

DIVISION 1. - RULES OF CONDUCT

Sec. 2-310. - Preamble.

The purpose of this Code of Ethics is to promote public trust by establishing rules of conduct for city council members, board members, and employees; by providing a fair process for receiving and adjudicating complaints; and by requiring periodic financial disclosure. The rules of conduct form the basis for possible sanctions, and are therefore intended to clearly define proper conduct so that those who must comply may understand the rules and carry out their responsibilities consistently with the rules. It is recognized that situations with ethical implications will arise outside the prohibitions of the rules; in such situations, council members, board members, and employees are encouraged to keep in mind the ideal of the public trust and to conduct themselves in a manner to avoid the appearance of impropriety even where not compelled by the rules.

If a council member believes that he/she should abstain from voting on an item to avoid the appearance of impropriety, as encouraged by this Code of Ethics Ordinance, or who in discussing or voting on an issue is unable to take an unbiased position, that council member shall be disqualified from discussions about and subsequent voting for that item under this city ordinance.

The city recognizes that city council members are also members of the society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that city council members retain their rights as citizens to interests of a personal or economic nature and their rights to publicly express their views on matters of general public interest. It is not the intent of this ordinance to diminish the rights of city council members as citizens of the community.

However, city council members may not use their positions in dealing with the city manager or city employees to advance their personal economic interest, their families' economic interest, or the entities in which they have a substantial interest.

(Ord. No. 23772, § 1, 9-21-1999; Ord. No. 028170, § 1, 5-12-2009; Ord. No. 028271, § 2, 8-18-2009; Ord. No. 029428, § 1, 3-27-2012)

Sec. 2-311. - Standards.

The following rules of conduct apply to all council members, board members, and employees:

Special privileges.

- (1) You shall not use your office for private advancement or gain or to secure special privileges or exemptions for yourself or others.
- (2) You shall not grant any special consideration, treatment or advantage to any person or group beyond that which is available to others generally.
- (3) (a) You shall not use city facilities, personnel, equipment or supplies for purposes unrelated to the interests of the city, except to the extent such are lawfully available to the public. Notwithstanding the foregoing sentence, Corpus Christi police officers, airport public safety officers and municipal court marshals may wear their city-issued uniforms, badges, and other uniform attire, may use their city-issued radios, and may carry their city-issued weapons, on approved off-duty law enforcement employment; and Corpus Christi fire fighters may wear their city-issued uniforms, badges, and other uniform attire, and use their city-issued radios on approved off-duty fire watch employment.
- (b) You may not spend or authorize the spending of public funds for political advertising. This prohibition does not apply to a communication that factually describes the purposes of a

measure if the communication does not advocate passage or defeat of the measure. This paragraph shall be construed consistently with Texas Election Code Section 255.003.

- (4) Unless you are a council member, you shall not use the prestige of your position with the city on behalf of any political party or cause.
- (5) You shall maintain appropriate relationships with other officials, employees, customers, defendants, and individuals receiving services from you or your organizational unit, and shall not use your position to engage in any inappropriate personal relationships.

Gifts:

- (6) You shall not accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise that might reasonably tend to influence you in the discharge of your official duties or which you know or should have known was offered with the intent to influence or reward your official conduct.
- (6) (a) Special applications. Subsection 2-311(5) 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 provided by third parties must be disclosed in the travel report; 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 requirement;
 - (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 Texas Penal Code Section 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction);
 - (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) Any solicitation for civic or charitable causes;
 - (7) Admission to an event in which the city official or employee is participating in connection with his or her spouse's position;
 - (8) Ceremonial and protocol gifts presented to city officials from a foreign government or international or multinational organization and accepted for the City of Corpus Christi;
 - (9) 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) Admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the city official or employee;
- (11) Admission to training or education program or other 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.
- (7) In the event you receive any gift or loan of property or services on behalf of the city, you shall promptly deliver such gift or loan to the city manager for official acceptance and inventory of the city.

