS FOR AN ACT PERFORMED IN THE BONA FIDE PERFORMANCE OF OFFICIAL DUTIES.
 - A CITY COUNCILMEMBER IS DISQUALIFIED FROM VOTING ON THE ISSUE OF WHETHER TO PAY HIS OR HER OWN LEGAL FEES, OR THE LEGAL FEES OF ANOTHER CITY COUNCILMEMBER INDICTED ON THE SAME FACTS FOR THE SAME OFFENSE.
- IF A CITY COUNCILMEMBER IS FOUND GUILTY, THE CITY IS PROHIBITED FROM PAYING THE EXPENSES.

POLITICAL CONTRIBUTIONS, POLITICAL ADVERTISING, AND CAMPAIGN COMMUNICATIONS

POLITICAL CONTRIBUTIONS

- THERE ARE VARIOUS PROHIBITIONS RELATED TO MAKING AND ACCEPTING POLITICAL CONTRIBUTIONS, INCLUDING PROHIBITIONS AGAINST ACCEPTING CONTRIBUTIONS WITHOUT A CAMPAIGN TREASURER APPOINTMENT IN EFFECT AND ACCEPTING CASH CONTRIBUTIONS THAT EXCEED \$100
- VIOLATIONS OF THESE TWO PROHIBITIONS ARE CLASS A MISDEMEANORS.
- THE ELECTION CODE ALSO PROHIBITS THE CONVERSION OF POLITICAL CONTRIBUTIONS FOR PERSONAL USE.

POLITICAL ADVERTISING AND CAMPAIGN CONTRIBUTIONS

- THERE ARE RESTRICTIONS ON THE USE OF A CITY'S INTERNAL MAIL SYSTEM TO DISTRIBUTE POLITICAL ADVERTISING.
- CITY OFFICERS AND EMPLOYEES ARE PROHIBITED FROM KNOWINGLY USING OR AUTHORIZING THE USE OF AN INTERNAL MAIL SYSTEM FOR THE DISTRIBUTION OF POLITICAL ADVERTISING.
- A VIOLATION OF THIS PROHIBITION IS A CLASS A MISDEMEANOR.

POLITICAL ADVERTISING AND CAMPAIGN CONTRIBUTIONS

- CITY OFFICERS AND EMPLOYEES ARE PROHIBITED FROM KNOWINGLY SPENDING CITY FUNDS FOR POLITICAL ADVERTISING.
- THIS PROHIBITION DOES NOT APPLY TO A COMMUNICATION THAT FACTUALLY DESCRIBES THE PURPOSE OF A MEASURE SO LONG AS IT DOES NOT ADVOCATE THE PASSAGE OR DEFEAT OF THE MEASURE.
- A VIOLATION OF THESE PROHIBITIONS IS A CLASS A MISDEMEANOR.
- EXAMPLES:
 - CITY BOND ELECTION
 - USE OF CITY EMAIL TO CAMPAIGN FOR OR AGAINST A CANDIDATE.

OPEN GOVERNMENT

TEXAS OPEN MEETINGS ACT (TOMA)

- THE GENERAL RULE IS THAT EVERY REGULAR, SPECIAL, OR CALLED MEETING OF A GOVERNMENTAL BODY, INCLUDING A CITY COUNCIL AND SOME BOARDS AND COMMISSIONS, MUST BE OPEN TO THE PUBLIC AND COMPLY WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT.
- THE TOMA DOES NOT APPLY TO EVERY GATHERING OF THE MEMBERS OF A GOVERNMENTAL BODY; ATTENDANCE AT PURELY SOCIAL GATHERINGS, CANDIDATE FORUMS, CONVENTIONS (TML), AND WORKSHOPS ARE NOT MEETINGS UNDER THE TOMA, SO LONG AS ANY DISCUSSION OF CITY BUSINESS IS INCIDENTAL TO THE GATHERING AND NO FORMAL ACTION IS TAKEN.
- PENALTIES FOR VIOLATING THE TOMA RANGE FROM HAVING ACTIONS VOIDED TO THE IMPOSITION OF FINES AND INCARCERATION

TEXAS OPEN MEETINGS ACT (TOMA)

- THERE ARE 4 CRIMINAL PROVISIONS UNDER THE TOMA:
- 1) ENGAGING IN A PROHIBITED SERIES OF COMMUNICATIONS (WALKING QUORUM)
- 2) CALLING OR PARTICIPATING IN AN IMPERMISSIBLE CLOSED MEETING
- 3) PARTICIPATING IN A CLOSED SESSION WITHOUT A CERTIFIED AGENDA OR TAPE RECORDING
- 4) DISCLOSING A CERTIFIED AGENDA OR RECORDING OF A CLOSED MEETING TO A MEMBER OF THE PUBLIC
- VIOLATIONS ARE MISDEMEANOR OFFENSES, WITH FINES OF UP TO \$2,000, AND INCARCERATION UP TO 6 MONTHS

TEXAS OPEN MEETINGS ACT (TOMA)

- REGARDING THE SECOND VIOLATION (CALLING OR PARTICIPATING IN AN IMPERMISSIBLE CLOSED MEETING), AN OFFICIAL MAY BE CONVICTED FOR PARTICIPATING EVEN IF UNAWARE THAT THE MEETING IS PROHIBITED.
- IT IS A DEFENSE THAT THE MEMBER OR THE OFFICIAL ACTED IN REASONABLE RELIANCE ON A (1) COURT ORDER; (2) WRITTEN OPINION OF A COURT OF RECORD; (3) WRITTEN ATTORNEY GENERAL'S OPINION; OR (4) WRITTEN OPINION OF THE ATTORNEY FOR THE GOVERNING BODY.

