



CITY OF SAN ANTONIO  
ETHICS REVIEW BOARD  
2005 ANNUAL REPORT

JANUARY 2006

## **City of San Antonio Ethics Review Board Annual Report – 2005**

City Ordinance 88874 approved on November 19, 1998, created the Ethics Review Board, which met for the first time on April 30th, 1999. A City Charter election held in May 2004 and the adoption of a City Campaign Finance Regulation ordinance in August 2004 necessitated modifying the responsibilities and jurisdiction of the Ethics Review Board. A new ethics ordinance (City Ordinance 100283) was adopted by City Council on January 13<sup>th</sup>, 2005. The Charter amendment formally dissolved the board created by the 1998 ordinance and established an independent board that can deliver binding rulings and impose sanctions and fines. After the May 2004 City Charter referendum, the old board members tendered their collective resignations, to be effective upon creation of the new Ethics Review Board as specified in the revised City Charter. The members of this new board were appointed in April 2005.

In the year 2005, the Board met as a body eight times. In addition, various subcommittees/panels met numerous times. There were a total of twelve Complaints resulting in nine Determinations/Opinions (see Attachment A), and two Advisory Opinions (see Attachment B) rendered by the Board. The City Attorney's office rendered eleven Advisory Opinions (see Attachment B). (The complete text of each Determination and/or Opinion can be obtained from the Office of the City Clerk; the extracts provided in the attachments to this document are for information purposes only). During 2005, there were a total of seventeen registered lobbyists. A list – current as of December 31<sup>st</sup> 2005 – has been provided by the City Clerk (see Attachment D).

As an element of our annual report, the Ethics Review Board is charged to submit recommended changes to the Ethics Code and Campaign Finance Regulation. With one exception, the new ordinance adopted in January 2005 incorporated all of the changes/modifications to the Code recommended by the old Ethics Review Board in its 2004 Annual Report. However during the past year City Council, the City Attorney's Office and the new Ethics Review Board have compiled a list of additional changes/modifications to the Code and Regulation (see Attachment C). These changes are required to bring the Code in alignment with state law, to reflect the desires of Council, to enhance clarity or to make administrative corrections, and the Board recommends that they be approved and incorporated into the Code and Campaign Finance Regulation.

Ethics/Campaign Finance Training in 2005: City Council Orientations were conducted in May and June; City Council Aide Orientation in August; Municipal Leadership Institute training sessions for new boards and commissions members on Ethics Code, Open Meetings Act, Parliamentary Procedure were held in January, April, August. Comprehensive training on the Texas Election Code, Municipal Campaign Finance Code and the city's electronic campaign finance filing system was presented by Texas Ethics Commission, City Attorney's Office, City Clerk's Office and ITSD in March; Additional Electronic Filing and Municipal Campaign Finance Workshops were held in March and July. The City Attorney's Office also made twice-monthly ethics presentations at the mandatory new employee orientation. Additionally, nineteen other workshops and presentations on ethics were conducted by the City Attorney's Office in 2005. (see Attachment E)

The members of the Board believe that the Code and the ethics review process will continue to create affirmative change in city governance and in our citizens' perception of the same. They are confident that the Code has been, and will continue to be, a positive addition to our City, and we are proud of our contributions.

## **The Ethics Review Board Members – 2005**

The following persons were confirmed by the City Council to serve on the Ethics Review Board for the terms indicated.

<u>NAME</u>	<u>APPOINTED BY</u>	<u>DATE APPOINTED</u>	<u>DATE TERM EXPIRES</u>
Tomas A. Larralde	Mayor	May 5, 2005	Apr. 25, 2008
Charles F. Codd	District 1	Apr. 14, 2005	Apr. 25, 2007
Dolores Lott	District 2	Apr. 14, 2005	Apr. 25, 2007
Michael S. Ariens	District 3	Jun. 16, 2005	Apr. 25, 2008
August Stephen Johnson	District 4	Apr. 14, 2005	Apr. 25, 2008
Emilio Silvas	District 5	Apr. 14, 2005	Apr. 25, 2007
Richard Bird	District 6	Apr. 14, 2005	Apr. 25, 2007
Elizabeth Benavides Melson	District 7	Apr. 14, 2005	Apr. 25, 2008
Benjamin F. Youngblood III**	District 8	Apr. 14, 2005	Apr. 25, 2007
Arthur J. Downey*	District 9	Apr. 14, 2005	Apr. 25, 2007
Jason Zehner	District 10	Apr. 14, 2005	Apr. 25, 2007

\* Chair

\*\* Vice-Chair

**Attachment A**

**Ethics Determinations – 2005**

Number	Date	Questions
05-01	May 31, 2005	<p><i>Mr. Kirk Allison Mabry filed a complaint on April 27, 2005, alleging that Mr. Julian Castro had violated the City Ethics Code. An Ethics Review Board Panel of the whole consisting of Charles Codd, Dolores Lott, Stephen Johnson, Emilio Silvas, Richard Bird, Arthur Downey, Jason Zehner, Tomas Larralde and Benjamin F. Youngblood, III, determined that the complaint failed to allege a specific violation of the Code and that no violation of the Code could be ascertained from the information set forth in the complaint. The complaint against Mr. Castro was DISMISSED</i></p>
05-02	June 14, 2005	<p><i>On March 3, 2005 Ms. Adri Skye and on March 8, 2005, Mr. Eddie Mass'on filed complaints against Ms. Mary Calk alleging she violated the City of San Antonio Ethics Code. In their complaints, Mr. Mass'on and Ms. Skye asserted Ms. Calk threatened to take adverse action concerning airport permits for handicapped accessible vehicles. They did not cite any specific violation of the Ethics Code in their complaints, however a possible violation of Section 2-44, Unfair Advancement of Private Interest, was considered by the Ethics Review Board. On June 14<sup>th</sup>, 2005, a panel of the whole of the Ethics Review Board of the City of San Antonio consisting of Arthur Downey, Ethics Review Board Chairman, Tomas Larralde, Charles Codd, Dolores Lott, August Stephen Johnson, Emilio Silvas, Richard Bird and Jason Zehner convened to consider the complaints. After considering the sworn complaint, the response and the complainant's reply to the response, the testimony given under oath at the hearing and exhibits, the panel made the following findings of fact based upon the preponderance of the evidence: that there was insufficient evidence to establish that Ms. Calk had taken any action as a member of the Transportation Advisory Board that resulted in impediment to the business interests of the complainants. Therefore, there was insufficient evidence on this allegation to conclude that Ms. Calk violated Section 2-44 of the Ethics Code In the opinion of the Ethics Review Board panel, the complaints dated March 3 and March 8, 2005, filed against Mary Calk were dismissed in their entirety because no facts were alleged which, if taken to be true, would support a finding of violation of Section 2-44 of the Ethics Code, or any other provision of the Ethics Code. The complaint against Ms. Calk was DISMISSED.</i></p>

<b>Attachment A</b>		
<b>Ethics Determinations – 2005 (Cont.)</b>		
05-03	June 14, 2005	<p>On June 14, 2005, the Ethics Review Board of the City of San Antonio, consisting of Charles Codd, Dolores Lott, Stephen Johnson, Emilio Silvas, Richard Bird, Jason Zehner, and Benjamin F. Youngblood, III, met to consider the complaint filed on March 24, 2005, by Andrew Martin alleging violation of Section 2-56(d) of the Ethics Code, by Carla Morrison. The Respondent was alleged to have violated the prohibition against a former City official or employee from representing any person, group or entity in litigation to which the City is a party, if the interests of that person, group or entity are adverse to the interest of the City and the matter is one in which the former City official or employee personally and substantially participated prior to termination of his or her official duties. The panel determined that the Respondent had personally, but not substantially, participated in the drafting of the Ordinance in question. Based on this finding of fact, the panel concluded that the Respondent's actions had not violated Section 2-56(d) of the Ethics Code. The complaint was DISMISSED.</p>
05-04	July 5, 2005	<p>On April 13, 2005 seven Sworn Complaints of Ethics Violations were filed by Mr. Daniel X. Houston, Ms. Helen Dutmer, Mr. Donald J. Dooley, Ms. Marian B. Hartman, Mr. Danny D. Daniels, Mr. Glen N. Hartman, and Mr. Al Rohde. These complaints alleged various violations of the City's Municipal Campaign Finance Regulations by Mr. Julian Castro. They were related to his 30-day campaign report and alleged that (1) the report lacked complete information including numerous missing dates and names, (2) the report failed to list certain expenditures for travel, etc., and (3) the report disclosed the receipt of individual campaign contributions in excess of the \$1,000 limit. On the 5<sup>th</sup> day of July 2005, a panel of the whole of the Ethics Review Board of the City of San Antonio consisting of Arthur Downey, Ethics Review Board Chairman, Tomas Larralde, Charles Codd, Dolores Lott, August Stephen Johnson, Emilio Silvas, Richard Bird, Benjamin F. Youngblood, III and Jason Zehner convened to consider the complaints filed under the Code of Ethics of the City of San Antonio. After considering the sworn complaint, the response and the complainant's reply to the response, and the exhibits, including the report of a forensic accountant, the panel concluded that, based upon the preponderance of the evidence, the Respondent had committed a knowing violation of the City's campaign finance regulation. The panel recommended that a letter of admonition be sent to the Councilman Castro regarding this violation. The Chairman of the Ethics Review Board was tasked to write this letter and did so.</p>

