

AN ORDINANCE **50548**

AMENDING THE CITY CODE OF THE CITY OF SAN ANTONIO BY ADDING THERETO ARTICLE I, CHAPTER 2A; ESTABLISHING STANDARDS OF CONDUCT FOR CERTAIN CITY OFFICIALS; PROVIDING FOR THE DISCLOSURE OF CERTAIN INFORMATION BY SAID OFFICIALS; PROVIDING A PENALTY FOR VIOLATION BY FINE NOT TO EXCEED \$200.00; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Definitions: The definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

- A. City official - means the mayor, members of the city council, city manager and all department heads, and the members of boards and commissions noted in Section 49 of the City Charter which are more than advisory in function.
- B. Business entity - means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business is conducted.
- C. Quarter - means the last day of March, June, September and December.

SECTION 2. Standards of conduct:

A. No City official shall:

1. Accept or solicit any money, property, service, or other thing of value by way of gift, favor, or otherwise which the official knows or should know is being offered or given (a) solely by reason of the official position held by said city official, or (b) with the intent to influence said official in the discharge of official duties, or (c) in consideration for having exercised official powers or performed official duties; provided, however, that the mayor and members of the city council may accept any money, property, service, or other thing of value by way of gift, favor, or otherwise, as long as: (1) The value of any such money, property, service or other thing of value, or series of any such items received from the same source within a twelve month period is twenty dollars (\$20.00) or less, or (2) the value of any such money, property, service or other thing of value, or series of any such items received from the same source within a twelve month period is greater than twenty dollars (\$20.00) and less than one hundred fifty dollars (\$150.00) and the mayor or member of the city council accepting such an item discloses its acceptance in accordance with Section 3 of this ordinance. Provided, however, that nothing contained in this section shall prohibit any other city official from accepting a gift of insubstantial value, provided that no such gift or series of gifts received from the same source within a twelve month period is greater than ten dollars (\$10.00) in value.

Nothing in this section shall prohibit any city official from accepting anything of value by way of gift other than a ticket or tickets for an entertainment or sporting event when such gift is accepted on behalf of the City of San Antonio, provided that the city official accepting such gift promptly reports the gift to the city manager or his designee who shall have the gift inventoried as city property.

Nothing in this section shall prohibit any city official from accepting plants, flowers or other remembrances received in connection with illness, death or a ceremonial function.

Nor shall anything in this section prohibit a city official from accepting a plaque, scroll or similar item in recognition of outstanding service or performance.

In addition, nothing in this section shall prohibit a city official from accepting any offer of a trip or excursion after proper evaluation by said city official provided that: The sponsor's purpose is one of goodwill towards the City of San Antonio, or the sponsor's purpose is to provide an educational experience to the city official accepting such a trip or excursion; and such a trip or excursion is of some benefit to the citizens of the City of San Antonio; and the sponsor if not a governmental entity, has no intent to influence the city official in the performance of his or her official duties; and the city official who accepts such a trip or excursion complies with the disclosure requirements of Section 3 of this ordinance.

2. Disclose any confidential information gained by reason of said official's or employee's official position concerning the property, operations, policies, or affairs of the city, or use such confidential information for the pecuniary gain of said official, or others.

3. Knowingly transact any business in his/her official capacity with any business entity in which he/she has any interest, direct or indirect.

4. Use one's official position or city owned facilities equipment, or supplies for the pecuniary gain or advantage of said official or others; or use city owned vehicles, printing facilities, postage facilities or long-distance telephone service in any political campaign of said official.

5. Appear before the body of which the official is a member while representing himself/herself or any other person, group, association, partnership, corporation, interest, or entity.

6. Represent, directly or indirectly, any private person, group, interest before any department, agency, commission, or board of the City of San Antonio, except in matters of purely civic or public concern and when doing so, without compensation or remuneration.

7. Represent, directly or indirectly, any private person, group, or interest in any action or proceeding against the interests of the city, or in any litigation in which the city or any department, agency, commission,

or board thereof is a party. Provided, however, nothing herein shall limit the authority of the city attorney and staff to represent the city, its boards, commissions, and officers.

8. Represent, directly or indirectly, any private person, group, or interest in any action or proceeding in the municipal courts of the City of San Antonio which was instituted by a city official or employee in the course of official duties.

B. If any city official has a personal pecuniary interest, direct or indirect, in any decision pending before such official or employee, or the body of which the official or employee is a member, the official or employee shall not vote, discuss or otherwise participate in the consideration of the matter, but shall publicly disclose the nature and extent of such interest in the official records of the body prior to any determination of the matter.

C. Nothing contained in this section shall prohibit any city official from accepting a gift of food or beverage provided that such gift is given with no intent to influence the recipient in the performance of his or her official duties.

D. The City Manager and the Departmental Heads of the City shall formulate standards of conduct for the various departments which conform to the standards of conduct set forth herein.

SECTION 3. Disclosure Reports:

A. Within one week following the last working day of each quarter after the adoption of this ordinance, all city officials, as herein defined, shall file with the city clerk a public statement of the information required herein which shall cover the previous quarter. Such report shall be filed whether or not the city official has received anything required to be reported by this ordinance.

B. Any property, service, trip, excursion or other thing of value, required to be reported by Section 2 of this ordinance shall be reported by the approximate value of the thing, identification of the source, and a brief description of the property, service, trip, excursion, or other thing of value. If a trip or excursion is reported, then the purpose of such trip or excursion and the benefit to the citizens of the City of San Antonio derived from such trip or excursion shall also be reported.

C. Any person who was a city official, as defined herein, at any time during a reporting period, shall be required to file a disclosure statement for the full appropriate reporting period within the time limits provided by this ordinance.