TEXAS PUBLIC INFORMATION ACT (PIA)

- INFORMATION THAT IS WRITTEN, PRODUCED, COLLECTED, ASSEMBLED, OR MAINTAINED IN CONNECTION WITH THE TRANSACTION OF OFFICIAL CITY BUSINESS IS GENERALLY AVAILABLE TO THE PUBLIC.
- THE PIA APPLIES TO ALL CITY RECORDS, ON PRACTICALLY ANY MEDIA AND CREATED ON ANY DEVICE.
- A COUNCILMEMBER OR FORMER COUNCILMEMBER WITH POSSESSION, CUSTODY, OR CONTROL OF SUCH INFORMATION MUST PROVIDE THE INFORMATION TO THE CITY NOT LATER THAN THE 10TH DAY AFTER THE DATE THE CITY REQUESTS THE INFORMATION; FAILURE TO DO SO MAY SUBJECT THE CITY COUNCILMEMBER TO PENALTIES PROVIDED BY THE PIA OR OTHER LAW.

TEXAS PUBLIC INFORMATION ACT (PIA)

- THE PIA PROVIDES FOR BOTH CRIMINAL PENALTIES AND CIVIL REMEDIES. THE CRIMINAL PROVISIONS PROHIBIT:
 - (1) WILLFULLY DESTROYING, MUTILATING, REMOVING WITHOUT PERMISSION, OR ALTERING PUBLIC INFORMATION;
 - (2) DISTRIBUTING INFORMATION THAT IS CONFIDENTIAL UNDER THE PIA, KNOWINGLY USING CONFIDENTIAL INFORMATION IN AN IMPERMISSIBLE MANNER, PERMITTING INSPECTION OF CONFIDENTIAL INFORMATION BY A PERSON WHO IS NOT AUTHORIZED TO INSPECT THE INFORMATION, OR DISCLOSING CONFIDENTIAL INFORMATION TO AN UNAUTHORIZED PERSON; OR
 - (3) WITH CRIMINAL NEGLIGENCE, FAILING OR REFUSING TO GIVE ACCESS TO OR PROVIDE COPIES OF PUBLIC INFORMATION TO A REQUESTOR.
- VIOLATIONS ARE MISDEMEANOR OFFENSES, WITH FINES UP TO \$4,000 AND UP TO 6 MONTHS IN JAIL.
- VIOLATIONS OF THE SECOND AND THIRD OFFENSES LISTED ABOVE ALSO CONSTITUTE OFFICIAL MISCONDUCT, AND MAY BE GROUNDS FOR REMOVAL UNDER THE OFFICIAL MISCONDUCT PROVISIONS OF TEXAS LAW, THROUGH A RECALL, OR OTHER REMOVAL ACTION AUTHORIZED BY A CITY CHARTER.

RECORDS RETENTION

- THE LOCAL GOVERNMENT RECORDS ACT (LGRA) REQUIRES A CITY TO ESTABLISH A RECORDS MANAGEMENT PROGRAM ADDRESSING THE CREATION, USE, MAINTENANCE, RETENTION, PRESERVATION, AND DISPOSAL OF CITY RECORDS.
- RECORDS SUBJECT TO THE LGRA INCLUDE RECORDS HELD BY A COUNCILMEMBER OR FORMER COUNCILMEMBER WHO, IN THE TRANSACTION OF OFFICIAL CITY BUSINESS, CREATES OR RECEIVES PUBLIC INFORMATION THAT THE OFFICER DOES NOT PROVIDE TO THE CITY'S PUBLIC INFORMATION OFFICER.
- IT IS A CLASS A MISDEMEANOR FOR AN OFFICER OR EMPLOYEE TO KNOWINGLY OR INTENTIONALLY VIOLATE THE LGRA OR RULES ADOPTED PURSUANT TO THE LGRA BY:
 - (1) IMPERMISSIBLY DESTROYING OR ALIENATING A LOCAL GOVERNMENT RECORD; OR
 - (2) INTENTIONALLY FAILING TO DELIVER RECORDS TO A SUCCESSOR IN OFFICE AS REQUIRED BY THE LGRA.

PENAL CODE PROVISIONS

PENAL CODE PROVISIONS: BRIBERY

- “A PERSON COMMITS THE OFFENSE OF BRIBERY IF HE INTENTIONALLY OR KNOWINGLY OFFERS, CONFERS, OR AGREES TO CONFER ON ANOTHER, OR SOLICITS, ACCEPTS, OR AGREES TO ACCEPT FROM ANOTHER ANY BENEFIT AS CONSIDERATION FOR THE RECIPIENT’S DECISION, OPINION, RECOMMENDATION, VOTE, OR OTHER EXERCISE OF DISCRETION AS A PUBLIC SERVANT.”
- A “BENEFIT” IS ANYTHING REASONABLY REGARDED AS PECUNIARY GAIN OR ADVANTAGE, INCLUDING BENEFIT TO ANY OTHER PERSON IN WHOSE WELFARE THE BENEFICIARY HAS A DIRECT AND SUBSTANTIAL INTEREST (SUCH AS A RELATIVE OR BUSINESS PARTNER).
- THE OFFENSE OF BRIBERY IS A SECOND DEGREE FELONY.

PENAL CODE PROVISIONS: HONORARIUMS AND OTHER GIFTS

- A COUNCILMEMBER MAY NOT SOLICIT, ACCEPT, OR AGREE TO ACCEPT AN HONORARIUM IN CONSIDERATION FOR SERVICES THAT THE MEMBER WOULD NOT HAVE BEEN REQUESTED TO PROVIDE BUT FOR THE MEMBER'S OFFICIAL POSITION OR DUTIES.
- THE TERM "HONORARIUM" IS COMMONLY UNDERSTOOD TO BE "A PAYMENT IN RECOGNITION OF ACTS OR PROFESSIONAL SERVICES FOR WHICH CUSTOM OR PROPRIETY FORBIDS A PRICE TO BE SET."
- AN HONORARIUM MAY INCLUDE SUCH THINGS AS FEES FOR SPEAKING, TEACHING, SEVERANCE PAY, AND MOVING EXPENSES.
- THE HONORARIUM PROHIBITION DOES NOT INCLUDE (1) TRANSPORTATION AND LODGING EXPENSES IN CONNECTION WITH CONFERENCES OR SIMILAR EVENTS WHERE THE COUNCILMEMBER PROVIDES SERVICES (E.G., ADDRESSING THE AUDIENCE) SO LONG AS THE SERVICE IS MORE THAN MERELY PERFUNCTORY (I.E., SUPERFICIAL), OR (2) MEALS PROVIDED IN CONNECTION WITH AN EVENT DESCRIBED IN (1) ABOVE.