<b>Attachment A</b>		
<b>Ethics Determinations – 2005 (Cont.)</b>		
05-05	November 7, 2005	<p><i>On September 8, 2005 a Sworn Complaint of Ethics Violations was filed by Ms. Virginia Quinn, the Municipal Integrity Officer for the City of San Antonio. These complaints alleged various violations of the City’s Ethics Code by Mr. Michael Rich, a former City employee, Ms. Eloise Trevino, a former City employee, Mr. Travis Nixon, Vice President for Cambridge, a contractor with the City, Mr. Johnny Fontenot, Vice President of McGriff, Seibels, Williams, a contractor with the City, Mr. Doug Martin, Vice President of CorVel, a subcontractor of Cambridge. They related to Part B, Section 1 – Ethics Code dated Jan. 15, 2004, [Section 2-43 – Ethics Code dated January 13, 2005] Improper Economic Benefit; Part B, Section 2 - Ethics Code dated Jan. 15, 2004, [Section 2-44 – Ethics Code dated January 13, 2005] Unfair Advancement of Private Interest; Part B, Section 3 - Ethics Code dated Jan. 15, 2004, [Section 2-45 – Ethics Code dated January 13, 2005] Gifts; and Part B, Section 10 [Section 2-52 – Ethics Code dated January 13, 2005] Prohibited Interests In Contracts, Part C, Section 2 – Ethics Code dated Jan. 15, 2004, [Section 2-56 – Ethics Code dated January 13, 2005] Subsequent Representation. On October 18, 2005 a panel of the whole of the Ethics Review Board, consisting of Charles F. Codd, Dolores Lott, August Steven Johnson, Elizabeth Melson, Benjamin Youngblood, Arthur Downey, Jason Zehner, and Thomas Larralde met to consider this complaint. Three contractors were cited in the complaint; Ms. Quinn did not specify a possible violation that might have been committed by each. However, the Ethics Review Board considered a possible violation of Section 2-72, Forms of Responsibility which reads, “No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person to engage in conduct violative of the obligations imposed by Division 2 (Present City Officials and Employees), Division 3 (Former City Officials and Employees), Division 4 (Persons doing business with the City), and Division 5 (Lobbyist) of this Ethics Code.” After considering the sworn complaint, the response and the complainant’s reply to the response, the panel concluded that the charges against Mr. Martin of CorVel Corporation and the charges against Mr. Nixon of Cambridge Integrated Services should be DISMISSED for lack of evidence of any violation of the Code; and that the Board should continue the investigation of the following: Eloise Trevino relating to Part C, Section 2 - 2004, Section 2-56 - 2005 Subsequent Representation. Mr. Rich relating to Part B, Section 3 - 2004, Section 2-45 - 2005 Gifts. Mr. Rich relating to Part B, Section 2 - 2004, Section 2-44 - 2005 Unfair Advancement of Private Interest. Mr. Rich relating to Part B, Section 1 - 2004, Section 2-43 - 2005 Improper Economic Benefit. Mr. Fontenot relating to Part F, Section 1 - 2004, Section 2-72 - 2005 Forms of Responsibility. A date for a formal hearing was set. On November 7, 2005 the Ethics Review Board convened in a formal hearing to consider the outstanding complaints. After review of the complaint against Mr. Fontenot, the Panel determined that the complaint failed to allege a violation of any</i></p>

		<p><i>(continued from page 5)</i></p> <p><i>provision of the Ethics Code nor could any possible violation of the Code, Municipal Campaign Finance Regulations, Section 141 of the City Charter, or Section 171 of the Texas Local Government Code be ascertained from the information provided. The complaint against Mr. Fontenot was therefore DISMISSED. The Ethics Review Board found by a preponderance of the evidence that the following section of the Code was violated by Ms. Trevino: Part C, Section 2 – Ethics Code dated Jan. 15, 2004, [Section 2-56 – Ethics Code dated January 13, 2005] Subsequent Representation. The Ethics Review Board also found by a preponderance of the evidence that the following section of the Code was violated by Mr. Rich: Part B, Section 1 - Ethics Code dated Jan. 15, 2004, [Section 2-43 – Ethics Code dated January 13, 2005] Improper Economic Benefit. The panel recommended that a letter of admonition be sent to both Mr. Rich and Ms. Trevino regarding these violations. The Chairman of the Ethics Review Board was tasked to write the letters and did so.</i></p>
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**Attachment B**

**Ethics Advisory Opinions – 2005 (Ethics Review Board)**

Number	Date	Questions
017	March 1, 2005	<i>Whether an individual who formerly worked for the City in the Community Action Division of the Department of Community Initiatives could accept a position as the director for a non-profit organization that receives funding from the City?</i>
018	May 31, 2004	<i>May an individual who served as a member of a City board enter into a contract with the City?</i>

**Ethics Advisory Opinions – 2005 (City Attorney’s Office)**

Number	Date	Questions
094	April 4, 2005	<i>May a member of a city board that is more than advisory in nature or his business contract with the City of San Antonio?</i>
095	May 18, 2005	<i>Does a city employee have a conflict of interest or an interest in a prohibited contract if his father is an employee of an entity that is seeking a contract with the City of San Antonio?</i>
096	May 26, 2005	<i>May a city employee contract with the city to provide services as an independent consultant?</i>
097	August 30, 2005	<i>Can a city board member represent a non-profit organization that wishes to seek action by the same board?</i>
098	September 7, 2005	<i>May a city official accept a gift worth more than \$100 from a personal friend? If so, is the official required to report the receipt of the gift?</i>
099	September 23, 2005	<i>May a spouse of an individual who has an ownership interest in business that contacts with the city serve on a city board that is more than advisory in nature?</i>
100	October 3, 2005	<i>May a city employee accept complimentary registration to a conference which she is attending in connection with her official duties?</i>
101	October 5, 2005	<i>Must political contributions to City Council members from a political action committee of an entity seeking a discretionary city contract be disclosed on the discretionary contracts disclosure form?</i>
102	October 13, 2005	<i>May a city employee process payment to a city contractor if the employee has a part-time job with the contractor?</i>
103	November 14, 2005	<i>May a city employee accept a discount offered to all city employees?</i>
104	December 22, 2005	<i>May city employees accept gifts in exchange for selecting a vendor to make purchases?</i>

**Attachment C**

**Proposed Amendments to the Ethics Code and Campaign Finance Code – 2005**

The adoption of a new ethics ordinance on January 15<sup>th</sup>, 2005, with one exception, incorporated all changes to the code proposed or endorsed by the Ethics Review Board in the 2004 Annual Report. During the past year City Council, the City Attorney’s Office and the new Ethics Review Board have compiled a list of additional changes/modifications. These changes are required to bring the Code and the City’s Campaign Finance Regulation in alignment with state law, to reflect the desires of Council, to enhance clarity or to make administrative corrections (spelling punctuation, grammar, consistency); and are annotated below. The Board recommends that these changes be approved and incorporated into the Code and Campaign Finance Regulation.

**CODE OF ETHICS**

**Proposed Changes by Ethics Review Board in RED**  
**Comments/Proposed Changes by City Attorney’s Office in GREEN**  
**Proposed Changes by City Council Members in BLUE**

**DIVISION 1: DECLARATION OF POLICY**

**SECTION 2-42 DEFINITIONS**

(u) *Official.* Except in Division 5 (Lobbyists), the term “official” or “city official” includes the following persons:

- The Mayor;
- Members of the City Council;
- Municipal Court Judges and Magistrates;
- The City Manager;
- Deputy City Manager;
- Assistant City Managers;
- Assistants to the City Manager;
- City Clerk;
- Assistant City Clerk;
- All department heads and assistant department heads;
- Internal Auditor and all assistant internal auditors;
- Market Square Superintendent;
- Assistant to City Council;
- Assistant to Mayor;
- Secretary to City Manager;
- Executive Secretaries;
- Community Action Manager;
- Public Utilities Supervisor; and
- Members of all boards, commissions (except the Youth Commission whose members are minors), committees, and other bodies created by the City Council pursuant to federal or state law or City ordinance, including entities that may be advisory only in nature, who are appointed by City Council or who are designated in the by-laws or organization papers of the entity to serve on behalf of the city; and board members of any entity who are appointed by the City Council to such board membership.

The term “official” has a different meaning in Division 5 (Lobbyists), which is defined in Section 2-62(a) of that Division. The term “officer” is defined in Section 2-52~~(e)(e)~~(2) of Division 2 (Prohibited Interests in Contracts) and Section 2-58(c)(2) of Division 3 (Discretionary Contracts) and is not synonymous with any use of the term “official” in this code.

- (v) *Official Action.* “Official action” includes:
- (1) any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an official or employee’s duties, and
  - (2) any failure to act, if the official or employee is under a duty to act and knows that inaction is likely to affect substantially an economic interest of the official or employee or any person or entity listed in Subsections 2-43(a)(2) through (9) of Division 2 (~~Improper Economic Benefit Conflicts of Interest~~).

## **DIVISION 2: PRESENT CITY OFFICIALS AND EMPLOYEES**

### **SECTION 2-43 ~~IMPROPER ECONOMIC BENEFIT~~ CONFLICTS OF INTEREST**

- (a) **General Rule.** To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect the economic interests of:
- (1) the official or employee;
  - (2) his or her parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
  - (3) his or her outside client;
  - (4) a member of his or her household;
  - (5) the outside employer of the official or employee or of his or her parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
  - (6) a business entity in which the official or employee knows that any of the persons listed in Subsections (a)(1) or (a)(2) holds an economic interest as that term is defined in Section ~~2-43 2-42~~;
  - (7) a business entity which the official or employee knows is an affiliated business or partner of a business entity in which any of the persons listed in Subsections (a)(1) or (a)(2) holds an economic interest as defined in Section ~~2-43 2-42~~;
  - (8) a business entity or nonprofit entity for which the city official or employee serves as an officer or director or in any other policy making position; or
  - (9) a person or business entity with whom, within the past twelve months:
    - (1) the official or employee, or his or her spouse, directly or indirectly has
      - (i) solicited an offer of employment for which the application is still pending,
      - (ii) received an offer of employment which has not been rejected, or
      - (iii) accepted an offer of employment; or
    - (2) the official or employee, or his or her spouse, directly or indirectly engaged in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated.