Conflicts of interest:

- (8) (A) If a contract or business transaction involving the city, in which you or one of your relatives have a conflict of interest or potential conflict of interest comes before you in the performance of your official duties, you shall take the following actions:
 - (i) Immediately make a written disclosure of your interest in the matter to the city secretary and city manager.
 - (ii) Abstain from any vote or decision.
 - (iii) Not participate in any discussion on the matter with members of the council, the city manager, or city employees.
- (B) You may not use your position to influence the action of a city official or employee in the performance of their duties related to a contract or business transaction in which you or one of your relatives have a conflict of interest or potential conflict of interest.
- (C) If you were initially not aware that you or a relative has a conflict or potential conflict of interest, you must comply with (7)(A) as soon as you become aware that you have or should have been aware that you have the conflict or potential conflict of interest.
- (D) However, you may apply for city services or discuss your personal interest with a city representative on behalf of your own interest if you notify the city secretary and city manager in writing that you have a personal interest in a matter that requires action by the city, and that you are acting strictly in your private capacity, and not as a member of the city council or board or as a city employee and you advise any member of the city council, city board or commission, or any city employee you are dealing with that you are appearing only in your private capacity.
- (9) You shall not engage in any outside activities or employment which will conflict or be incompatible with the full and proper discharge of your official duties, impair your independent judgment in the performance of your duties, or reflect discredit upon the city.
- (10) You shall not represent any other private person, or group or interest in any action or proceeding against or adverse to the interest of the city or in any litigation in which the city is a party.
- (11) You shall not represent any other private person or group in any action or proceeding in the municipal courts of the city which was instituted by city officers or employees in the course of their official duties.
- (12) You shall not receive any fee or compensation for your official services from any source other than the city except as may be provided by law or authorized by the city council.

Actions adverse to the city:

- (13) You shall not disclose information that could adversely affect the property or affairs of the city, except as required by law.
- (14) You shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of federal, state or local laws or regulations or the achievement of any official city programs.

- (15) You shall not engage in any felony crime, misdemeanor involving moral turpitude, or other conduct that reflects discredit on the city.

Provisions for council members:

- (16) As a city council member, individually, you shall not have a substantial interest in any contract with the City of Corpus Christi.
- (17) In order to preserve and promote independent advice and decisions from city boards and the integrity of the independent board process as a council member, you shall not speak before any city board, commission or committee except on behalf of your own financial interest; in which case, you shall publicly state the nature of your financial interest and that you are appearing only in your private capacity.
- (18) As a council member, you shall not give any orders to any employee except through the city manager as provided by the City Charter.
- (19) As a council member, you shall not participate in the process for the appointment of or the confirmation of the appointment of a member to a board, commission or committee of the city, or to the governing body of an independent entity all or part of whose members are appointed by the city council, after you are aware that an individual seeking, being promoted for, or being considered for the position:
 - (1) Is related to you within a degree described by Section 573.002, Texas Government Code;
 - (2) Is your employer;
 - (3) Is a director or officer of a business entity (as defined in Section 171.001, Texas Local Government Code) which is your employer; or
 - (4) Owns ten (10) per cent or more of the voting stock or shares of a business entity which is your employer.

Provisions for board members:

- (20) As a board member, you shall not have a substantial interest in any contract with the city in which your board or commission, or the city department related thereto, has jurisdiction.
- (21) As a board member, you shall not represent or appear on behalf of the private interest of others before your board, commission or committee, the city council, or any board which has appellate jurisdiction over your board, commission or committee, concerning a matter which is within the subject matter jurisdiction of your board. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest.)

Provisions for employees:

- (22) As an employee you shall not have an interest in any contract with the city. This prohibition does not include any employment contract which may be authorized for the employee, a contract of sale for real property or a contract for services which are available for all citizens.
- (23) Unless previously recommended by the city manager, and approved by the ethics commission, as an employee, you shall not, within twelve (12) months after leaving city employment, represent any other person or organization in any formal or informal appearance with the city council or any other agency or employee of the city concerning a project for which you had responsibility as an employee.
- (24) As an employee, you shall not represent or appear on behalf of the private interest of others before the city council or any board, commission or committee of the city. (This rule does not prohibit you from appearing on behalf of your own financial interest even though others may have the same or a similar interest).