PENAL CODE PROVISIONS: HONORARIUMS AND OTHER GIFTS

- TEXAS PENAL CODE SECTION 36.10 CARVES OUT EXCEPTIONS UNDER WHICH A CITY OFFICIAL MAY ACCEPT CERTAIN GIFTS OR BENEFITS, INCLUDING:
 - (1) FEES PRESCRIBED BY LAW TO BE RECEIVED (E.G., JURY DUTY FEE)
 - (2) GIFTS GIVEN BY A PERSON WITH WHOM THE COUNCILMEMBER HAS A FAMILIAL, PERSONAL, BUSINESS, OR PROFESSIONAL RELATIONSHIP, INDEPENDENT OF THE MEMBER'S OFFICIAL STATUS (E.G., BIRTHDAY GIFT FROM A FAMILY MEMBER)
 - (3) CERTAIN BENEFITS FOR WHICH THE COUNCILMEMBER FILES A STATEMENT UNDER CHAPTER 572, GOVERNMENT CODE, OR A REPORT UNDER TITLE 15 OF THE TEXAS ELECTION CODE
 - (4) POLITICAL CONTRIBUTIONS AS DEFINED BY TITLE 15 OF THE TEXAS ELECTION CODE
 - (5) ITEMS WITH A VALUE OF LESS THAN \$50, EXCLUDING CASH OR A NEGOTIABLE INSTRUMENT (E.G., A CHECK)
 - (6) ITEMS ISSUED BY A GOVERNMENTAL ENTITY THAT ALLOW THE USE OF PROPERTY OR FACILITIES OWNED, LEASED, OR OPERATED BY THE GOVERNMENTAL ENTITY
 - (7) TRANSPORTATION, LODGING, AND MEALS THAT ARE ALLOWED UNDER THE HONORARIUM PROHIBITION
 - (8) CERTAIN COMPLIMENTARY LEGAL ADVICE OR LEGAL SERVICES RENDERED TO A PUBLIC SERVANT WHO IS A FIRST RESPONDER
 - (9) FOOD, LODGING, TRANSPORTATION, OR ENTERTAINMENT ACCEPTED AS A GUEST, IF THE DONEE IS REQUIRED BY LAW TO REPORT THOSE ITEMS.

PENAL CODE PROVISIONS: HONORARIUMS AND OTHER GIFTS

- A VIOLATION OF EITHER THE BRIBERY OR GIFT LAWS DESCRIBED ABOVE IS A CLASS A MISDEMEANOR, AND A CONVICTION MAY BE GROUNDS FOR REMOVAL UNDER THE “OFFICIAL MISCONDUCT” PROVISIONS OF THE LOCAL GOVERNMENT CODE OR THROUGH A RECALL OR OTHER REMOVAL ACTION AUTHORIZED BY A CITY CHARTER.

PENAL CODE PROVISIONS: FALSIFICATION OF GOVERNMENTAL RECORDS

- PENAL CODE SECTION 37.10 WORKS TO PREVENT, AMONG OTHER THINGS, THE FALSIFICATION OF GOVERNMENTAL RECORDS, WHICH INCLUDE ANYTHING BELONGING TO, RECEIVED BY, OR KEPT BY GOVERNMENT FOR INFORMATION, INCLUDING COURT AND ELECTION RECORDS.
- THE FOLLOWING ARE PROHIBITED:
 - (1) KNOWINGLY MAKING A FALSE ENTRY IN OR FALSE ALTERATION OF A GOVERNMENTAL RECORD
 - (2) MAKING, PRESENTING, OR USING A RECORD, DOCUMENT, OR THING WITH KNOWLEDGE OF ITS FALSITY AND AN INTENT THAT IT BE TAKEN AS A LEGITIMATE GOVERNMENT RECORD
 - (3) INTENTIONALLY DESTROYING, CONCEALING, REMOVING OR IMPAIRING THE TRUTH, LEGIBILITY, OR AVAILABILITY OF A GOVERNMENTAL RECORD
 - (4) POSSESSING, SELLING, OR OFFERING TO SELL A GOVERNMENTAL RECORD OR BLANK FORM WITH THE INTENT THAT IT BE USED UNLAWFULLY;
 - (5) MAKING, PRESENTING, OR USING A GOVERNMENTAL RECORD WITH KNOWLEDGE OF ITS FALSITY
 - (6) POSSESSING, SELLING, OR OFFERING TO SELL A GOVERNMENTAL RECORD OR BLANK FORM WITH KNOWLEDGE THAT IT WAS OBTAINED UNLAWFULLY

PENAL CODE PROVISIONS: FALSIFICATION OF GOVERNMENTAL RECORDS

- A VIOLATION OF SECTION 37.10 CAN RANGE FROM A MISDEMEANOR TO A THIRD DEGREE FELONY, DEPENDING UPON THE INTENT OF THE ACTOR AND THE TYPE OF RECORD INVOLVED.

PENAL CODE PROVISIONS: MISUSE OF OFFICIAL INFORMATION

- A PUBLIC SERVANT COMMITS AN OFFENSE IF, IN RELIANCE ON INFORMATION TO WHICH HE HAS ACCESS BY VIRTUE OF HIS OFFICE OR EMPLOYMENT AND THAT HAS NOT BEEN MADE PUBLIC, HE:
 - (1) ACQUIRES OR HELPS ANOTHER ACQUIRE A PECUNIARY INTEREST IN ANY PROPERTY, TRANSACTION, OR ENTERPRISE THAT MAY BE AFFECTED BY THE INFORMATION;
 - (2) SPECULATES OR HELPS ANOTHER SPECULATE ON THE BASIS OF THE INFORMATION; OR
 - (3) COERCES ANOTHER INTO SUPPRESSING OR FAILING TO REPORT THAT INFORMATION TO A LAW ENFORCEMENT AGENCY.
- EXAMPLE: INSIDER TRADING