### **SECTION 2-44 UNFAIR ADVANCEMENT OF PRIVATE INTERESTS**

- (c) **Recusal and Disclosure.** A city official or employee whose conduct would otherwise violate ~~this Subsection (b)(3) of this Division~~ shall adhere to the recusal and disclosure provisions provided in Section 2-43(b) of Division 2 (~~Improper Economic Benefit Conflicts of Interest~~).

## SECTION 2-45 GIFTS

### (a) General Rule.

- (1) A city official or employee shall not solicit, accept, or agree to accept any gift or benefit for himself or herself or his or her business:
  - (A) that reasonably tends to influence or reward official conduct; or
  - (B) that the official or employee knows or should know is being offered with the intent to influence or reward official conduct.

A city official or employee may accept a public award or reward for meritorious service of professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under the Texas Penal Code Section 36.08.

- (2) A city official or employee shall not solicit, accept, or agree to accept any gift or benefit, from:
  - (A) any individual or **business** entity doing or seeking to do business with the City; or
  - (B) any registered lobbyist or public relations firm; or
  - (C) any person **or entity** seeking action or advocating on zoning or platting matters before a city body,

save and except for

- i) items received that are of nominal value; or
- ii) meals in an individual expense of \$50 or less at any occurrence, and no more than a cumulative value of \$500 in a single calendar year from a single source.

Doing business with the city includes, but is not limited to, individuals and business entities that are parties to a discretionary contract, individuals and business entities that are subcontractors to a discretionary contract, and partners and/or parents and/or subsidiary business entities of any individuals and business entities that are parties to a discretionary contract.

### (b) Special Applications. Subsection (a)(2) does not include:

- (1) a gift to a city official or employee relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
- (2) advancement for or reimbursement of reasonable expenses for travel in connection with official duties authorized in accordance with city policies; such payments must be disclosed in a travel report as required in Section 2-76; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy will be treated as a personal gift to the official or employee for any applicable reporting requirements under Sections **2-73**, 2-74 or 2-78;
- (3) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under the Texas Penal Code Section 36.08;
- (4) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;
- (5) a scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;

- (6) ~~admission to an event in which the city official or employee is participating in connection with official duties;~~
- (6) ~~(7)~~ any solicitation for civic or charitable causes;
- (7) ~~(8)~~ admission to an event in which the city official or employee is participating in connection with his or her spouse's position;
- (8) ~~(9)~~ ceremonial and protocol gifts presented to city officials from a foreign government or international or multinational organization and accepted for the City of San Antonio;
- (9) ~~(10)~~ admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the sponsor of the event, and unsolicited by the City official or employee, if attending or participating in an official capacity, including:
  - (A) the official or employee participates in the event as a speaker or panel participant by presenting information related to matters before the City; or
  - (B) the official or employee performs a ceremonial function appropriate to that individual's position with the City; or
  - (C) attendance at the event is appropriate to the performance of the official duties or representative function of the official or employee;
- (10) ~~(11)~~ admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the City official or employee;
- (11) ~~(12)~~ admission to training or education program, including meals and refreshments furnished to all attendees, if such training is related to the official or employee's official duties and the training is in the interest of the City;
- (12) ~~(13)~~ lodging, transportation, or entertainment that the official or employee accepts as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law, up to \$500 ~~(\$250)~~ from a single source in a calendar year. **{ERB recommends elimination of the Section 2-45(b)(13) exception. Integrity Committee recommended \$0 – 10 gift limit}**

(e) **Definitions.**

- (1) For purposes of this rule, a person is an "outside business associate" if both that person and the city official or employee own, with respect to the same business entity:
  - (A) ten (10) percent or more of the voting stock or shares of the business entity, or
  - (B) ten (10) percent or more of the fair market value of the business entity.
- (2) For purposes of this rule, a "sponsor" of an event is the person or persons primarily responsible for organizing the event. A person who simply contributes money or buys tickets to an event is not considered a sponsor.
- (3) A "source" is the individual or entity that funds an expenditure or series of expenditures. Expenditures made by multiple agents of the same source will be considered to be expenditures from a single source.
- (4) Any item of "nominal value" is an item with a fair market value of \$50 or less.

## SECTION 2-47 REPRESENTATION OF PRIVATE INTERESTS

(b) **Representation Before the City by City Officials and Employees.**

- (1) **General Rule.** A city official or employee shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

- (2) **Exception for Board Members.** The rule stated in subsection (b)(1) does not apply to a person who is classified as a city official only because he or she is an appointed member of a board or other city body.

### **DIVISION 3: FORMER CITY OFFICIALS AND EMPLOYEES**

#### **SECTION 2-57 PRIOR PARTICIPATION IN NEGOTIATING, ~~OR~~ AWARDING ~~OR~~ ADMINISTRATION OF CONTRACTS**

A former city official or employee may not, within two (2) years of the termination of official duties, perform work on a compensated basis relating to a discretionary contract, if he or she personally and substantially participated in the negotiation, ~~or~~ awarding ~~or administration~~ of the contract. A former city official or employee, within two (2) years of termination of official duties, must disclose to the City Clerk immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary contract for which he or she did not personally and substantially participate in its negotiation or award. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member of a board or other city body.

#### **SECTION 2-58 DISCRETIONARY CONTRACTS**

- (b) **Exception: Prior Employment or Status.** Notwithstanding subsection (a) of this Section 2-58 (Discretionary Contracts) and Section 2-57 (Prior Participation in Negotiation, ~~or~~ Awarding ~~or Administration~~ of Contracts), a former city official or employee may upon leaving official duties return to employment or other status enjoyed immediately prior to commencing official city duties.

### **DIVISION 4: PERSONS DOING BUSINESS WITH THE CITY**

#### **SECTION 2-59 PERSONS SEEKING DISCRETIONARY CONTRACTS**

(a) **Disclosure of Parties, Owners, and Closely Related Persons.** For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and this code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract on a form provided by the city:

- (1) the identity of any individual who would be a party to the discretionary contract;
- (2) the identity of any business entity that would be a party to the discretionary contract and the name of:
  - (A) any individual or business entity that would be a subcontractor on the discretionary contract; and
  - (B) any individual or business entity that is known to be a partner, ~~or a parent of subsidiary business entity,~~ of any individual or business entity who would be a party to the discretionary contract, ~~or any subsidiary business entity that is anticipated to be involved in the execution of the contract;~~ and
- (3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

An individual or business entity seeking a discretionary contract is required to supplement this filing on a form provided by the city in the event there is any change in the information required of the individual or business entity under ~~this subsection, Division 4, Section 2-~~

~~59, (a)(1), (a)(2), (a)(2)(A), (a)(2)(B), or (a)(3)~~. The individual or business entity seeking a discretionary contract must supplement this filing before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

**(b) Political Contributions.** Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract, on a form provided by the city, all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Subsection (a).

Indirect contributions by an individual include, but are not limited to, contributions made by an individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made **by** the officers, owners, attorneys, or registered lobbyists of the entity.

**Indirect contributions do not include contributions by owners of a business entity who hold less than 5% of the fair market value or voting stock of the entity.**

## **SECTION 2-60 DISCLOSURE OF ASSOCIATION WITH CITY OFFICIAL OR EMPLOYEE**

- (a) **Disclosures During Appearances.** A person appearing before a city board or other city body shall disclose to it any known facts which, reasonably understood, raise a question as to whether any member of the board or body would violate Section 2-43 of Division 2 (**Improper Economic Benefit Conflicts of Interest**) by participating in official action relating to a matter pending before the board or body.
- (b) **Disclosures in Proposals.** Any individual or business entity seeking a discretionary contract with the city shall disclose, on a form provided by the city, any known facts which, reasonably understood, raise a question as to whether any city official would violate 2-43 of Division 2 (**Improper Economic Benefit Conflicts of Interest**) by participating in official action relating to the discretionary contract.

## **DIVISION 5: LOBBYISTS**

### **SECTION 2-62 DEFINITIONS**

As used in Division 5 (Lobbyists), the following words and phrases have the meaning ascribed to them in this Section, unless the context requires otherwise:

- (a) *City official* means the Mayor, members of the City Council, Municipal Court Judges and Magistrates, the City Manager, Deputy City Manager, City Clerk, Assistant City Clerk, Assistant City Managers, Assistants to the City Manager, all department heads, assistant department heads, Internal Auditor and assistant internal auditors; Market Square Superintendent; Assistant to City Council; Assistants to City Council, including contract personnel, Assistant to Mayor; Assistants to the Mayor, including contract personnel, Secretary to City Manager; Executive Secretaries; Community Action Manager; Public Utilities Supervisor, members of bid committees, and members of the following boards and commissions: Board of Adjustment; Board of Appeals; City Public Service; Fire Fighter's and Police Officer's Civil Service Commission; Electrical Examining and Supervising Board;

Ethics Review Board established pursuant to this Ethics Code; Greater Kelly Development Authority and any authority later created under Chapter 378, Defense Base Development Authorities, of Subtitle A, Title 12 of the Texas Local Government Code; Historic and Design Review Commission; Housing Authority of San Antonio; Municipal Civil Service Commission; Planning Commission; Plumbing Appeals and Advisory Board; Public Library Board of Trustees; San Antonio Water System; Urban Renewal Agency (SADA); Zoning Commission; and any other board or commission that is more than advisory in nature.