- (25) As an employee, you may not be employed by any business or individual who has business dealings with or for your department, including any work that is subject to review or inspection by your department, even if you do not personally review or inspect the work of the business or individual.
- (26) As an employee, you may not violate the confidentiality or privacy of an individual, including a juvenile and adult defendants or detainees or juvenile clients being counseled through a city program, unless it is to seek emergency assistance or consultation services from within the city's program or school campus; the individual has threatened to harm themselves or others; or to provide details of any criminal activity or enterprise.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 20913, § 1, 5-1-1990; Ord. No. 23772, § 2, 9-21-1999; Ord. No. 24613, § 1, 10-9-2001; Ord. No. 025769, § 1, 5-25-2004; Ord. No. 027642, § 1, 4-8-2008; Ord. No. 028170, § 1, 5-12-2009; Ord. No. 028271, § 2, 8-18-2009; Ord. No. 029428, § 1, 3-27-2012; Ord. No. 029467, § 1, 5-8-2012)

Sec. 2-312. - Definitions.

The following definitions apply to the above rules of conduct:

Board member: A member of any board, commission or committee of the city, including the board of any corporation created by the city.

Conflict of interest: Any interest, reasonable expectation of an economic benefit, substantial interest, or anticipated substantial interest in a matter or business transaction involving the city that could influence an individual's ability to make an impartial decision.

Economic benefit: An action that is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.

Employee: Any person employed by the city, whether under civil service or not, including part-time employees and employees of any corporation created by the city.

Interest: Any direct or indirect pecuniary or material benefit in a contract or transaction other than:

- (1) An interest which is shared by and available to all other persons similarly situated; or
- (2) A remote or incidental interest which would not increase or decrease materially due to the action of the city or is less than two hundred dollars (\$200.00) in value; or
- (3) An interest of a subcontractor which has no direct contractual relationship with the city, is receiving fair and reasonable compensation, and is not operating as a subterfuge to circumvent the code of ethics; or
- (4) An interest in real property acquired by the city which could otherwise be accomplished only through eminent domain provided that the property must be acquired for a public purpose and just compensation must be paid under the Texas Constitution after obtaining an independent appraisal.

Relative: Spouse, father, mother, brother, sister, son, daughter, spouse's children, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law and adoptive relationships being treated the same as natural relationships.

Substantial interest: Any interest in a business entity if the person or relative owns ten (10) per cent or more of voting stock or shares of the business entity or owns ten (10) per cent or more of five thousand dollars (\$5,000.00) or more of the fair market value of the business entity or funds received from the business entity exceeds ten (10) per cent or more of the person's gross income for the previous year. A person has a substantial interest in real property if he or his relative controls or has an equitable or legal ownership interest with a fair market value of two thousand five hundred dollars (\$2,500.00) or more.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 028170, § 2, 5-12-2009; Ord. No. 028271, § 3, 8-18-2009; Ord. No. 029428, § 1, 3-27-2012)

Sec. 2-313. - Effect of violation.

A violation of these rules of conduct shall subject the council member, board member or employee to appropriate disciplinary proceedings, but such violation shall not render the action of the city voidable by the city unless the action would not have been approved without the vote of the person who violated the rules of conduct.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-314. - Exceptions to abstention requirement.

The requirement that a council member or board member abstain from voting on a matter or participating in discussion as contained in rule 7 of the rules of conduct shall not apply in the following situations, provided that such person has complied with the requirements of written disclosure of the interest:

- (a) In the event a majority of the members of the council or the board, commission or committee have filed a written disclosure of a conflict of interest on the matter and would be required to abstain; or
- (b) On the final approval of the budget when the person has abstained from a separate vote taken on the particular budget item pertaining to the conflict of interest and action or that particular item has been resolved.

(Ord. No. 20781, § 1, 9-19-1989)

Cross reference— Rules of conduct, § 2-311.

Sec. 2-315. - Freedom of expression.

Nothing contained in the code of ethics shall abridge the right of any citizen, whether or not a council member, board member or employee, to exercise his or her right of expression under the U.S. or Texas Constitutions.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-316. - Lobbyist registration.

Subsection A. Persons required to register as lobbyists.