PENAL CODE PROVISIONS: MISUSE OF OFFICIAL INFORMATION

- A PUBLIC SERVANT COMMITS AN OFFENSE IF, WITH INTENT TO OBTAIN A BENEFIT OR INTENT TO HARM OR DEFRAUD ANOTHER, HE DISCLOSES OR USES INFORMATION FOR A NONGOVERNMENTAL PURPOSE THAT:
 - (1) HE HAS ACCESS TO BY MEANS OF HIS OFFICE OR EMPLOYMENT; AND
 - (2) IS NOT PUBLIC.
- A PERSON COMMITS AN OFFENSE IF, WITH INTENT TO OBTAIN A BENEFIT OR INTENT TO HARM OR DEFRAUD ANOTHER, HE SOLICITS OR RECEIVES FROM A PUBLIC SERVANT INFORMATION THAT:
 - (1) THE PUBLIC SERVANT HAS ACCESS TO BY MEAN OF HIS OFFICE OR EMPLOYMENT; AND
 - (2) IS NOT PUBLIC.

PENAL CODE PROVISIONS: MISUSE OF OFFICIAL INFORMATION

- COERCING AN EMPLOYEE INTO SUPPRESSING OR FAILING TO REPORT INFORMATION IS A CLASS C MISDEMEANOR.
- OTHERWISE, THE MISUSE OF OFFICIAL INFORMATION IS A FELONY, THE DEGREE OF WHICH DEPENDS ON THE PECUNIARY GAIN.

PENAL CODE PROVISIONS: FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION

- PENAL CODE SECTION 32.51 PROHIBITS THE FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION (E.G., SOCIAL SECURITY NUMBER, DATE OF BIRTH, FINGERPRINTS, BANK ACCOUNT NUMBER)
- IT IS AN OFFENSE, WITH THE INTENT TO HARM OR DEFRAUD ANOTHER, TO OBTAIN, POSSESS, TRANSFER, OR USE AN ITEM OF
 - (1) IDENTIFYING INFORMATION OF ANOTHER PERSON WITHOUT THAT PERSON'S CONSENT OR EFFECTIVE CONSENT;
 - (2) INFORMATION CONCERNING A DECEASED PERSON IF OBTAINED, POSSESSED, TRANSFERRED, OR USED WITHOUT LEGAL AUTHORIZATION; OR
 - (3) IDENTIFYING INFORMATION OF A CHILD YOUNGER THAN 18 YEARS.
- AN OFFENSE UNDER THIS SECTION IS A FELONY.

PENAL CODE PROVISIONS: ABUSE OF OFFICIAL CAPACITY

- A PUBLIC SERVANT MAY NOT INTENTIONALLY OR KNOWINGLY, WITH THE INTENT TO OBTAIN A BENEFIT OR HARM OR DEFRAUD ANOTHER, VIOLATE A LAW RELATING TO THE PUBLIC SERVANT'S OFFICE OR EMPLOYMENT.
- THIS PROVISION MAY BEST BE DESCRIBED AS A "CATCH ALL" FOR BAD GOVERNMENT OFFICIALS AND BECAUSE OF ITS BROAD LANGUAGE MAY BE USED TO ATTACH A CRIMINAL PENALTY TO VARIED CONDUCT THAT MAY NOT HAVE ANOTHER CRIMINAL STATUTE TIED TO IT.
- A VIOLATION OF THIS PROHIBITION IS A CLASS A MISDEMEANOR.

PENAL CODE PROVISIONS: ABUSE OF OFFICIAL CAPACITY

- A PUBLIC SERVANT MAY NOT INTENTIONALLY OR KNOWINGLY, WITH THE INTENT TO OBTAIN A BENEFIT OR HARM OR DEFRAUD ANOTHER, MISUSE GOVERNMENT PROPERTY, SERVICES, PERSONNEL, OR OTHER THING OF VALUE BELONGING TO THE GOVERNMENT THAT HAS COME INTO THE PUBLIC SERVANT'S CUSTODY OR POSSESSION BY VIRTUE OF HIS OFFICE OR EMPLOYMENT.
- FOR EXAMPLE, A CITY COUNCILMEMBER MAY NOT:
 - (1) USE CITY STAFF TO GATHER INFORMATION FOR USE IN A REELECTION CAMPAIGN
 - (2) USE CITY FUNDS TO PURCHASE PAINT FOR USE ON HIS HOUSE
 - (3) USE A CITY BUILDING TO CREATE A PHOTO, VIDEO, OR OTHER COMMUNICATION FOR POLITICAL ADVERTISING.
 - (4) USE CITY EQUIPMENT AT HOME.
- ITEMS SUCH AS FREQUENT FLYER MILES, RENTAL CAR OR HOTEL DISCOUNTS, OR FOOD COUPONS ARE *NOT* THINGS OF VALUE BELONGING TO THE GOVERNMENT FOR THE PURPOSES OF PENAL CODE SECTION 39.02.

PENAL CODE PROVISIONS: ABUSE OF OFFICIAL CAPACITY

- THE PENALTY FOR MISUSING GOVERNMENT PROPERTY, SERVICES, OR PERSONNEL VARIES, DEPENDING ON THE VALUE OF THE THING MISUSED:
 - CLASS C MISDEMEANOR IF THE VALUE IS LESS THAN \$100
 - CLASS B MISDEMEANOR IF THE VALUE IS BETWEEN \$100 AND \$750
 - CLASS A MISDEMEANOR IF THE VALUE IS BETWEEN \$750 AND \$2,500
 - STATE JAIL FELONY IF THE VALUE IS BETWEEN \$2,500 AND \$30,000
 - THIRD DEGREE FELONY IF THE VALUE IS BETWEEN \$30,000 AND \$150,000
 - SECOND DEGREE FELONY IF THE VALUE IS BETWEEN \$150,000 AND \$300,000
 - THIRD DEGREE FELONY IF THE VALUE IS GREATER THAN \$300,000

PENAL CODE PROVISIONS: OFFICIAL OPPRESSION

- A PUBLIC SERVANT COMMITS AN OFFENSE BY ACTING UNDER COLOR OF HIS OFFICE OR EMPLOYMENT TO INTENTIONALLY:
 - (1) SUBJECT ANOTHER PERSON TO MISTREATMENT, ARREST, DETENTION, SEARCH, SEIZURE, DISPOSSESSION, ASSESSMENT, OR LIEN THAT THE PUBLIC SERVANT KNOWS IS UNLAWFUL;
 - (2) DENY OR IMPEDE ANOTHER PERSON IN THE EXERCISE OR ENJOYMENT OF A RIGHT, PRIVILEGE, POWER, OR IMMUNITY, KNOWING HIS CONDUCT IS UNLAWFUL;
OR
 - (3) SUBJECT ANOTHER TO SEXUAL HARASSMENT.
- THESE OFFENSES GENERALLY CONSTITUTE A CLASS A MISDEMEANOR.