- (b) *Client* means any person on whose behalf lobbying is conducted. If a person engages in lobbying on that person's own behalf, whether directly or through the acts of others, the person is both a client and a lobbyist (as defined in Subsection (g)). In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

## SECTION 2-64 EXCEPTIONS

The following persons and entities are not required to register under Section 2-65 of Division 5 (Registration) or file an activity report under Section 2-66 of Division 5 (**Quarterly** Activity Reports):

- (g) **Agent or employee.** An agent or employee of a lobbying firm or other registrant that **files** a registration statement or activity report for the period in question fully disclosing all relevant information known to the agent or employee.

## SECTION 2-65 REGISTRATION

- (a) **Separate Registrations.** A person or entity required to register as a lobbyist under Section 2-63 of Division 5 (Persons Required to Register as Lobbyists) must file a separate registration form for each client. A registrant who makes more than one lobbying contact for the same client shall file a single registration form covering all lobbying contacts for that client. Each registration form must be signed under oath. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form.
- (b) **Initial Registration.** An initial registration form relating to a client must be filed by a person required to register under Section 2-63 of Division 5 (Persons Required to Register as Lobbyists) within 90 days after the start of lobbying activity for that client. However, in no event shall a registrant knowingly fail to register, or knowingly fail to disclose such registration to relevant city officials, prior to official city action relating to the subject matter of the lobbying activity.
- (c) **Subsequent Annual Registration.** Except as provided in Subsection **(f) (e)** (Termination of Registration) subsequent registration forms must be filed annually each January for each client for whom a registrant previously filed, or was required to file, an initial registration form.
- (d) **Consolidated Registration for Firms/Organizations.** An individual, firm or organization that registers as a lobbyist and that employs agents or employees who engage in lobbying activity on behalf of the registrant's clients may include the agents or employees within the registrant's initial and annual registration, by identifying the agents or employees and disclosing lobbying activity as required under Subsection (e) by each agent or employee.
- (e) **Required Disclosures.** Initial or subsequent registration shall be on a form prescribed by the City Clerk and shall include, to the extent applicable:
- (1) the full name, telephone number, permanent address, and nature of the business of:

- (A) the registrant;
  - (B) the client;
  - (C) any person, other than the client, on whose behalf the registrant has been engaged by the client to lobby;
  - (D) any person, other than the client, who is known by the registrant to contribute financially to the compensation of the registrant, or which, in whole or in major part, plans, supervises, or controls the registrant's lobbying activities on behalf of the client;
  - (E) any lobbying firm for which the registrant is an agent or employee with respect to the client; and
  - (F) each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client;
- (2) a statement of all municipal questions on which the registrant **or its agents or employees** has lobbied for the client in the year preceding the filing of the registration or foreseeably will lobby;
  - (3) a list of any positions held by the registrant **or its agents or employees** as an official or employee of the City of San Antonio, as those terms are defined in Section 2-42 of Division 1 (Definitions) during the past two (2) years.
  - (4) if the registrant **or its agents or employees** is a former city official or employee, a statement that the registrant's lobbying activities have not violated and will not foreseeably violate Section 2-56(a) or (b) or Section 2-57(b) of Division 3 (Former City Officials and Employees) of this ethics code.

## **SECTION 2-66 QUARTERLY ACTIVITY REPORTS**

- (a) **Required Disclosures.** Except as provided in Section 2-64 of Division 5 (Exceptions), each registrant shall file with the City Clerk a separate report signed under oath concerning the registrant's lobbying activities for each client from whom, or with respect to whom, the registrant received compensation of, or expended, monies for lobbying during the prior calendar quarter.

A firm, entity, or individual that employs agents or employees who lobby on behalf of that organization's or employer's clients may file quarterly reports regarding lobbying activities on behalf of all the organization's or employer's clients, so long as all activities by agents and employees that must be disclosed pursuant to Division 5 are reported on the consolidated quarterly report. When a registrant files a quarterly report disclosing the lobbying activities of its agents or employees, the registrant's agents and employees, **although individually registered as lobbyists**, are not required to file separate quarterly reports.

The report for the preceding calendar quarter shall be filed between the first and fifteenth day of April, July, October, or January, or on the date registration on behalf of the client is required, whichever comes later. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. The report shall be on the form prescribed by the City Clerk and shall include, with respect to the previous calendar quarter, to the extent applicable:

- (1) the name of the registrant, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed pursuant to Section 2-65 of Division 5 (Registration);
- (2) a list of the specific issues upon which the registrant **or its agents or employees** engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions;
- (3) a list of the city officials contacted by the registrant **or its agents or employees** on behalf of the client with regard to a municipal question;

- (4) a list of the employees or agents of the registrant who acted as lobbyists on behalf of the client;
- (5) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenditures as defined in Section 2-62 of Division 5 (Definitions) that the registrant and its agents or employees incurred in connection with lobbying activities;
- (6) each gift, benefit, or expenditure greater than fifty dollars (\$50); **merge (6) and (7)**
- (7) made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, shall be itemized by date, city official, actual cost, and circumstances of the transaction;
- (8) each exchange of money, goods, services, or anything of value by the registrant, or by anyone acting on behalf of the registrant, with any business entity in which the registrant knows or should know that a city official has an economic interest, or for which the city official serves as a director or officer, or in any other policy making position, if:
  - (A) the total of such exchanges is one thousand dollars (\$1000) or more in a calendar quarter; and
  - (B) the city official:
    - (i) has been lobbied by the registrant **or its agents or employees** during the calendar quarter; or
    - (ii) serves on a board or other city body that has appellate jurisdiction over the subject matter of the lobbying.

## SECTION 2-67 RESTRICTED ACTIVITIES

- (a) **False Statements.** A person who lobbies or engages another person to lobby, or any other person acting on behalf of such persons, shall not intentionally or knowingly make any false or misleading statement of fact to any city official, or, knowing a document to contain a false statement, cause a copy of such document to be received by a city official without notifying such official in writing of the truth.
- (b) **Failure to Correct Erroneous Statement.** A registrant who learns that a statement contained in a registration form or activity report filed by the registrant during the past three (3) years is false shall not fail to correct that statement by written notification to the City Clerk within thirty days of learning of the falsehood.
- (c) **Personal Obligation of City Officials.** A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not do any act, or refrain from doing any act, with the express purpose and intent of placing any city official under personal obligation to such lobbyist or person.
- (d) **Improper Influence.** A registrant shall not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.
- (e) **False Appearances. Use of False Identification.** A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not cause any communication to be sent to a city official in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

## SECTION 2-68 IDENTIFICATION OF CLIENTS

- (a) **Appearances.** Each person who lobbies or engages another person to lobby appearing before the City Council or an official body identified in the definition of “city official” in Section 2-62 of Division 5 (Definitions) shall orally identify himself or herself and the client(s) he or she represents upon beginning an address. Each person who lobbies or engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the identity of the client he or she represents, and whether he or she is registered as a lobbyist as required by Section ~~2-64~~ 2-63 of Division 5 (Persons Required to Register as Lobbyists).

## **DIVISION 7: FINANCIAL DISCLOSURE**

### **SECTION 2-74 CONTENTS OF FINANCIAL DISCLOSURE REPORTS**

Each initial or annual financial disclosure report shall disclose, on a form provided by the city, the following information:

- (n) the name of each person, business entity, or other organization from whom the reporting party, or his or her spouse, received a gift with an estimated fair market value in excess of one hundred dollars (\$100) during the reporting period and the estimated fair market value of each gift. Excluded from this requirement are:
- (1) lawful campaign contributions which are reported as required by state statute or local ordinance;
  - (2) gifts received from family members within the second degree of affinity or consanguinity;
  - (3) gifts from an individual based on personal friendship who during the preceding three calendar years: a) has not done or sought to do business with the city; b) has not sought city action on any issue before the City Council or any city board or commission; c) is not associated with any business or entity that has done or sought to do business with the city; and d) is not associated with any business or entity that has sought city action on any issue before the City Council or a city board or commission.
  - (4) gifts received among and between fellow city employees and city officials; and
  - (5) admission to events in which the reporting party participated in connection with official duties.
  - (6) payment of or reimbursement of travel and accommodations expenses accepted in connection with official duties which have been reported under Section 2-76 Part G, Section 4; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy are gifts subject to the reporting requirements under this section.

### **SECTION 2-78 OTHER PERSONS REQUIRED TO REPORT GIFTS**

In addition to the gift reporting requirements imposed by the financial disclosure rules stated in Section 2-74(n) of Division 7 (Contents of Financial Disclosure Reports), other city employees specified on a list compiled annually by the Human Resources Department (or its successor department) and submitted to the City Clerk, and contract administrative assistants to members of City Council are also required to file an annual report on or before the 31<sup>st</sup> day of January of each year showing the source of a gift received during the previous year with a **cumulative** value of over one hundred dollars (\$100.00). Excluded from this requirement are:

- (1) lawful campaign contributions which are reported as required by state statute;
- (2) gifts received from family members within the second degree of affinity or consanguinity;

- (3) gifts from an individual based on personal friendship who during the preceding three calendar years: a) has not done or sought to do business with the city; b) has not sought city action on any issue before the City Council or any city board or commission; c) is not associated with any business or entity that has done or sought to do business with the city; and d) is not associated with any business or entity that has sought city action on any issue before the City Council or a city board or commission.
- (4) gifts received among and between fellow city employees and city officials;
- (5) admission to events in which the reporting party participated in connection with official duties;
- (6) payment of or reimbursement of travel and accommodations expenses accepted in connection with official duties which have been reported under **Section 2-76 Part G, Section 4**; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy are gifts subject to the reporting requirements under this section.