- (a) A person who engages in lobbying must register with the city secretary if, with respect to any client, the person engages in lobbying activities for compensation.
- (b) The following persons are not required to register under subsection (a):
 - (1) *Media outlets.* A person who owns, publishes or is employed by:
 - (A) a newspaper;
 - (B) any other regularly published periodical;
 - (C) a radio station;
 - (D) a television station;
 - (E) a wire service; or

- (F) any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions to seek to influence official action relating thereto, if the person does not engage in other activities that require registration under Part E. This subsection does not exempt the news media or a person whose relation to the news media is only incidental to a lobbying effort or if a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest.
- (2) *Mobilizing entity constituents.* A person whose only lobbying activity is to encourage or solicit the members, employees, or owners (including shareholders) of an entity by whom the person is compensated to communicate directly with one or more city officials to influence municipal questions. This exception is intended to apply to neighborhood and other similar not-for-profit organizations.
- (3) *Governmental entities.* Governmental entities and their officers and employees, provided the communications relate solely to subjects of governmental interest concerning the respective governmental bodies and the city.
- (4) *Unknown municipal questions.* A person who does not know and has no reason to know that a municipal question is pending at the time of contact with a city official.
- (5) *Dispute resolution.* An attorney or other person whose contact with a city official is made solely as part of resolving a dispute with the city, provided that the contact is solely with city officials who do not vote on or have final authority over any municipal question involved and so long as such an attorney complies with Rule 4.02 of the Texas Disciplinary Rules of Professional Conduct, as amended.

Subsection B. Definitions.

The following words and phrases have the meaning ascribed to them in this section unless the context requires otherwise:

- (a) *City official* means the members of the city council, city manager, deputy and assistant city managers, city secretary, city attorney, assistant city attorneys, department heads, municipal court judges, and all members of any board, commission or committee of the city, including the board of any corporation created by the city.
- (b) *Client* means any person on whose behalf lobbying is conducted. 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.
- (c) *Compensation* means money, service, facility or other thing of value or financial benefit that is received or is to be received in return for or in connection with services rendered or to be rendered. Compensation does not include a payment made to any individual regularly employed by a person if (1) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities and (2) lobbying activities are not part of the individual's regular responsibilities to the person making the payment. Compensation does not include the financial gain that a person may realize as a result of the determination of a municipal question, unless that gain is in the form of a contingent fee.
- (d) *Lobby* or *lobbying* means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question. The term lobby or lobbying does not include a communication:
 - (1) merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a city official;

- (2) made by a public official or employee acting in his or her official capacity;
 - (3) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;
 - (4) made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;
 - (5) made at a meeting open to the public under the Open Meetings Act;
 - (6) made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
 - (7) made in writing as a petition for official action and required to be a public record pursuant to established city procedures;
 - (8) made in writing to provide information in response to an oral or written request by a city official for specific information;
 - (9) the content of which is compelled by law;
 - (10) made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;
 - (11) made on behalf of an individual with regard to that individual's employment or benefits;
 - (12) made by a fact witness or expert witness at an official proceeding; or
 - (13) made by a person solely on behalf of that individual, his or her spouse, or his or her minor children.
- (e) *Municipal question* means a public policy issue of a discretionary nature pending or impending before city council or any board or commission, including but not limited to proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term municipal question does not include the day-to-day application, administration, or execution of city programs and policies.

Subsection C. Registration.

- (a) A registration form shall be completed and filed by a person required to register prior to the commencement of lobbying activity for a client.
- (b) A separate registration form must be filed for each client.
- (c) The registration shall be on a form prescribed by the city secretary and shall include, to the extent applicable:
 - (1) the full name, phone number, permanent address, and nature of the business of:
 - (A) the registrant;
 - (B) the client;
 - (C) any lobbying firm for which the registrant is an agent or employee with respect to the client; and
 - (D) 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 will lobby for the client.
- (d) A registrant shall file an amended registration if the information contained in the current registration changes or is incorrect.

(e) A registrant may file a termination of registration when no longer required to register.

(Ord. No. 23772, § 3, 9-21-1999)

Secs. 2-317—2-319. - Reserved.

DIVISION 3. - FINANCIAL DISCLOSURE

Sec. 2-340. - Required reports.

On or before the last Friday of April of each year, reporting officials shall file with the city secretary an annual report of financial information covering January 1 through December 31 of the previous year. Council members and planning commission members shall also file with the city secretary a supplemental report of financial information by the last Friday of July of each year covering the most recent January 1 through June 30.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-341. - Definitions.