FORGERY

- TO “FORGE” SOMETHING MEANS TO ALTER, MAKE COMPLETE, EXECUTE, OR AUTHENTICATE ANY WRITING SO THAT IT PURPORTS: (1) TO BE THE ACT OF A PERSON WHO DID NOT AUTHORIZE THAT ACT; (2) TO HAVE BEEN EXECUTED AT A TIME, PLACE, OR IN A SEQUENCE OTHER THAN WAS IN FACT THE CASE; OR (3) TO BE A COPY OF AN ORIGINAL WHEN NO SUCH ORIGINAL EXISTS.
 - THE TERM ALSO MEANS TO ISSUE, TRANSFER, REGISTER THE TRANSFER OF, PASS, PUBLISH, OR OTHERWISE UTTER A WRITING THAT IS FORGED OR TO POSSESS THE SAME.
- IT IS AN OFFENSE TO FORGE A WRITING WITH THE INTENT TO DEFRAUD OR HARM ANOTHER. AN OFFENSE RANGES FROM A MISDEMEANOR TO A FELONY.

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- IT IS UNLAWFUL TO APPROPRIATE PROPERTY WITH THE INTENT TO DEPRIVE THE OWNER OF THE PROPERTY (WHETHER THE GOVERNMENT OR OTHERWISE)
- THE PENALTY LEVEL OF THE OFFENSE DEPENDS ON THE VALUE OF THE PROPERTY STOLEN.
- AN OFFENSE IS INCREASED TO THE NEXT HIGHER CATEGORY OF OFFENSE IF:
 - (1) THE ACTOR WAS A PUBLIC SERVANT AT THE TIME OF THE OFFENSE AND THE PROPERTY APPROPRIATED CAME INTO THE ACTOR'S CUSTODY, POSSESSION, OR CONTROL BY VIRTUE OF HIS STATUS AS A PUBIC SERVANT; OR
 - (2) THE ACTOR WAS IN A CONTRACTUAL RELATIONSHIP WITH GOVERNMENT AT THE TIME OF THE OFFENSE AND THE PROPERTY APPROPRIATED CAME INTO THE ACTOR'S CUSTODY, POSSESSION, OR CONTROL BY VIRTUE OF THAT CONTRACTUAL RELATIONSHIP.

CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

LOCAL GOVERNMENT CODE CHAPTER 171: REAL PROPERTY AND BUSINESS INTERESTS

- CH. 171 OF THE LGC REGULATES LOCAL PUBLIC OFFICIALS' CONFLICTS OF INTEREST. IT PROHIBITS A LOCAL PUBLIC OFFICIAL FROM VOTING ON OR PARTICIPATING IN A MATTER INVOLVING A BUSINESS ENTITY OR REAL PROPERTY IN WHICH THE OFFICIAL HAS A SUBSTANTIAL INTEREST IF AN ACTION ON THE MATTER WILL RESULT IN A SPECIAL ECONOMIC EFFECT ON THE BUSINESS THAT IS DISTINGUISHABLE FROM THE EFFECT ON THE PUBLIC, OR IN THE CASE OF A SUBSTANTIAL INTEREST IN REAL PROPERTY, IT IS REASONABLY FORESEEABLE THAT THE ACTION WILL HAVE A SPECIAL ECONOMIC EFFECT ON THE VALUE OF THE PROPERTY, DISTINGUISHABLE FROM ITS EFFECT ON THE PUBLIC.
- A PUBLIC OFFICIAL WHO HAS SUCH INTEREST IS REQUIRED TO FILE, BEFORE A VOTE OR DECISION ON ANY MATTER INVOLVING THE BUSINESS ENTITY OR REAL PROPERTY, AN AFFIDAVIT WITH THE CITY'S OFFICIAL RECORD KEEPER (USUALLY CITY SECRETARY), STATING THE NATURE AND EXTENT OF THE INTEREST.
 - IN ADDITION, A PUBLIC OFFICIAL IS REQUIRED TO ABSTAIN FROM FURTHER PARTICIPATING IN THE MATTER EXCEPT WHEN A MAJORITY OF THE MEMBERS OF THE GOVERNING BODY ALSO HAVE A SUBSTANTIAL INTEREST AND ARE REQUIRED TO FILE AND DO FILE AFFIDAVITS OF SIMILAR INTERESTS ON THE SAME OFFICIAL MATTER

LOCAL GOVERNMENT CODE CHAPTER 171: REAL PROPERTY AND BUSINESS INTERESTS

- A PUBLIC OFFICIAL HAS A SUBSTANTIAL INTEREST IN A BUSINESS ENTITY IF THE OFFICIAL:
 - (1) OWNS 10% OR MORE OF THE VOTING STOCK OR SHARES OF THE BUSINESS ENTITY;
 - (2) OWNS EITHER 10% OR MORE OR \$15,000 OR MORE OF THE FAIR MARKET VALUE OF THE BUSINESS ENTITY; OR
 - (3) RECEIVES FUNDS FROM THE BUSINESS ENTITY THAT EXCEED 10% OF THE PERSON'S GROSS INCOME FOR THE PRECEDING YEAR.
- A PUBLIC OFFICIAL HAS A SUBSTANTIAL INTEREST IN REAL PROPERTY IF THE INTEREST IS AN EQUITABLE OR LEGAL OWNERSHIP INTEREST WITH A FAIR MARKET VALUE OF \$2,500 OR MORE.
- A PUBLIC OFFICIAL IS ALSO CONSIDERED TO HAVE A SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR REAL PROPERTY IF THE OFFICIAL'S RELATIVE WITHIN THE FIRST DEGREE OF CONSANGUINITY (BLOOD) OR AFFINITY (MARRIAGE) HAS A SUBSTANTIAL INTEREST IN THE BUSINESS ENTITY OR REAL PROPERTY.
 - E.G., A PUBLIC OFFICIAL HAS A "SUBSTANTIAL INTEREST" IN A BUSINESS THAT EMPLOYS THE OFFICIAL'S DAUGHTER IF THE OFFICIAL'S DAUGHTER EARNS INCOME WHICH EXCEEDS 10% OF THE CHILD'S GROSS INCOME.