D. Excluded from the disclosure requirements are campaign contributions which are reported as required by state statute and gifts received from the following relatives:

- | | |
|---------------|----------------------|
| spouse | children-in-law |
| children | parents-in-law |
| parents | grandchildren-in-law |
| grandchildren | grandparents-in-law |
| grandparents | brothers-in-law |
| brothers | sisters-in-law |
| sisters | uncles-in-law |
| uncles | aunts-in-law |
| aunts | nephews-in-law |
| nephews | nieces-in-law |
| nieces | first cousins-in-law |
| first cousins | |

E. All reports shall be made upon a form prepared by the City Clerk, who may grant any person required to file a report one 20-day extension in which to file such report for good cause.

SECTION 4. Penalty:

A. Any person who purposely fails or refuses to file the disclosure statements herein provided for shall, upon conviction, be fined not more than two hundred (\$200.00) dollars. Each day after the date herein established for filing disclosure reports shall constitute a separate offense by the person failing or refusing to file such disclosure report.

B. Any person who purposely violates any other provision of this ordinance, which is not otherwise a violation of state penal statutes, shall upon conviction, be fined not more than two hundred (\$200.00) dollars.

SECTION 5. This ordinance shall become effective May 1, 1979, and shall be codified within the City Code as Article I, Chapter 2A.

SECTION 6. Severability:

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provisions, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

PASSED AND APPROVED this 22nd day of March, 1979.

Lela Cockell
M A Y O R

79-13

ATTEST: *Janice J. Rodriguez*
Asst. City Clerk

APPROVED AS TO FORM: *Tom Finlay*
for City Attorney

DISTRIBUTION

AVIATION	
BUDGET & RESEARCH	1
BUILDING & ZONING	
CITY WATER BOARD	
CITIZEN ACTION & PUBLIC INFORMATION	
COMMERCIAL RECORDER	1
CONVENTION BUREAU	
CONVENTION CENTER	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	1
ASSESSOR	
CONTROLLER	1
TREASURY DIVISION	
FINANCE-GRANT SECTION	
INTERNAL AUDIT	1
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	
HEMISFAIR PLAZA	
HUMAN RESOURCES	
LEGAL - CITY ATTORNEY	1
LIBRARY DIRECTOR	
MARKET SQUARE	
MUNICIPAL COURTS	1
PARKS & RECREATION DEPT.	
PERSONNEL DIRECTOR	1
PLANNING	
POLICE CHIEF	1
PRESS ROOM	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
ENGINEERING - SEWERS	
RIGHT OF WAY & LAND ACQUISITION	
PURCHASING	
TRAFFIC & TRANSPORTATION	
<i>Mem. Code</i>	1

ITEM NO. 28

MEETING OF THE CITY COUNCIL

DATE: MAR 22 1979

MOTION BY: *Webb*

SECONDED BY: *Cisneros*

ORD. NO. 50548

ZONING CASE _____

RESOL. _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
HENRY G. CISNEROS PLACE 1		<input checked="" type="checkbox"/>	
JOE WEBB PLACE 2		<input checked="" type="checkbox"/>	
HELEN DUTMER PLACE 3		<input checked="" type="checkbox"/>	
FRANK D. WING PLACE 4		<input checked="" type="checkbox"/>	
BERNARDO EURESTE PLACE 5		<input checked="" type="checkbox"/>	
RUDY C. ORTIZ PLACE 6		<input checked="" type="checkbox"/>	
JOE ALDERETE, JR. PLACE 7		<input checked="" type="checkbox"/>	
PHIL PYNDUS PLACE 8		<input checked="" type="checkbox"/>	
ROBERT N. McDANIEL PLACE 9		<input checked="" type="checkbox"/>	
JOHN STEEN PLACE 10		<input checked="" type="checkbox"/>	
LILA COCKRELL PLACE 11 (MAYOR)		<input checked="" type="checkbox"/>	

79-13

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3. Knowingly transact any business in his/her official capacity with any business entity in which he/she has any interest, direct or indirect.

4. Use one's official position or city owned facilities equipment, or supplies for the pecuniary gain or advantage of said official or others; or use city owned vehicles, printing facilities, postage facilities or long-distance telephone service in any political campaign of said official.

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spouse	children-in-law
children	parents-in-law
parents	grandchildren-in-law
grandchildren	grandparents-in-law
grandparents	brothers-in-law
brothers	sisters-in-law
sisters	uncles-in-law
uncles	aunts-in-law
aunts	nephews-in-law
nephews	nieces-in-law
nieces	first cousins-in-law
first cousins	

E. All reports shall be made upon a form prepared by the City Clerk, who may grant any person required to file a report one 20-day extension in which to file such report for good cause.

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PASSED AND APPROVED this _____ day of _____, 1979.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____

City Attorney



CITY OF SAN ANTONIO

P. O. BOX 9066

SAN ANTONIO, TEXAS 78285

March 23, 1979

Mr. Robert L. Laslie
Vice President - Supplements
Municipal Code Corporation
Tallahassee, Florida 32304

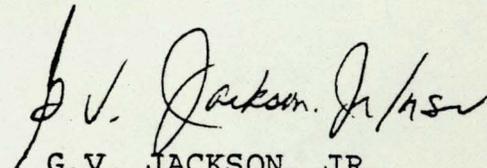
Dear Mr. Laslie:

Enclosed you will find the copies of the following Ordinances which were passed and approved by the City Council on March 22, 1979:

Ordinance No. 50,539
Ordinance No. 50,547
Ordinance No. 50,548

Please include these Ordinances in your next supplement. Your cooperation in this matter would be greatly appreciated.

Sincerely,


G.V. JACKSON, JR.
City Clerk

GVJ:mdg
Enclosure