The following definitions shall apply to these financial disclosure provisions:

Person: An individual, proprietorship, firm, partnership, joint venture, syndicate, trust, company, corporation, association, committee, estate, receiver, entity or any other organization or group of persons acting in concert, whether profit or nonprofit.

Relative: Spouse, father, mother, brother, sister, son, daughter, spouse's children, grandfather, son-in-law, daughter-in-law, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather-in-law, grandmother-in-law, uncle by marriage, aunt by marriage, nephew's wife, niece's husband, grandson-in-law, granddaughter-in-law, and first cousin's spouse, adoptive relationships being treated the same as natural relationships.

Reporting official: The mayor and members of the city council, city manager, deputy and assistant city manager, city secretary, city attorney, department heads, municipal court judges (including substitute judges), and all members of the planning commission, ethics commission, civil service board, civil service commission, Corpus Christi Health Facilities Development Corporation, Corpus Christi Housing Finance Corporation, Corpus Christi Housing Improvement Corporation, Corpus Christi Industrial Development Corporation and the attorney who serves as local issuer's counsel for and any executive employee hired by the above corporations.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-342. - Content of reports.

The reports required shall contain the following information for the reporting period by separate listing. In this section, the report for the reporting official shall include all such information for the reporting official's spouse, but information relating to the spouse need not be segregated from that relating to the reporting official.

- (a) Name and residence address.
- (b) All professional, occupational, business licenses held by the reporting official.
- (c) The names of any businesses with which the reporting official was actively engaged or associated, and the principal address and phone number of each, together with the position or title held. (This list should not include interests in or positions with any businesses which are required to be reported in other provisions of this section.)
- (d) The names and addresses of all sources of income which exceed ten (10) per cent of the reporting official's gross income, or five thousand dollars (\$5,000.00) in salary, bonuses, commissions or professional fees, or twenty thousand dollars (\$20,000.00) in payment for goods, products or non-professional services. If the reporting official is self-employed or owns or controls at least a twenty (20) per cent interest in a partnership, corporation or other entity

through which the reporting official does business, the reporting official shall also report the names and addresses of the clients or customers who do business with the city from whom the reporting official, partnership, corporation or other entity received at least ten (10) per cent of its gross income. Prior to each reporting deadline, the city shall publish a list of the names and addresses of the persons who do business with the city in the amount of ten thousand dollars or more each year (excluding utility services or the payment of taxes) which reporting officials may rely upon for the purposes of complying with this provision. A reporting official operating a business as a sole proprietor shall not be required to report a client or customer under this subsection he or she would not have to report if operating as a corporation or partnership.

- (e) The names and addresses of all corporations, partnerships or other business organizations in which the reporting official held, owned, acquired or sold stock or other equity ownership having a value exceeding five thousand dollars (\$5,000) or equivalent to ten (10) per cent or more of the stock or equity in the entity or owns ten (10) per cent or more or five thousand dollars (\$5,000.00) or more of the fair market value of the business organization or funds received from business organization exceeds ten (10) per cent or more of the person's gross income for the previous year.
- (f) An itemized list of all real property in Nueces County or any adjoining county in which the reporting official held any legal or equitable ownership with a fair market value of two thousand five hundred dollars (\$2500.00) or more, The list shall include a description sufficient to locate the property.
- (g) The name and address of any person to whom the reporting official was indebted in excess of ten thousand dollars (\$10,000.00) together with the dates any such debts were incurred. "Indebted" includes obligations on which the reporting official is a guarantor or co-signer, in which case the names of the borrower and lender shall be listed.
- (h) The name and address of any person who is an obligor on any note, bond, loan or any other similar obligation, written or unwritten, owed to the reporting official which in the aggregate equal ten thousand dollars (\$10,000.00) or more together with the dates of such obligations.
- (i) A list of all contracts with the City of Corpus Christi, including the date, term, type of good or services provided and the amount of the contract.
- (j) All boards of directors or governing bodies of which the reporting official is a member, and all offices or executive positions the reporting official holds in corporations, partnerships, limited partnerships, professional corporations, associations, or other entities, including non-business and non-profit entities, stating the name of each entity and position held, and excluding entities owned or created by the city.
- (k) The names and addresses of all persons from whom the reporting official received gifts or favors, including but not limited to trips, excursions, food, lodging, money, commodities or services, cumulatively exceeding two hundred dollars (\$200.00) in value. The nature and date of each gift received shall be specified. Provided, however, campaign contributions reported as required by state law and gifts or favors from relatives need not be reported hereunder.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 028271, § 5, 8-18-2009)

Sec. 2-343. - Financial disclosure by candidates.

