

ORDINANCE NO. _____

An ordinance amending Chapter 12A, “Code of Ethics,” of the Dallas City Code by amending Sections 12A-1, 12A-2, 12A-4, 12A-7, 12A-19, 12A-20, 12A-52, and 12A-62; including sub-contractors as persons doing business with the city; providing certain provisions of the Code of Ethics to apply to persons doing business with the city; prohibiting the acceptance an offer of outside employment that a city official or employee knows is intended to influence or reward official conduct or the discharge of official duties; providing that it is the city council who determines the duration of any disqualification from contracting with the city; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (1) of Subsection (c), “Application,” of Section 12A-1, “Statement of Purpose and Principles of Conduct,” of Article I, “Declaration of Policy and Definitions,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(1) To implement the purpose and principles of conduct in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials, employees, and persons doing business with the city, including sub-contractors, to serve as a standard for official conduct and as a basis for discipline.”

SECTION 2. That Paragraph (13) of Section 12A-2, “Definitions,” of Article I, “Declaration of Policy and Definitions,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(13) DOING BUSINESS WITH THE CITY means any person, either individually or on behalf of an entity, who submits a bid or proposal, or negotiates or enters into any city contract, or operates as a sub-contractor of another person’s city contract, whether or not the contract is required by state law to be competitively bid.”

SECTION 3. That Subsection (b), “Standards of Civility,” of Section 12A-4, “Standards of Behavior; Standards of Civility,” of Division 1, “Code of Conduct,” of Article II, “Code of Conduct; Action of Others; and Ethics Commitments,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(b) Standards of civility. City officials and employees ~~[shall]~~, when acting in the performance of their official duties, and persons, when doing business with the city, shall comply with the following standards of civility in their interactions with city officials, city employees, residents, and persons doing business with the city:

(1) City officials, ~~[and]~~ employees, and persons doing business with the city shall accord respect and courtesy to each other, city officials, city employees, residents, and persons doing business with the city.

(2) City officials, ~~[and]~~ employees, and persons doing business with the city shall not make comments or take actions that are abusive; belligerent; crude; derogatory; impertinent; profane; slanderous; threatening; or involve personal attacks upon the character, integrity, or motives of others.

(3) City officials and employees shall preserve order and decorum in meetings in accordance with Robert's Rules of Order and the applicable rules of procedure of the city council, board, or commission.

(4) City officials and persons doing business with the city shall treat city employees as professionals and shall not:

(A) interfere with the work of city employees.

(B) impair the ability of city employees to implement city policies.

(C) ~~[influence city employees in the making of recommendations or decisions.~~

~~(D)]~~ berate city employees.

(5) City officials shall not influence city employees in the making of recommendations and shall work through the city manager, city secretary, city attorney, city auditor, or inspector general, and the applicable department director to obtain information or request assistance with projects, rather than contacting city employees directly. This provision does not apply to professional and administrative assistants to the mayor and city council.

(6) Because independent advice from boards and commissions is essential to the public decision-making process, city council members shall not:

(A) use their position to influence the deliberations or decisions of boards and commissions.

(B) appoint city council office staff members to boards and commissions.

(C) demand that board or commission members vote as requested by the city council member or threaten board or commission members with removal.

This paragraph does not prohibit city council members from receiving information from or providing information to a board or commission member, working together with board and commission members on projects, or expressing their opinions to board and commission members.”

SECTION 4. That Section 12A-4, “Standards of Behavior; Standards of Civility,” of Division 1, “Code of Conduct,” of Article II, “Code of Conduct; Action of Others; and Ethics Commitments,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended by adding a new Subsection (c), “Persons Doing Business with the City,” to read as follows:

“(c) Persons doing business with the city. Persons doing business with the city shall conduct themselves and operate with integrity and never use connection to the city to circumvent official processes, gain preferential treatment, price gouge, or otherwise circumvent the terms of city contracts.”

SECTION 5. That Section 12A-7, “Other Persons,” of Division 2, “Actions of Others,” of Article II, “Code of Conduct; Action of Others; and Ethics Commitments,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“SEC. 12A-7. OTHER PERSONS.

(a) Violations by other persons. A city official, ~~[or]~~ employee, or person doing business with the city shall not knowingly assist or induce, or attempt to assist or induce, any person to violate any provision of this chapter.

(b) Using others to engage in forbidden conduct. A city official, ~~[or]~~ employee, or person doing business with the city shall not violate any provision of this chapter through the acts of another.

(c) Participation in ethics violations. No person shall knowingly induce, attempt to induce, conspire with, aid, or assist, or attempt to aid or assist another person to violate any provision of this chapter.”

SECTION 6. That Subsection (a), “General Rule,” of Section 12A-19, “Conflicting Outside Employment,” of Article III, “Conflicts of Interest,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(a) General rule. A city official or employee shall not:

(1) solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; [ø]

(2) accept an offer of outside employment that the city official or employee knows is intended to influence or reward official conduct or the discharge of official duties; or

(3) personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, an investigation, or a determination from the body or department of which the official or employee is a member.”

SECTION 7. That Subsection (a) of Section 12A-20, “Public Property and Resources,” of Article III, “Conflicts of Interest,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

(a) A city official, [ø] employee, or person doing business with the city shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes).

SECTION 8. That Paragraph (1) of Subsection (d), “Confidentiality of Complaints and Investigations,” of Section 12A-52, “Ethics Complaints and Investigations,” of Article IX, “Ethics Complaints and Investigations,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(1) No city official, [ø] employee, or person doing business with the city shall reveal information relating to a complaint or investigation until it has been made public by the inspector general, except as required for the performance of official duties or as required by law.”

SECTION 9. That Subsection (e), “Compliance with Investigations,” of Section 12A-52, “Ethics Complaints and Investigations,” of Article IX, “Ethics Complaints and Investigations,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(e) Compliance with investigations. City officials, ~~[and]~~ employees, and persons doing business with the city shall cooperate with inspector general investigations.”

SECTION 10. That Subsection (a) of Section 12A-62, “Disqualification from Contracting,” of Article X, “Enforcement, Culpable Mental State, and Penalties,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(a) Any person who has been found by the ethics advisory commission to have knowingly violated any provision of this chapter may be prohibited by the city council from entering into any contract with the city for a duration determined by the city council ~~[period of two years]~~.”

SECTION 11. That Subsection (d) of Section 12A-62, “Disqualification from Contracting,” of Article X, “Enforcement, Culpable Mental State, and Penalties,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(d) A business entity may be disqualified from contracting with the city based on the conduct of the entity's employee, sub-contractor, or agent if the conduct occurred within the scope of employment or agency with the entity.”

SECTION 12. That Chapter 12A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 13. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 14. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

BERTRAM A. VANDENBERG, Interim City Attorney

By _____
Assistant City Attorney

Passed _____