## **SECTION 2-79 VIOLATION OF REPORTING REQUIREMENTS**

Failure to timely file a report required by **this ethics code Chapter 2, Article III (Ethics Code)** is a violation hereof, as is the knowingly filing of a report with incorrect, misleading, or incomplete information, though no later than fifteen (15) days after discovery of the error or after the error should have reasonably been discovered. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible.

## **DIVISION 8: ETHICS REVIEW BOARD**

### **SECTION 2-81 STRUCTURE OF THE ETHICS REVIEW BOARD**

- (c) **Terms of Office.** Initial board appointments shall be made so that terms are staggered, with six members to serve an initial term of two years and five members to serve an initial term of three years, determine after appointment by lottery. Subsequent appointments shall be for a term of two years beginning on the day after the expiration of the preceding full term. No member of the board shall serve for more than three full terms.
- (i) **Panels.** Each year, at the time of the election of a chair and vice-chair, the chair will also make panel assignments. In the event of vacancies or **absences absences**, the chair may make reassignments as needed so that each panel has no few than three members of the Board.

### **SECTION 2-83 COMPLAINTS**

- (a) **Filing.** Any person (including a member of the Ethics Review Board or its staff, acting personally or on behalf of the Board) who believes that there has been a violation of the ethics laws or the code of municipal campaign finance regulations may file a sworn complaint with the City Clerk.

A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the Ethics Review Board, is subject to criminal prosecution for perjury [see **Division 8, Section 2-87(g) Division 9, Section 2-95** (Prosecution for Perjury)] or civil liability for the tort of abuse of process.

## SECTION 2-85 ETHICS PANELS

- (b) **Notice of Charges.** The Ethics Panel shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. However, before the Ethics Panel may find that a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; if compliance with the rule is raised by ~~the~~ a member of the Board or the Ethics Compliance Officer as a disputed issue at a hearing before the Ethics Panel; or if the Board or the Ethics Compliance Officer provides the respondent with written notice of the alleged violation and a fourteen (14) day period within which to respond in writing to the charge.
- (f) **Extension of ~~d~~Deadlines.** A complainant or respondent who fails to meet a deadline to submit a filing with the Ethics Review Board may file a Request to Accept Late Filing. The complainant or respondent must include within the request a statement of good cause for the board to grant the request. The assigned panel may grant a request to accept a late filing for good cause. Any extension given to a respondent will extend the deadline for the board to issue a decision under Section 2-87.

## SECTION 2-87 DISPOSITION

- (a) **Written Opinion.** The Ethics Panel shall issue a decision within ninety (90) days after the filing of a complaint. This deadline shall be extended by any amount of time granted to a respondent pursuant to a respondent's request for additional time to respond or to attend proceedings. The Ethics Panel shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:
- (1) dismiss the complaint; or
  - (2) upon finding that there that there has been a violation of the ethics laws or the municipal campaign finance laws:
    - (A) impose sanctions in accordance with these regulations; or
    - (B) recommend criminal prosecution and/or civil remedies, in accordance with this Rule; or
    - (C) state why no remedial action is imposed or recommended.

If the Ethics Panel determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Ethics Panel to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

- (b) **Notification.** Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the Ethics Compliance Officer, and any member of the Ethics Review Board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the City Clerk, who shall make it available as authorized by law.
- (c) **Recommendations.** A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency. ~~A recommendation of civil remedies shall be forwarded through the Ethics Compliance Officer to the City Council for action.~~ *(note: Civil remedies covered in subsection (f) below)*
- (d) **Similar Charges Barred.** If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws or the municipal campaign finance ordinance, the

Ethics Review Board shall not entertain any other similar complaint based on substantially the same evidence.

**(e) Factors Relevant to Sanctions.**

- (1) **General Violations (Non-Reporting Violations).** In deciding whether to recommend or impose, in the case of a violation of the ethics law, criminal prosecution and/or civil remedies, the Ethics Panel shall take into account relevant considerations, including, but not limited to, the following:
- (a) the culpability of the person charged in the complaint;
  - (b) the harm to public or private interests resulting from the violation;
  - (c) the necessity of preserving public confidence in the conduct of local government;
  - (d) whether there is evidence of a pattern of disregard for ethical obligations; and
  - (e) whether remedial action has been taken that will mitigate the adverse effect of the violation.

To impose or recommend sanctions for a first violation of the ethics code or municipal campaign finance code, other than a letter of notification, a letter of admonition or a referral to training, the board must find by a preponderance of the evidence that the person acted knowingly.

- (2) **Reporting Requirement Violations.** To impose sanctions, other than a letter of notification, a letter of admonition or a referral to training, for untimely or incomplete submission of reports required by the ethics code or the municipal campaign finance regulations, the board must determine by a preponderance of the evidence that the person knowingly **failed**:
- a. **failed** to file the report on time; or
  - b. **failed** to include in the report information that is required to be included; **Or**
  - c. **submitted inaccurate or false information.**

Failure to submit a required report or an amended report after receipt of notice of non-compliance by the City Clerk's Office, the City Attorney's Office or the Ethics Review Board may be considered evidence of a knowing failure to comply with reporting requirements.

Upon finding a second or subsequent untimely, **or** incomplete **or inaccurate** submission of reports within a two year period of time, the board may issue a letter of reprimand regardless of whether the second or subsequent violation was made knowingly by the filer.

**(f) Civil Sanctions for Ethics Code Violations.** The following civil remedies may be recommended or imposed by an Ethics Panel which finds that the ethics laws have been violated:

- (1) **Disciplinary Action.** Civil service employees who violate this code of ethics may be disciplined in accordance with city personnel rules and procedures. Other city officials and employees who engage in conduct that violates this code may be notified, warned, reprimanded, suspended, or removed from office or employment by the appointing authority, or by a person or body authorized by law to impose such remedies. Disciplinary action under this Section may be imposed in addition to any other penalty or remedy contained in this code of ethics or any other law. The Ethics Review Board may refer a violation to the City Manager or his or her designate for disciplinary action in accordance with any applicable municipal civil service rules;

- (2) **Suit for Damages or Injunctive Relief.** This code of ethics has been enacted not only to further the **purposes policies** stated in section 2-41 (**Statement of Purpose**), but to protect the City and any other person from any losses or increased costs incurred by the City or other person as a result of the violation of these provisions. It is the intent of the City that this ethics code can and should be recognized by a court as a proper basis for a civil cause of action for damages or injunctive relief based upon a violation of its provisions, and that such forms of redress should be available in addition to any other penalty or remedy contained in this code of ethics, municipal campaign finance or any other law. The Ethics Review Board may refer a violation of the ethics code or the municipal campaign finance regulations to the City Attorney's Office for consideration of a suit by the city for damages or injunctive relief.
- (3) **Disqualification from Contracting or Lobbying.**
- (a) If the Ethics Review Board finds that any person (including business entities and non-profit entities) has intentionally or knowingly violated any provision ~~of division 4 (Persons Doing Business with the City) or division 5 (Lobbyists)~~ of the Ethics Code, or has intentionally or knowingly assisted another person in violating any provision of the Ethics Code, the Ethics Review Board may recommend to the City Council that the person be prohibited from entering into any contract with the city or prohibited from lobbying on behalf of clients before the city for a period not to exceed three (3) years.
- Any entity may also be disqualified from contracting based on the conduct of an employee or agent, if the conduct occurred within the scope of the employment or agency in violation of this Code.
- (b) It is a violation of this code of ethics:
- (1) for a person debarred from entering into a contract with the city to enter, or attempt to enter, into a contract with the city during the period of disqualification from contracting; or
- (2) for a city official or employee to knowingly assist a violation of Subsection (b)(1) of this rule.
- (c) Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, according to the same terms.
- ~~(d) A business entity or nonprofit entity may be disqualified from contracting based on the conduct of an employee or agent, if the conduct occurred within the scope of the employment or agency.~~
- (4) **Recommendation to Void or Ratify Contract.** If the Ethics Review Board finds that there has been a **{intentional or knowing}** violation of any provision **of the Ethics Code in sections 2-43 – 2-51 (Present City Officials and Employees), section 2-55 (Former City Officials and Employees), section 2-56 (Persons Doing Business with the City), or division 4, or section 2-67 (Restricted Activities)** that is related to the awarding of a contract, the Ethics Panel must vote on whether to recommend to the City Council that the contract be ratified or voided. Such action shall not affect the imposition of any penalty or remedy contained in this code of ethics or any other law;
- (5) **Civil Fine.** The Ethics Review Board may impose upon any person, whether or not an official or employee of the city, who violates any provision of this code of ethics **is subject to** a fine not exceeding five hundred dollars (\$500). Each day after any filing

deadline imposed by division 5 (Lobbyists) and division 7 (Financial Disclosure) or the municipal campaign finance code for which any required statement has not been filed, or for which a statement on file is incorrect, misleading, or incomplete, constitutes a separate offense.

- (g) **Criminal Prosecution.** An Ethics Panel may recommend to the appropriate law enforcement agency criminal prosecution under this section (Prosecution for Perjury) or under Section 171 of the Texas Local Government Law. Prosecution of any person by the City Attorney for a violation of this ethics code shall not be undertaken until a complaint is disposed of in accordance with Section 2-87. However, the absence of a recommendation to prosecute from an Ethics Panel to the City Attorney shall not preclude the City Attorney from exercising his or her prosecutorial discretion to prosecute a violation of this ethics code. Any person who files a false sworn statement under division 5 (Lobbyists), division 7 (Financial Disclosure), or division 8 (Ethics Review Board) or the municipal campaign finance code is subject to criminal prosecution for perjury under the laws of the State of Texas.