LOCAL GOVERNMENT CODE CHAPTER 171: REAL PROPERTY AND BUSINESS INTERESTS

- A PUBLIC OFFICIAL WHO HAS A SUBSTANTIAL INTEREST IS NOT PRECLUDED FROM ATTENDING MEETINGS, INCLUDING EXECUTIVE SESSION, RELEVANT TO THE MATTER IN WHICH HE OR SHE HAS A SUBSTANTIAL INTEREST, PROVIDED THAT THE OFFICIAL REMAINS SILENT DURING THE DELIBERATIONS. A PUBLIC OFFICIAL DOES NOT PARTICIPATE IN A MATTER BY MERELY ATTENDING AN EXECUTIVE SESSION ON THE MATTER AND REMAINING SILENT DURING THE DELIBERATIONS.
- IF A PUBLIC OFFICIAL VOTES ON A MATTER THAT HE OR SHE HAS A SUBSTANTIAL INTEREST IN OR FAILS TO ABSTAIN FROM FURTHER PARTICIPATION, THE ACTION OF THE GOVERNING BODY ON THE MATTER IS NOT VOIDABLE, UNLESS THE MATTER THAT WAS THE SUBJECT OF THE ACTION WOULD NOT HAVE PASSED WITHOUT THE VOTE OF THE PERSON WHO HAD A SUBSTANTIAL INTEREST.
- A KNOWING VIOLATION OF CHAPTER 171 IS A CLASS A MISDEMEANOR, PUNISHABLE BY A FINE AND/OR CONFINEMENT.

LOCAL GOVERNMENT CODE CHAPTER 176: VENDOR RELATIONSHIPS

- CHAPTER 176 OF THE LGC REQUIRES CERTAIN LOCAL GOVERNMENT OFFICERS TO DISCLOSE THE RECEIPT OF GIFTS FROM AND CERTAIN RELATIONSHIPS WITH VENDORS WHO CONDUCT BUSINESS, OR CONSIDER CONDUCTING BUSINESS, WITH LOCAL GOVERNMENT ENTITIES.
- A “LOCAL GOVERNMENT OFFICER” INCLUDES:
 - (1) A MAYOR OR CITY COUNCILMEMBER
 - (2) A DIRECTOR, ADMINISTRATOR, OR OTHER PERSON DESIGNATED AS THE EXECUTIVE OFFICER OF THE CITY
 - (3) AN AGENT (INCLUDING AN EMPLOYEE) OF THE CITY WHO EXERCISES DISCRETION IN THE PLANNING, RECOMMENDING, SELECTING, OR CONTRACTING OF A VENDOR

LOCAL GOVERNMENT CODE CHAPTER 176: VENDOR RELATIONSHIPS

- AN OFFICER IS REQUIRED TO FILE A CONFLICTS DISCLOSURE STATEMENT IN 3 SITUATIONS:
 - (1) IF THE OFFICER OR THE OFFICER'S FAMILY MEMBER (FIRST DEGREE OF CONSANGUINITY OR AFFINITY) HAS AN EMPLOYMENT OR OTHER BUSINESS RELATIONSHIP WITH A VENDOR THAT RESULTS IN THE OFFICER OR OFFICER'S FAMILY MEMBER RECEIVING A TAXABLE INCOME OF MORE THAN \$2,500 IN THE PRECEDING 12 MONTHS
 - (2) IF THE OFFICER OR OFFICER'S FAMILY MEMBER ACCEPTS ONE OR MORE GIFTS (INCLUDING LODGING, TRANSPORTATION, AND ENTERTAINMENT ACCEPTED AS A GUEST) FROM A VENDOR THAT HAS AN AGGREGATE VALUE OF MORE THAN \$100 IN THE PRECEDING 12 MONTHS.
 - AN OFFICER IS NOT REQUIRED TO FILE A STATEMENT IN RELATION TO A GIFT, REGARDLESS OF AMOUNT, IF THE GIFT (1) IS A POLITICAL CONTRIBUTION; (2) IS FOOD ACCEPTED AS A GUEST; OR (3) IS OFFERED ON ACCOUNT OF KINSHIP OR A PERSONAL, PROFESSIONAL, OR BUSINESS RELATIONSHIP INDEPENDENT OF THE OFFICIAL STATUS OF THE RECIPIENT
 - (3) AN OFFICER IS REQUIRED TO FILE A STATEMENT IF THE OFFICER HAS A FAMILY RELATIONSHIP WITH THE VENDOR.
- AN OFFICER IS REQUIRED TO FILE A STATEMENT NO LATER THAN 5:00 P.M. ON THE SEVENTH BUSINESS DAY AFTER THE DATE ON WHICH THE OFFICER BECOMES AWARE OF FACTS THAT REQUIRE A FILING OF THE STATEMENT.

LOCAL GOVERNMENT CODE CHAPTER 176: VENDOR RELATIONSHIPS

- AN OFFICER WHO KNOWINGLY FAILS TO FILE A STATEMENT OR A DISCLOSURE WHEN REQUIRED TO DO SO COMMITS A CLASS A, B, OR C MISDEMEANOR, DEPENDING ON THE AMOUNT OF THE CONTRACT.
- IT IS AN EXCEPTION TO PROSECUTION THAT AN OFFICER FILES A STATEMENT NOT LATER THAN THE SEVENTH DAY AFTER THE DATE THE PERSON RECEIVES NOTICE FROM THE CITY OF THE ALLEGED VIOLATION.

