



City of Dallas

12A Code of Ethics

**Charter Review Commission
September 27, 2023**

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City of Dallas

Connection to Code of Ethics (§ 12A)



§ 4. That the Charter Review Commission shall not be a board as defined by Chapter 8 of the Dallas City Code, but members **shall be considered City Officials and commission members for purposes of:**

1. § 12A-4, “Standards of Behavior; Standards of Civility,”
2. § 12A-7, “Other Persons,”
3. § 12A-13, “Personal Benefit to Others,”
4. § 12A-13.1, “Substantial Interest in a Business Entity,” and
5. § 12A-17, “Confidential Information,” of Chapter 12A of the Dallas City Code, “Code of Ethics.”



Important Definitions - § 12A-2



- **Benefit** means anything reasonably regarded as monetary gain or monetary advantage, including a personal benefit to any other person in whose welfare the Chapter 12A, Code of Ethics - beneficiary has a direct and substantial interest. Monetary gain or advantage includes, but is not limited to, gain or advantage in the form of money, services, goods, and financial or business relationships.
- **Business entity** means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other legal entity, except that the term does not include a governmental entity.



Important Definitions - § 12A-2



- **Confidential government information** includes: (A) all information held by the city that is not available to the public under the Texas Public Information Act; (B) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act; (C) any information protected by attorney-client, attorney work product, or other applicable legal privilege; and (D) any research, opinions, work product, investigative reports, advice, recommendations, reasoning, or conclusions in a draft document concerning city business or city policy that has not yet been released to the public in accordance with established city procedures.
- **Personal benefit** means any benefit knowingly solicited, accepted, or agreed to be accepted by another for the purpose of influencing how a city official or employee performs or refrains from performing an official action.



Important Definitions - § 12A-2



- **Relative** means a current or former spouse, domestic partner, child, stepchild, brother, sister, parent or stepparent, or a person claimed as a dependent on the city official or employee's latest individual federal income tax return.



Standards of Behavior - § 12A-4*



- Operate with integrity.
- Be a responsible steward of taxpayer resources.
- Take no action that could personally benefit the city official or employee.
- Avoid even the appearance of a conflict of interest.

*This slide contains select provisions. See Sec. 12A-4 for the entire list of Standards of Behavior and Standards of Civility.



Standards of Civility – § 12A-4*



- Accord the utmost respect and courtesy to each other, city officials, employees, the public, and persons doing business with the city.
- Make no comments or take actions that are abusive, belligerent, crude, personal attacks upon character, profane, slanderous, or threatening.
- Preserve order and decorum.
- Treat city employees as professionals.
- Do not berate or admonish city employees.

*This slide contains select provisions. See Sec. 12A-4 for the entire list of Standards of Behavior and Standards of Civility.



Other Persons – § 12A-7



- A city official or employee shall not knowingly assist or induce any person to violate Chapter 12A.
- A city official or employee shall not violate Chapter 12A through the acts of another person.
- No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid, or assist, or attempt to assist another person to violate Chapter 12A.



Personal Benefit to Others – § 12A-13



Must not take or refrain from taking official action that you know will result in a personal benefit to:

(1) a relative; or

(2) a person with whom you have a financial business relationship.

Must recuse and disclose per § 12A-24.



Personal Benefit to Others – § 12A-13



Exceptions:

- Salaries, compensation, or employee benefits.
- Campaign or political contributions.
- Hospitality unrelated to official business.
- Public award or reward.
- Ceremonial symbols of recognition.
- Loan from a lending institution.
- Complimentary copies of trade publications.
- Anything of value received as a devise, bequest, or inheritance.



Substantial Interest in Business Entity – § 12A-13.1



- If a city official, or a relative, has a substantial financial interest in a business entity or in real property, they must abstain from further participation in the matter and follow the recusal process in § 12A-24 by filing an affidavit with the city secretary covering the nature and extent of the interest
- If
 - Business entity – the action will have a special economic benefit on the business entity that is distinguishable from the effect on the public; or
 - Real property – it is reasonably foreseeable that an action on the matter will have a specific economic effect on the value of the property, distinguishable from the effect on the public.



Substantial Interest in Business Entity – § 12A-13.1



- Substantial business entity means:
 - Business entity – owning **10 percent or more of the voting stock or shares** of the business entity **or owns either 10 percent or more or \$15,000 or more of the fair market value** of the business entity; **or funds received** by the city official from the business entity **exceed 10 percent of the person's gross income for the previous year.**
 - Real property – interest is an equitable or legal ownership with a **fair market value of \$2,500 or more.**



Recusal - § 12A-24



- If a conflict arises **recuse yourself**
 - **From the time of recognition**
 - **Immediately refrain** from participation
 - **Promptly disclose** to the city secretary
 - **Additional requirements** may apply



Confidential Information – § 12A-17



- A city official or employee shall not:
 - use your position to obtain or acquire information for any purpose other than your official job responsibilities.
 - knowingly disclose any confidential information.
 - knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a closed meeting.



What If I'm Not Sure – Next Steps



- Refer to this resource and read the Code.
- Ask for an advisory opinion - §12A-47 (d).
- Advisory opinion basics:
 - Requested in writing via: attethicsadvisoryinquiries@dallas.gov
 - Regarding a future issue.
 - Providing all relevant details.
 - If you follow the advice, the opinion will provide you a safe harbor.





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