Effective Date: January 22, 2007
Revision Date(s):

I. PURPOSE

The purpose of this administrative directive is to provide direction and guidance to all employees (other than uniformed employees governed by Chapter 143 of the Texas Local Government Code) regarding allowable and prohibited political activities. The principles underlying these regulations are the protection of employees from political pressure, to prohibit the use of public employees and city resources for political purposes and to avoid any appearance of bias or favoritism in carrying out public policy. This directive explains permitted and prohibited activities and is based on the provisions of the City Charter, the Ethics Code, and the Municipal Civil Service Rules.

II. POLICY

The City of San Antonio encourages its employees to participate in the political process. However, limitations on political activities of city employees are established in the provisions of the City Charter, the Ethics Code, and the Municipal Civil Service Rules. It is the policy of the city that its employees comply with these provisions.

III. DEFINITIONS

A. City Property – Buildings and property owned or controlled by the City of San Antonio such as parking lots and sidewalks; city vehicles and private vehicles while used on city business; other assigned work locations, off-site training locations, or locations in which the employee is representing the city (such as during conferences, workshops, or residential community meetings).

B. City Resources – supplies, materials, and/or equipment owned by the city.

C. City Time – period of time in which a city employee is on duty for the city.

D. City Uniform - Items of clothing purchased by the city with the same design, material, and color provided to employees in the same position within their respective department.

IV. POLICY GUIDELINES

A. Prohibitions

No employee shall be restrained in the exercise of rights as a citizen to express an opinion and to cast a vote. However, city employees must abide by the following restrictions on political activities:

1. No city employee shall take any part in the management or affairs or political campaign of any candidate for city office or in any city-sponsored election, including charter amendments, bond issues, referendum, or other ballot measures.

   These restrictions do **not** apply to elections for county, state, national or other non-city offices. A city employee may contribute personal funds or time to non-city campaigns or engage in other political activity related to non-municipal elections so long as that employee does not engage in such activities during city duty time or using any ***city resource***.

   Taking part in the management or affairs of a political campaign includes:

   - serving as a campaign manager or in an administrative or decision-making role in an election or campaign activity;
   - directly or indirectly give, receive or solicit any contribution for any City Council candidate or city election, including organizing, selling tickets to, or promoting a fund-raising event;
   - block walking;
   - distributing campaign literature;
   - poll watching on behalf of a candidate;
   - circulating petitions to support or oppose placement of a candidate or measure on the ballot;
   - leading, organizing or conducting political rallies or parades promoting or opposing a candidate or a ballot measure;
   - giving public speeches on behalf of or against a candidate or ballot measure;
   - writing letters or articles for publication;
   - endorsing or opposing a candidate or ballot measure in a political advertisement, a broadcast, campaign literature or similar material;
   - driving voters to the polls on behalf of a candidate;
   - other active forms of vote solicitation for or against a candidate or ballot measure.

   Employees in the course of their duties for the city may provide factual information to members of the public regarding city elections.

2. Department directors and assistance department directors should follow the International City/County Management Association (ICMA) guidelines on political activity set out in the ICMA Code of Ethics. (See Attachment A).

3. City employee organizations shall not be allowed to make any contribution to the campaign funds of any candidate for city office or take

part in the management or affairs of a political campaign for City office, other than to express opinions, except as authorized by state law. Accordingly, city employees cannot support or oppose a City Council candidate through activity connected with a city employee organization.

4. No city employee may wear campaign buttons nor distribute campaign literature on ***city time***, in a ***city uniform*** or on ***city property***.

5. No city employee may display or fail to remove campaign materials on any city vehicle under his or her control.

6. No city employee can use, request, or permit the use of ***city property, city resources, city personnel***, or ***city time*** for political purposes.

7. No employee of the city shall use official authority or influence to coerce the political action of any person or body.

8. No person shall dismiss or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in such service, because of political opinions or affiliations.