GOVERNMENT CODE CHAPTER 553: PROPERTY ACQUISITION

- CHAPTER 553 OF THE GOVERNMENT CODE PROVIDES THAT “[A] PUBLIC SERVANT WHO HAS A LEGAL OR EQUITABLE INTEREST IN PROPERTY THAT IS TO BE ACQUIRED WITH PUBLIC FUNDS SHALL FILE AN AFFIDAVIT WITHIN 10 DAYS BEFORE THE DATE ON WHICH THE PROPERTY IS TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.”
 - “PROPERTY” INCLUDES REAL PROPERTY (E.G., LAND) AS WELL AS PERSONAL PROPERTY (E.G., A VEHICLE)
- CHAPTER 553’S AFFIDAVIT REQUIREMENT APPLIES TO A “PUBLIC SERVANT,” DEFINED AS A PERSON WHO IS ELECTED, APPOINTED, EMPLOYED, OR DESIGNATED, EVEN IF NOT YET QUALIFIED FOR OR HAVING ASSUMED THE DUTIES OF OFFICE, AS: (1) A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE; OR (2) AN OFFICER OF GOVERNMENT.

GOVERNMENT CODE CHAPTER 553: PROPERTY ACQUISITION

- A CHAPTER 553 AFFIDAVIT HAS TO BE FILED WITHIN 10 DAYS BEFORE THE DATE ON WHICH THE PROPERTY IS TO BE ACQUIRED BY PURCHASE OR CONDEMNATION. THE AFFIDAVIT IS FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE PUBLIC SERVANT RESIDES AS WELL AS THE COUNTY CLERK OF EACH COUNTY IN WHICH THE PROPERTY IS LOCATED.
- A PERSON WHO VIOLATES SECTION 553.002 OF THE GOVERNMENT CODE BY FAILING TO FILE THE REQUIRED AFFIDAVIT IS PRESUMED TO HAVE COMMITTED A CLASS A MISDEMEANOR OFFENSE IF THE PERSON HAD ACTUAL NOTICE OF THE ACQUISITION OR INTENDED ACQUISITION OF THE LEGAL OR EQUITABLE INTEREST IN THE PROPERTY.

LOCAL GOVERNMENT CODE
CHAPTER 145:
CITIES WITH A POPULATION OF
100,000 OR MORE

LOCAL GOVERNMENT CODE CHAPTER 145: CITIES WITH A POPULATION OF 100,000 OR MORE

- LGC CHAPTER 145'S FINANCIAL DISCLOSURE REQUIREMENTS APPLY *ONLY IN A CITY WITH A POPULATION OF 100,000 OR MORE.*
- CHAPTER 145 GENERALLY REQUIRES:
 - (1) EACH MAYOR, EACH MEMBER OF A CITY COUNCIL EACH CITY ATTORNEY, EACH CITY MANAGER, AND EACH CANDIDATE FOR CITY OFFICE FILLED BY ELECTION TO FILE AN ANNUAL FINANCIAL STATEMENT WITH THE CITY CLERK OR CITY SECRETARY
 - (2) THE FINANCIAL STATEMENT MUST INCLUDE AN ACCOUNT OF THE FINANCIAL ACTIVITY OF THE COVERED INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE AND DEPENDENT CHILDREN IF THE INDIVIDUAL HAD CONTROL OVER THAT ACTIVITY
 - (3) THE FINANCIAL STATEMENT MUST INCLUDE ALL SOURCES OF INCOME; SHARES OF STOCKS OWNED, ACQUIRED, OR SOLD; BONDS, NOTES, OR OTHER PAPER HELD, ACQUIRED, OR SOLD; ANY INTEREST, DIVIDEND, ROYALTY, OR RENT EXCEEDING \$500; EACH PERSON OR INSTITUTION TO WHOM A PERSONAL DEBT OF \$1,000 OR MORE EXISTS; ALL BENEFICIAL INTERESTS IN REAL PROPERTY OR BUSINESSES OWNED, ACQUIRED, OR SOLD; CERTAIN GIFTS RECEIVED; INCOME IN EXCESS OF \$500 FROM A TRUST; A LIST OF ALL BOARDS OF DIRECTORS ON WHICH THE INDIVIDUAL SERVES; AND INFORMATION ABOUT CERTAIN CONTRACTS WITH A GOVERNMENTAL ENTITY.

LOCAL GOVERNMENT CODE CHAPTER 145: CITIES WITH A POPULATION OF 100,000 OR MORE

- ANNUALLY, THE MAYOR, CITY COUNCILMEMBERS, CITY MANAGER, AND THE CITY ATTORNEY MUST FILE A FINANCIAL DISCLOSURE STATEMENT FOR THE PRECEDING YEAR BY APRIL 30.
- A NEW CITY MANAGER OR A NEW CITY ATTORNEY MUST FILE A FINANCIAL DISCLOSURE STATEMENT WITHIN 45 DAYS FROM ASSUMING THE DUTIES OF OFFICE.
- FINANCIAL DISCLOSURE STATEMENTS ARE PUBLIC RECORDS AND ARE TO BE MAINTAINED SO AS TO BE ACCESSIBLE TO THE PUBLIC DURING REGULAR OFFICE HOURS.
- BOTH CRIMINAL AND CIVIL PENALTIES MAY BE IMPOSED FOR FAILURE TO FILE A FINANCIAL DISCLOSURE STATEMENT. AN OFFENSE UNDER CHAPTER 145 IS A CLASS B MISDEMEANOR, PUNISHABLE BY A FINE UP TO \$2,000 AND/OR CONFINEMENT UP TO 180 DAYS.
- SECTION 145.010 SETS FORTH A PROCESS WHEREBY A CIVIL PENALTY UP TO \$1,000 CAN BE ASSESSED UPON FAILURE TO COMPLY AFTER NOTICE IS RECEIVED FROM THE CITY ATTORNEY.