## **SECTION 2-89 ADVISORY OPINIONS**

(b) **Ethics Advisory Opinions Issued by the Ethics Compliance Officer.**

(1) **Ethics Inquiries by City Officials and Employees.**

- (A) By writing filed with the Office of the City Attorney, any city official or employee may request an advisory opinion with respect to whether proposed action by that person would violate the ethics laws.
- (B) Within thirty (30) days of receipt of the request by the Office of the City Attorney, the Ethics Compliance Officer shall issue a written advisory opinion. The advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. ~~Copies of the opinion shall be forwarded by the Ethics Compliance Officer to the members of the Ethics Review Board, to the person who requested the opinion, and to the City Clerk, and promptly posted by the Ethics Compliance Officer for a period of no less than five years on the Internet via the City of San Antonio homepage. The City Clerk shall make the opinion available as a public record in accordance with the Local Government Records Act.~~

Opinions that address new issues and that are instructive on the application of the ethics regulations shall be posted on the ethics webpage in a manner that does not reveal the identity of the individual requesting the opinion.

## **DIVISION 9: ADMINISTRATIVE PROVISIONS**

### **SECTION 2-94 DISTRIBUTION AND TRAINING**

- (a) Prior to the effective date of this code of ethics, and periodically thereafter as appropriate, the City Attorney or designated Ethics Compliance Officer shall provide information about the code to every official and employee of the city, and copies of the code shall be made readily available to city officials, employees, and the public. Within thirty (30) days after entering upon the duties of his or her position, every new official or employee shall be furnished with information about this code of ethics. The failure of any person to receive a copy of this code shall have no effect on that person's duty to comply with this code or on the enforcement of its provisions. Upon appointment to a board or commission, such official shall be provided with a copy of the Ethics Code.
- (b) The City Attorney or designated Ethics Compliance Officer, in consultation with the Ethics Review Board, shall develop educational materials and conduct educational programs for the officials and employees of the city on the provisions of this code of ethics, Section 141 of the City Charter, and Section 171 of the Texas Local Government Law. Such materials and programs shall be designed to maximize understanding of the obligations imposed by these ethics laws.
- (c) The Office of the City Manager and Department of Human Resources shall enact an administrative directive requiring that all departments provide their employees with training on the Ethics Code at least once every other calendar year. The Office of the City Attorney shall provide the training to the departments. Additional presentations shall be offered to any department where necessary to accommodate large numbers of employees.
- (d) The Office of the City Attorney shall notify department directors regarding any significant amendments to the Ethics Code within 30 days of adoption. Department directors shall disseminate the information to department employees.
- (e) Information shall be provided to employees terminating city service regarding the restrictions on former city employees established in Division 3 of this code.

## SAN ANTONIO CITY CODE

### ARTICLE VII. MUNICIPAL CAMPAIGN FINANCE REGULATIONS

**JANUARY 26, 2006 RED-LINE VERSION**  
**Proposed Changes by Ethics Review Board in RED**  
**Proposed Changes by City Attorney's Office in BLUE**

#### DIVISION 1. GENERAL

##### SEC. 2-300 STATEMENT OF POLICY

It is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who are elected to act on their behalf in government. There is a public perception that a relationship exists between substantial contributions and access to elected officials. To diminish the perceived or actual connection between contributions and influence, the City adopts this Campaign Finance Code to promote public confidence and, it is hoped, a greater degree of citizen participation in the electoral process.

##### Sec. 2-301 Definitions

(a) **Election Contribution** Cycle: The following constitute separate **election contribution** cycles:

- 1) ~~for all candidates and officeholders, beginning the pre-election contribution cycle begins on~~ July 1 of the calendar year before the date of the regular municipal election, and ending on the date of the regular municipal election;
- 2) for a candidate **or a specific-purpose political action committee (SPAC) formed for the purpose of supporting a candidate** in a run-off election after the regular municipal election, **a run-off contribution cycle begins beginning** the day after the regular municipal election, and ending on the date of the run-off election;
- 3) ~~for all candidates and officeholders, the post-election contribution cycle begins on beginning either~~ on the day after the regular municipal election or the day after the run-off election, as applicable, until June 30 of the calendar year before the next regular municipal election.

(b) Under Texas Election Code, Section 251.001, a "contribution" means a direct or indirect transfer of money, goods, or services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by this subdivision, and a guarantee of a loan or extension of credit, including a loan described by this subdivision.

The term "contribution" does not include a loan made in the due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made.

(c) A loan is deemed to be made in the ordinary due course of business if it:

- (1) bears the usual and customary interest rate of the lending institution for the category of loan involved;
- (2) is made on a basis that assures repayment;
- (3) is evidenced by a written instrument; and

(4) is subject to a due date or amortization schedule.

(d) Terms not defined in this chapter but defined in the Texas Election Code shall have the meanings assigned to them in the Texas Election Code.

## DIVISION 2. CONTRIBUTION LIMITS

### Sec. 2-302 Limitation Of Political Contributions To Candidates or Officeholders For Mayor Or Council and Political Action Committees.

(a) A candidate for district office on the City Council or city council officeholder may not accept more than \$500.00 in political contributions from any individual or single entity per election contribution cycle.

(b) A candidate for mayor or mayoral officeholder may not accept more than \$1000.00 in political contributions from any individual or single entity per election contribution cycle.

**(c) A specific-purpose political action committee (SPAC) registered with the City of San Antonio and formed for the purpose of supporting a candidate for district office on the City Council or city council officeholder may not accept more than \$500.00 in political contributions from any individual or single entity per contribution cycle.**

**(d) A specific-purpose political action committee (SPAC) registered with the City of San Antonio and formed for the purpose of supporting a candidate for mayor or mayoral officeholder for the City of San Antonio may not accept more than \$1000.00 in political contributions from any individual or single entity per contribution cycle.**

~~(e)~~ **(e)** Except as provided in Section 2-304 of this chapter, the limits set out in subsection (a) ~~and (b) – (d)~~ of this section apply to contributions made in the form of loans, extensions of credit, and guarantees of loans or extensions of credit as described in Section 2-301(b). Repayment of loans does reset the contribution limit.

~~(f)~~ **(f)** Political action committees, commercial entities, or campaign vendors cannot provide in-kind contributions with a commercial value to candidates or officeholders beyond the limits established in this section. Individuals may donate their time as campaign volunteers without limit. "In-kind" contribution means goods or services provided to or by a person at no charge or for less than their fair market value.

~~(g)~~ **(g)** An individual or entity cannot ~~contribute~~ make a political contribution in cash exceeding \$50 to a candidate or candidate committee ~~and a candidate~~ for Mayor or City Council, or to a municipal ~~or~~ officeholder, or to a specific-purpose political action committee form for the purpose of supporting a municipal candidate or officeholder, nor can any of these candidates, officerholders or specific-purpose political action committees cannot accept ~~campaign contributions or officeholder contributions~~ political contributions in cash exceeding \$50, from a single donor during a reporting period as defined in the Texas Election Code §253.033, ~~including~~ This restriction includes tickets to fund-raising events.

~~(h)~~ **(h)** A person may not knowingly make or authorize a political contribution in the name of or on behalf of another, unless the person discloses in writing to the recipient the name and address of the person actually making the contribution in order for the recipient to make the proper disclosure.

~~(g)~~ **(i)** A minor may make a contribution only if done so knowingly and voluntarily with funds, goods or services owned or controlled exclusively by the minor and not with proceeds of a gift where the purpose was to provide funds to be contributed. The minor shall submit a form with

the contribution acknowledging his or her minor status and that his or her contribution complies with this provision.

~~(H)~~ (i) A “coordinated campaign expenditure” shall be considered a contribution subject to the limits set forth within this section and subject to the disclosure requirements for campaign contributions made to a candidate for elected city office. As used in this subsection, the term “coordinated campaign expenditure” means a payment, other than a direct contribution, for an activity, service or product that contains express advocacy for the election or defeat of a clearly identified candidate(s) for city office and is made in cooperation, consultation, or concert, with or at the request or suggestion of, a candidate(s) for city office or a candidate’s representative, agent or employee.

Coordinated campaign expenditures shall include, but not be limited to the following:

- 1) Voter identification and/or get-out-the-vote activity on behalf of a specific candidate(s) for city office;
- 2) A public communication that refers to a clearly identified candidate(s) for city office and that promotes or supports a candidate(s) for that office, or attacks or opposes a candidate(s) for that office, or is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate(s).

The following is not considered a coordinated campaign expenditure:

- 1) Direct monetary contributions made to a candidate for city office;
- 2) In-kind contributions made to a candidate for city office;
- 3) Payment by an individual or organization for the individual’s or organization’s overhead expenses including but not limited to rent, utilities, taxes, office supplies or salaries;
- 4) Volunteer (unpaid) activity(ies) on the part of the individual or members of the organization.

### **Sec. 2-303 Time Limitation To Accept Donations**

(a) A candidate for Mayor or City Council or specific-purpose political action committee registered with the City of San Antonio and formed for the purpose of supporting a candidate for mayor or city council shall not accept nor deposit campaign contributions after 5:00 P.M. on the 4<sup>th</sup> calendar day before the regular municipal election date.

(b) During a run-off election, a candidate for Mayor or City Council or specific-purpose political action committee registered with the City of San Antonio and formed for the purpose of supporting a candidate for mayor or city council shall not accept nor deposit campaign contributions after 5:00 P.M. on the 4<sup>th</sup> calendar day before the date of the run-off election.