9. No employee may persuade or attempt to persuade any city employee to participate or to refrain from participating in any political activity relating to a particular candidate or issue.

10. No employee may accept anything of value for political activity relating to an item pending on the ballot, if he or she has participated in, or provided advice relating to, the development of the ballot item, except as provided by the City Ethics Code.

11. No employee of the city shall continue in such position after becoming a candidate for nomination or election to a City of San Antonio or Bexar County elected office.

12. In the event any employee of the city shall become a candidate for any City of San Antonio or Bexar County public office, such action shall constitute an automatic resignation of the city employee's position without any further action by the City of San Antonio, and the Human Resources Director shall declare the position held by the city employee vacant. The employee shall be compensated for services up to and including the day he or she becomes a candidate.

B. Permissible Activities

The activities listed below are permitted for an individual on his or her own time but are not permitted while on ***city time***, on any ***city property***, or when the individual is in a ***city uniform*** normally identified with the City of San Antonio.

In connection with any election, including municipal elections, a city employee may:

1. vote;
2. express personal political opinions on issues or candidates at a private or non-political public gathering, such as neighborhood association or service club meetings;
3. sign petitions;
4. display political pictures, stickers, badges, yard signs or buttons on personal time and on personal property, but not on ***city time*** or on ***city property***;
5. accept employment as an election or polling judge with the county or federal election authorities;

V. RESPONSIBILITIES

A. Employees

1. Employees are required to adhere to this administrative directive.

2. Employees are encouraged to report any issues and concerns to their manager and/or supervisor with regards to this administrative directive.

B. Departments

1. Department directors will disseminate this administrative directive to all employees in the department.

2. Managers and/or supervisors are required to report all violations of this directive to the Department Director and the City Attorney's Office. Notice will also be sent to the departmental Human Resource Generalist and the City Manager's Office.

C. City Attorney's Office

1. The City Attorney's Office will provide consultation and interpretation of this administrative directive.

D. Human Resources Department

1. The Human Resources Department will disseminate this administrative directive with an acknowledgment form at the time new employees are in-processed. (See Attachment B)

2. The Human Resources Generalist will provide assistance with the documentation and disciplinary action of employees who violate this administrative directive.

VI. PROCEDURES

A. Time Off to Vote

Employees who have two (2) hours before or after their duty hours to go to the polls on Election Day are not eligible for time off to go vote. Those employees whose shifts do not allow two consecutive non-duty hours to vote on Election Day while the polls are open must request and supervisors shall grant sufficient personal or annual leave to allow the employee two consecutive non-duty hours to vote on Election Day. The city encourages but does not require individuals with unusual shifts that would not allow them to vote on Election Day to participate in early voting.

B. Advisory Opinions

Any city employee may request an advisory opinion from the City Attorney's Office with respect to whether proposed action by that person would violate these restrictions. An employee may not request an advisory opinion regarding conduct of another person.

C. No Political Recommendations

No recommendations for any applicant, competitor, or eligible person involving the disclosure of political opinions or affiliations shall be received, filed or considered by the Municipal Civil Service Commission of the City of San Antonio, City Manager, or Department Director.

This directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the City Attorney's Office at (210) 207-8940.

Michael Bernard
City Attorney

1/22/07
Date

Effective Date: January 22, 2007
Revision Date(s):

Approved by:

1-22-07

Sheryl L. Sculley
City Manager

Date

ICMA Code of Ethics With Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a

professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections in the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline
Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines
Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

CITY OF SAN ANTONIO

EMPLOYEE ACKNOWLEDGMENT FORM
FOR

ADMINISTRATIVE DIRECTIVE 1.2
Political Activity

Employee:

I acknowledge that on _____, 20____, I received a copy of Administrative Directive 1.2, Political Activity. I understand if I should have any questions I should contact my Human Resources Generalist.

_____	_____
Employee Name (Print)	Department
_____	_____
Employee Signature	SAP ID #