PURCHASING

PURCHASING

- CITIES GENERALLY MUST COMPLY WITH THE PROCEDURES FOR COMPETITIVE SEALED BIDDING OR COMPETITIVE SEALED PROPOSALS IN CHAPTER 252 OF THE TEXAS LOCAL GOVERNMENT CODE PRIOR TO ENTERING INTO A CONTRACT FOR MORE THAN \$50,000.
- PROCUREMENT LAWS ARE COMPLEX AND WE DON'T HAVE TIME TO COVER THEM ALL TODAY.
- CONTRACTS MADE WITHOUT COMPLIANCE WITH COMPETITIVE PROCUREMENT LAWS IS VOID, AND PERFORMANCE OF THE CONTRACT MAY BE ENJOINED BY ANY PROPERTY TAX PAYING RESIDENT OR A PERSON WHO SUBMITTED A BID FOR A CONTRACT APPLIES.

RANGES OF PUNISHMENT

- OFFICER OR EMPLOYEE KNOWINGLY OR INTENTIONALLY MAKES SEPARATE, SEQUENTIAL OR COMPONENT PURCHASES: CLASS B MISDEMEANOR.
- OFFICER OR EMPLOYEE INTENTIONALLY OR KNOWINGLY VIOLATES THE COMPETITIVE PROCUREMENT REQUIREMENTS OF CHAPTER 252: CLASS B MISDEMEANOR.
- OFFICER OR EMPLOYEE INTENTIONALLY OR KNOWINGLY VIOLATES CHAPTER 252 OTHER THAN BY CONDUCT DESCRIBED ABOVE: CLASS C MISDEMEANOR
- FINAL CONVICTION FOR AN OFFENSE CONSTITUTING A CLASS B MISDEMEANOR RESULTS IN THE IMMEDIATE REMOVAL OF THAT PERSON FROM OFFICE OR EMPLOYMENT.

NEPOTISM

NEPOTISM

- “TEXAS WAS THE FIRST STATE IN THE NATION TO RECOGNIZE ‘THE NEED FOR NEPOTISM REGULATIONS AND RESTRICTIONS’; IT FIRST DID SO IN 1907.”
- CHAPTER 573 OF THE TEXAS GOVERNMENT CODE IS THE PRIMARY ANTI-NEPOTISM LAW IN TEXAS.

NEPOTISM

- IN MANY CITIES, THE CITY COUNCIL EXERCISES FINAL CONTROL OVER HIRING DECISIONS.
- IN SUCH A CITY, THE GENERAL RULE IS THAT A COUNCILMEMBER IS PROHIBITED FROM APPOINTING, CONFIRMING THE APPOINTMENT OF, OR VOTING ON THE APPOINTMENT OF AN INDIVIDUAL IF:
 - (1) THE INDIVIDUAL IS RELATED TO HIMSELF OR ANY MEMBER OF THE COUNCIL WITHIN THE THIRD DEGREE BY CONSANGUINITY (BLOOD) OR WITHIN THE SECOND DEGREE BY AFFINITY (MARRIAGE); AND
 - (2) THE POSITION WILL BE DIRECTLY OR INDIRECTLY COMPENSATED FROM PUBLIC FUNDS.

NEPOTISM

- THERE ARE 2 EXCEPTIONS TO THE ANTI-NEPOTISM STATUTE:
 - CHAPTER 573 DOES NOT APPLY TO CITIES WITH FEWER THAN 200 PEOPLE
 - “CONTINUOUS EMPLOYMENT EXCEPTION”: CHAPTER 573 DOES NOT APPLY TO RELATIVES WHO ARE CONTINUOUSLY EMPLOYED PRIOR TO THE PUBLIC OFFICIAL’S ELECTION OR APPOINTMENT FOR:
 - (A) 30 DAYS, IF THE PUBLIC OFFICIAL WAS APPOINTED;
 - (B) 6 MONTHS, IF THE PUBLIC OFFICIAL IS ELECTED AT AN ELECTION OTHER THAN THE GENERAL ELECTION; OR
 - (C) ONE YEAR, IF THE PUBLIC OFFICIAL IS ELECTED AT THE GENERAL ELECTION.

NEPOTISM

- IN CITIES WHERE THE CITY COUNCIL HAS DELEGATED FINAL HIRING AUTHORITY TO AN EMPLOYEE BY CITY CHARTER (NOT BY CITY ORDINANCE), RESERVING NO AUTHORITY IN THE CITY COUNCIL, IT IS A VALID DELEGATION AND MAY RELIEVE THE CITY COUNCIL OF NEPOTISM PROBLEMS.
 - EXAMPLE: CITY MANAGER IS AUTHORIZED TO HIRE EMPLOYEES.
- CHAPTER 573 ALSO PROHIBITS A PUBLIC OFFICIAL FROM TRADING NEPOTISTIC APPOINTMENTS (E.G., A CITY COUNCILMEMBER IS PROHIBITED FROM APPOINTING AN INDIVIDUAL WHO IS CLOSELY RELATED TO A COUNTY COMMISSIONER WHERE THERE IS AN UNDERSTANDING THAT THE COUNTY COMMISSIONER WILL RETURN THE FAVOR BY HIRING THE CITY COUNCILMEMBER'S CLOSE RELATIVE)

NEPOTISM

- NONCOMPLIANCE WITH CHAPTER 573 MAY SUBJECT THE APPOINTING OFFICER TO SEVERE CONSEQUENCES, INCLUDING REMOVAL FROM OFFICE AND CRIMINAL SANCTIONS.

MISCELLANEOUS CRIMINAL PENALTIES

- FAILURE TO DISCLOSE AN INTEREST IN A PLAT: CLASS A MISDEMEANOR
- ACTING AS A SURETY FOR A BUSINESS ENTITY THAT HAS WORK, BUSINESS OR A CONTRACT WITH THE CITY, OR ACTS AS A SURETY ON ANY OFFICIAL BOND REQUIRED OF AN OFFICER OF THE GOVERNMENTAL ENTITY: CLASS A MISDEMEANOR
- ILLEGAL COMMUNICATIONS WITH THE CHIEF APPRAISER: CLASS A MISDEMEANOR

NOW FOR THE WORDS THAT YOU AND
YOUR CLIENTS ALWAYS WANT TO HEAR...



YOU ARE FREE TO GO.