All candidates for city council shall file an annual report of financial information covering January 1 through December 31 of the previous year containing the information required by the above sections with the city secretary within five days after filing for office. If the deadline for candidate filing is after June 30, they shall also file a supplemental report of financial information. If any incumbent candidate has previously filed a report for the appropriate period(s), that report shall satisfy this section.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-344. - Reports to be sworn and maintained.

All reports of financial information required by the code of ethics shall be sworn, and shall be preserved for five (5) years as public records.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-345. - Filing dates for reports.

Reports required by this division must be physically filed with the city secretary by 4:45 p.m. on the day required for filing. When the day falls on an official city holiday as established by the city council, the deadline for receipt by the city secretary is extended to 4:45 p.m. of the next day which is not a Saturday or Sunday or official city holiday.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-346. - Failure to file report.

The failure of a reporting official or employee to file a true and accurate report as required under this code of ethics shall constitute a violation of the rules of conduct. Failure to timely file a report by a member of the planning or ethics commission or the civil service board/commission shall constitute forfeiture of the office. Such forfeiture shall be automatic and immediate, except if state law requires a hearing, the forfeiture shall occur immediately upon a council determination of timely failure to file. In the event a person who has failed to file a required report no longer serves in an official capacity with the city, that person shall be barred from serving as an appointed officer, board member or employee of the city in the future until the required report has been filed.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 21195, § 1, 7-16-1991)

Sec. 2-347. - Voluntary reports.

Any city official, employee, or board member may file reports exceeding the requirements of the code of ethics, and said reports shall be preserved in the same manner as required reports.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-348. - Disclosure of gifts by employees.

Any employee of the city other than reporting officials, whether under civil service or not, who received gifts or favors, including but not limited to trips, excursions, food, lodging, money, commodities, or services, cumulatively exceeding two hundred dollars (\$200.00) in value in any calendar year, from any person (other than a relative) whose name is published in the list of persons doing business with the city under section 2-342(d), shall file a report of the names and addresses of such persons and the date and nature of each gift with the city secretary. The deadline for filing such reports shall be February 1 of each year; provided that, such a separate report shall not be required for any employee who is required to file a report as a reporting official.

(Ord. No. 20781, § 1, 9-19-1989)

Sec. 2-349. - Disclosure of interests by contractors.

- (a) Any business desiring city council, board, commission or committee consideration or action concerning that business (other than granting an electrician license, solicitation permit and approving a plat) shall, prior to its placement as an agenda item on the public notice of such body, file with the city (and if a vendor, file with the city's purchasing agent) a statement specifically naming any city employee, official and board member having an ownership interest in the business constituting three (3) per cent or more of the ownership, or having any pecuniary interest in the transaction or property which is the subject of consideration or action.
- (b) In the case of any business desiring to sell goods or services to the city (except when the value of the goods or services is not reasonably anticipated to exceed one hundred dollars (\$100.00) per calendar year), but which does not require city council, board, commission or committee

consideration or action, the business shall file with the city's purchasing agent a statement specifically naming any city employee, official and board member having any ownership into best in the business constituting three (3) per cent or more of the ownership, or having any pecuniary interest in the transaction. This provision does not apply to or include the purchase of magazine subscriptions and memberships in professional or trade organizations related to municipal operations.

- (c) For corporate businesses whose shares are publicly traded and listed on recognized national or regional stock exchanges or over-the-counter markets, it shall be sufficient if a current Securities and Exchange Commission Form 10-K is filed in lieu of the statements required by this section.
- (d) If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any city official or employee that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, he or she shall disclose that fact in a signed writing to the city official, employee, or body that has been requested to act in the matter, unless the interest of the city official or employee in the matter is apparent. The disclosure shall also be made in a signed writing filed with the city secretary.

(Ord. No. 20781, § 1, 9-19-1989; Ord. No. 028271, § 6, 8-18-2009)