(c) Contributions received after the deadlines set out in (a) and (b) of this section or contributions not deposited by these deadlines may be deposited during the subsequent election contribution cycle. Such contributions will be subject to limitations for the election contribution cycle during which they are deposited.

### **Sec. 2-304 Limits on Repayment of Loans or Reimbursements from Political Contributions**

(a) Loan Limit for Candidates for City Council.

A candidate for City Council may not use political contributions in an aggregate amount of more than \$25,000 during an election cycle to:

- 1) repay a loan to his or her campaign account that the candidate has made from his or her personal assets; or
- 2) reimburse campaign expenditures made from personal funds; or
- 3) repay a loan to the candidate or to any authorized committee of the candidate from any other person, persons, entity or entities.

The limit established by this section applies to the cumulative total from one or all combined loans.

(b) Loan Limit for Candidates for Mayor.

A candidate for Mayor may not use political contributions in an aggregate amount of more than \$50,000 during an election cycle to:

- 1) repay a loan to his or her campaign account that the candidate has made from his or her personal assets; or
- 2) reimburse campaign expenditures made from personal funds; or
- 3) repay a loan to the candidate or to any authorized committee of the candidate from any other person, persons, entity or entities.

The limit established by this section applies to the cumulative total from one or all combined loans.

(c) A candidate cannot accept a loan made in cash.

### **DIVISION 3. POLITICAL CONTRIBUTION AND EXPENDITURE ACCOUNTS AND REPORTS**

#### **Sec. 2-305 Single Account**

(a) A candidate for Mayor or City Council or officeholder or specific-purpose political action committee registered with the City of San Antonio and formed for the purpose of supporting a candidate for mayor or city council must deposit each and every political contribution into one and only one specified bank account. This single account must be used for all political contributions and expenditures pertaining to municipal office.

(b) Persons with established campaign accounts before the date this code goes into effect can transfer funds into the new single campaign account.

(c) At the time a candidate files the Appointment of Campaign Treasurer pursuant to Texas Election Code Section 252.001, the candidate shall declare the municipal office sought. If candidate subsequently decides to seek a different office, the candidate shall file an amended Appointment of Campaign Treasurer declaring the new office sought.

(d) If a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment, in accordance with the requirements of Texas Election Code Section 252.010.

(e) If, after declaring a candidacy for any elected office, the candidate subsequently declares his or her candidacy for any elected municipal office, he or she may maintain the same campaign finance account. However, if the candidate seeks a municipal office which is subject to lower campaign contribution limits than the previously sought office, the candidate shall return all contributions in excess of the limits for the municipal office sought.

(1) The transferor committee's available funds shall be viewed as those contributions most recently received that add up to the amount of cash on hand.

(2) Contributions transferred must be aggregated with any contributions made by the same donor to the committee receiving the transfer. Amounts that would cause a contributor to exceed his or her per-election cycle contribution limit must be excluded from the transfer.

### **Sec. 2-306 Campaign Account Statements**

(a) A candidate for Mayor or City Council or the campaign treasurer, or specific-purpose political action committee registered with the City of San Antonio and formed for the purpose of supporting a candidate for mayor or city council, must send a campaign account statement directly to the designated campaign finance enforcement authority once a month within five business days of receiving the statement from the financial institution. The candidate may choose to direct the financial institution to send a copy of the statement directly to the campaign finance enforcement authority.

The City Clerk's Office shall serve as the official records repository for the municipal campaign finance authority.

### **Sec. 2-307 Electronic Filing**

(a) Candidates for Mayor or City Council and officeholders will electronically file and update contribution and expenditure reports required under the Texas Elections Code with the City Clerk's Office.

(b) In general and runoff elections, candidates for mayor or city council shall also electronically file an additional 3-day campaign finance contributions report. This report is to be filed no later than 5:00 P.M. on the third calendar day preceding the general or run-off election day. This report is in addition to the reports required by the Texas Election Code.

(c) The City will provide access to computer equipment for candidates to file the electronic reports. A candidate, officeholder, or political committee that is required to file electronic reports under this chapter may apply for an exemption if

(1) the candidate, officeholder, or campaign treasurer of the committee files with the commission an affidavit stating that the candidate, officeholder, or committee, an agent of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; *and*

(2) the candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed \$20,000 or make political expenditures that in the aggregate exceed \$20,000.

(d) The City of San Antonio will post the contribution and expenditure reports through a designated Elections Website.

(e) Knowingly failing to timely file a report required by this section is a violation hereof, as is the knowingly filing of a report with incorrect, misleading, or incomplete information. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible, though no later than fifteen (15) days after discovery of the error or after the error should have reasonably been discovered.

#### **Division 4. POLITICAL ACTION COMMITTEES**

##### **Sec. 2-308 Political Action Committees**

All political action committees (PACs) or groups spending money on municipal campaign activity or advertising associated with a city candidate or measure election, or specially designated City Council agenda item shall also, in addition to compliance with reporting requirements under the Texas Election Code, submit such reports electronically with the municipal campaign finance authority. Deadlines and contents of reports for political action committees shall be set in accordance with the Texas Election Code.

#### **Division 5. CITY CONTRACTORS**

##### **Sec. 2-309 Contribution Prohibitions**

(a) Any person acting as a legal signatory for a proposed contractual relationship that applies for a “high-risk” discretionary contract, as defined by the City of San Antonio Contracting Policy and Process Manual, may not make a political contribution to any councilmember or candidate from the time the person submits the response to the Request for Proposal (RFP) or Request for Qualifications (RFQ), or begins negotiations or discussions for a contract for which no competitive solicitation has been issued by the city, until 30 calendar days following the contract award. ~~(new paragraph break)~~

~~(b)~~ Any legal signatory for a proposed high-risk contract must be identified within the response to the RFP’s or RFQ’s, if the identity of the signatory will be different from the individual submitting the response. Where no competitive solicitation is being issued by the city, the legal signatory must be identified in writing at the time negotiations are initiated.

~~(b)~~ ~~(c)~~ If the legal signatory entering the contract has made such a contribution, the city may not award the contract to that person, or to the business entity for whom that contributor acted as legal signatory. Any contract awarded in violation of this provision shall be voidable at the discretion of the City Council.

~~(e)~~ ~~(d)~~ In the event that a candidate or officeholder unknowingly accepts a contribution in contravention of the provisions of this section, then it shall be the duty of the candidate or officeholder to return the contribution within 5 business days after he or she becomes aware of the violation.

~~(d)~~ ~~(e)~~ The criteria for designation as a “high-risk” contract are:

- (1) Value of the contract over the life of the contract will exceed \$1 million;
- (2) Contracts with value exceeding \$25,000 to be obtained without competitive solicitation;
- (3) Contract is for goods or services of a highly complex nature or for non-standard items the contract terms will be non-standard; or

- (4) Contracts with exceptional community interest.

## **DIVISION 6. ENFORCEMENT AUTHORITY AND SANCTIONS**

### **Sec. 2-310 Ethics Review Board**

- (a) Municipal Campaign Finance Regulations Enforcement Authority. The Ethics Review Board created pursuant to Article XIII of the City Charter shall have authority to review reports required under this chapter and shall have the jurisdiction to investigate, make findings, issue rulings and assess sanctions concerning any alleged violation of this chapter, by any person subject to these provisions.
- (b) Municipal Campaign Finance Advisory Opinions Issued by the Ethics Review Board.
  - (1) By writing filed with the City Clerk, any officeholder or candidate for city council, mayor or officer of a political action committee registered with the Office of the City Clerk may request an advisory opinion with respect to the interpretation of the code of municipal campaign finance regulations, but only with respect to whether proposed action by that person would violate these regulations. The City Clerk shall promptly transmit all requests for advisory opinions to the Ethics Compliance Officer and the chair of the Ethics Review Board.
  - (2) Within twenty (20) days of receipt by the chair of the Ethics Review Board of a request for an advisory opinion, the Board, acting *en banc* or through a designated Ethics Panel, shall issue a written advisory opinion. During the preparation of the opinion, the Board may consult with the Ethics Compliance Officer of the city and other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation.

A copy of the opinion shall be indexed and kept by the Ethics Review Board as part of its records. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or the Ethics Compliance Officer, to the person who requested the opinion, to the members of the Ethics Review Board, and to the City Clerk. The City Clerk shall make the opinion available as a public record in accordance with the Local Government Records Act. The Ethics Compliance Officer shall promptly post the opinion on the Internet via the City of San Antonio homepage.

- (c) Civil Sanctions for Violations of the Municipal Campaign Finance Regulations. The following civil sanctions may be imposed by the Ethics Review Board which finds by a preponderance of the evidence that the municipal campaign finance regulations have been violated:

- (1) Letter of Notification. The Ethics Review Board may issue a letter of notification to any individual subject to the municipal campaign finance regulations where the board finds that the violation was clearly unintentional or inadvertent. The letter must advise the person to whom it is directed of any steps to be taken to avoid future violations;
  - (2) Letter of Admonition. The Ethics Review Board may issue a letter of admonition to any individual subject to the municipal campaign finance regulations where the board finds that the violation was minor and/or may have been unintentional or inadvertent;
  - (3) Letter of Reprimand. The Ethics Review Board may issue a letter of reprimand to any individual subject to the municipal campaign finance regulations where the board finds that the violation was made intentionally or knowingly;
  - (4) Referral to Ethics Training. Upon finding of violation of the municipal campaign finance regulations, the Ethics Review Board may require any individual subject to the municipal campaign finance regulations to attend training on these regulations;
  - (5) a fine not exceeding five hundred dollars (\$500) where the Board finds that the violation was made intentionally or knowingly. Each day after any deadline for which any required statement has not been filed, or for which a statement on file is incorrect, misleading, or incomplete, constitutes a separate offense.
- (d) The rules and procedures set out in Chapter 2, Article III of the City Code (Ethics Code), Sections 2-80 through 2-91 shall apply to the enforcement of this article (municipal campaign finance regulations), including:
- (1) procedures for filing and responding to complaints of violations of the municipal campaign finance regulations;
  - (2) disposition of complaints;
  - (3) the imposition or recommendation of sanctions;
  - (4) extension of deadlines; and
  - (5) the timeliness of filings

**Division 7. Termination of Campaign Treasurer Appointment.**

**2-311. Termination of Campaign Treasurer Appointment by the City Council.**

- (a) **The City Council may terminate the campaign treasurer appointment of an inactive candidate or an inactive political committee.**
- (b) **For purposes of subsection (a) of this section, a candidate becomes “inactive” if the candidate files a campaign treasurer appointment with the Office of the City Clerk and more than one year has lapsed since the candidate has filed any required campaign finance reports with the Office of the City Clerk.**
- (c) **For purposes of subsection (a) of this section, a political committee becomes “inactive” if the political committee files a campaign treasurer appointment with**

the Office of the City Clerk and more than one year has lapsed since the campaign treasurer of the political committee has filed any required campaign finance reports with the Office of the City Clerk.

**2-312. Notice of Proposed Termination of Campaign Treasurer Appointment.**

**(a) Before the City Council may consider termination of a campaign treasurer appointment under Section 2 of this Ordinance, the Office of the City Clerk shall send written notice to the affected candidate or political committee.**

**(b) The written notice must be given at least fourteen (14) business days before the date of the meeting at which the City Council will consider the termination of a campaign treasurer appointment and must include:**

**(1) the date, time, and place of the City Council meeting;**

**(2) a statement of the City Council's intention to consider termination of the campaign treasurer; and**

**(3) a reference to the particular sections of the statutes and rules that give the City Council the authority to consider the termination of a campaign treasurer appointment.”**

**DIVISION 8 ~~7~~. EFFECTIVE DATE**

**Sec. 2-~~344~~ 213 Effective Date**

(a) This article is effective August 15, 2004.

(b) This article applies to a political contribution accepted or political expenditure made on or after the effective date.

(c) A political contribution accepted or a political expenditure made before the effective date of this article is governed by law in effect on the date the contribution was accepted or the expenditure was made.

(d) A political contribution may not be accepted after the effective date of this article if the contribution from that donor, together with all contributions from that donor accepted before the effective date of this article, would exceed the maximum contribution established by Section 2-302.

(e) A candidate or officeholder who has made a political expenditure from personal funds before the effective date of this article may reimburse his or her personal funds for that political expenditure from political contributions accepted before the effective date of this article.

(f) A candidate or officeholder who has made a political expenditure from personal funds before the effective date of this article may reimburse his or her personal funds for that political expenditure from political contributions accepted after the effective date of this article in amount that in the aggregate does not exceed the limit imposed by Section 2-304 of this article.

**Attachment D**

**Registered Lobbyists as of December 31, 2005  
City of San Antonio**

**ALLEN BOONE HUMPHRIES ROBINSON, LLP.**

3200 SOUTHWEST FREEWAY, SUITE 2600  
HOUSTON TX 77207-  
Telephone: (713) 860-6408  
Nature of Business: Law Firm  
Registered: 2/14/2005

**BALTAZAR R. SERNA, JR.**

120 VILLITA  
SAN ANTONIO TX 78205-  
Telephone: (210) 225-6700  
Nature of Business: Attorney at Law  
Registered: 1/10/1999

**BROWN, P.C.**

112 E. PECAN, SUITE 1490  
SAN ANTONIO TX 78205-  
Telephone: (210) 299-3704  
Nature of Business: LAW FIRM  
Registered: 11/18/2004

**CASTRO & KILLEN, P.C.**

115 E TRAVIS ST SUITE 314  
SAN ANTONIO TX 78205-  
Telephone: (210) 220-1008  
Nature of Business: ATTORNEY AT LAW  
Registered: 8/23/2005

**DM ASSOCIATES, LLC.**

115 E. TRAVIS STREET SUITE 310  
SAN ANTONIO TX 78205-  
Telephone: (210) 226-0299  
Nature of Business: URBAN ECONOMIC CONSULTANT  
Registered: 10/4/2005

**DONZE LOPEZ**

231 BRES BLVD.  
SAN ANTONIO TX 78209-  
Telephone: (210) 829-4185  
Nature of Business: Aggregates/Construction Materials  
Registered: 4/14/1999

**EARL & ASSOCIATES, P.C.**

111 SOLEDAD, # 1111  
SAN ANTONIO TX 78205-  
Telephone: (210) 222-1500  
Nature of Business: ATTORNEY AT LAW  
Registered: 1/17/1999

**FRANCIS LAW FIRM**

112 E. PECAN ST., #525  
SAN ANTONIO TX 78205-  
Telephone: (210) 222-1100  
Nature of Business: LAW FIRM  
Registered: 3/26/1999

**Attachment D (Cont.)**

**FULBRIGHT & JAWORSKI, L.L.P.**

300 CONVENT, STE. #2200  
SAN ANTONIO TX 78205-  
Telephone: (210) 270-7142  
Nature of Business: ATTORNEY  
Registered: 2/16/1999

**KAUFMAN & ASSOCIATES, INC.**

100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205-  
Telephone: (210) 227-2000  
Nature of Business: LAW FIRM  
Registered: 2/11/1999

**MARTIN, DROUGHT & TORRES, INC.**

300 CONVENT ST., #2500  
SAN ANTONIO TX 78205-  
Telephone: (210) 220-1339  
Nature of Business: LEGAL SERVICES  
Registered: 1/6/2003

**PAPE-DAWSON ENGINEERS, INC.**

555 EAST RAMSEY  
SAN ANTONIO TX 78216-  
Telephone: (210) 375-9000  
Nature of Business: Civil Engineering  
Registered: 4/5/200

**R.B. PABLOS P.C ATTORNEYS**

314 E. COMMERCE, SUITE 600  
SAN ANTONIO TX 78205-  
Telephone: (210) 220-1888  
Nature of Business: LAW FIRM  
Registered: 3/9/2004

**RICHARD M. ALLES**

233 MEADOWBROOK DRIVE  
SAN ANTONIO TX 78232-  
Telephone: (210) 494-2088  
Nature of Business: LOBBYIST  
Registered: 10/29/2004

**SHELTON & VALADEZ**

600 NAVARRO SUITE 500  
SAN ANTONIO TX 78205-  
Telephone: (210) 581-5580  
Nature of Business: ATTORNEYS AT LAW  
Registered: 6/1/2005

**SBC**

175 E. HOUSTON, RM 10-Q-60  
SAN ANTONIO TX 78205-  
Telephone: (210) 351-5011  
Nature of Business: Telecommunications  
Registered: 3/28/2005

**ZACHRY INC.**

P. O. BOX 240130  
SAN ANTONIO TX 78224-0130  
Telephone: (210) 258-2662  
Nature of Business: CONSTRUCTION SERVICES AND PROJECT DEVELOPMENT  
Registered: 4/30/1999

**Attachment E**

**2005 Ethics & Campaign Finance Training**

**2005 Ethics Training**

City Council Orientation – May and June 2005 sessions

City Council Aide Orientation – August 8, 2005

Municipal Leadership Institute for new boards and commissions members on Ethics Code, Open Meetings Act, Parliamentary Procedure – Jan. 22, 2005, April 30, 2005, Aug. 27, 2005

Mandatory Employee Orientation – Twice-monthly

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Literacy Commission Ethics Workshop – Jan. 11, 2005

Elderly Affairs Commission Ethics Workshop – Jan. 12, 2005

Cultural Arts Board Ethics Workshop – February 26, 2005

OMB Supervisor Academy Ethics Code Presentation – March 29, 2005

Professional Engineers in Private Practice (PEPP) City Ethics Code Presentation – April 11, 2005

Contract Services Policy & Process Training Ethics Code Presentation – April 26, & 29 & May 13, 2005

Code Compliance Department Ethics Code Presentation – May 3, 2005

Crime Control District Ethics Code Presentation – May 11, 2005

UMAST Ethics Presentation – Aug. 5, 2005

Public Relations Society Luncheon Presentation on City Ethics Code – Sept. 1, 2005

Statewide Assistants Conference (UMAST) – Oct. 13, 2005

Ethics Continuing Legal Education (MCLE) Course for City Attorneys – Oct. 14, 2005

Development Services Contracting Ethics – Oct. 26, 2005

Ethics and Financial Disclosure Reports Training Workshop for department liaisons – Oct. 28, 2005

Obligations & Perils of Leadership: Politics in the 21<sup>st</sup> Century, St. Phillips College – Nov. 3, 2005

Contract Services Certified Contracting Officers Seminar – Nov. 18, 2005

Ethics and Open Records Workshop for boards and commissions liaisons – Dec. 2, 2005

**2005 Campaign Finance and Electronic Filing System Training**

Comprehensive training on Texas Election Code, Municipal Campaign Finance Code and the city's electronic campaign finance filing system presented by Texas Ethics Commission, City Attorney's Office, City Clerk's Office and ITSD – March 4, 2005

Electronic Filing and Municipal Campaign Finance Workshops – March 14, 2005, July 11, 2005, Jan. 6, 2006 and Jan. 13, 2006.