

# Memorandum



DATE April 1, 2010

TO The Honorable Mayor and Members of the City Council

SUBJECT Amendments to Gift Policies for Council Members and Board and Commission Members

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Please find attached for Wednesday's briefing the materials for the Amendments to gift policies for council members and boards and commission members.

Please contact me should you have any questions.



THOMAS P. PERKINS, JR.  
City Attorney

## Attachment

c: Mary K. Suhm, City Manager  
Ryan S. Evans, First Assistant City Manager  
Forest E. Turner, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
A.C. Gonzalez, Assistant City Manager  
Deborah A. Watkins, City Secretary  
Craig Kinton, City Auditor  
The Honorable C. Victor Lander, Administrative Judge  
Jeanne Chipperfield, Chief Financial Officer  
Frank Libro, Public Information Office  
Helena Stevens-Thompson, Assistant to the City Manager

# Reporting Guidelines Under City's Gift Policies for Councilmembers and Board and Commission Members

- On November 9, 2009, the Dallas City Council, pursuant to Resolution No. 09-2836, revised the gift policy guidelines for city council members and board and commission members to include reporting requirements for certain gifts, tickets, meals, travel, lodging, entertainment and honorarium.

If a council member, board or commission member, or a spouse, domestic partner, or dependent child of a council member or board or commission member, receives:

- a gift, ticket, meal, travel, lodging, entertainment, or honorarium having a value of \$50 or more, or
- an accumulation of gifts, tickets, meals, travel, lodging, entertainment, or honoraria from a single source having an aggregate value of \$100 or more from a single source in a calendar year

from a person:

- who is interested in or is likely to become interested in any contract, purchase, payment, claim, or pecuniary transaction with the city that involves the exercise of the council member's or board or commission member's discretion, or
- who is a registered lobbyist under the city's new lobbyist registration ordinance,

the council member or board and commission member will need to file an annual gift disclosure report with the City Secretary's Office no later than April 30 of each year.

If a council member, board or commission member, or his or her spouse, domestic partner, or dependent child did not receive any gifts, meals, travel, lodging, entertainment and honoraria from

- a person who is interested in or likely to become interested in a contract, purchase, payment, claim, or pecuniary transaction with the city that involves the exercise of the council member's or board or commission member's discretion, or
- a registered lobbyist under the city's new lobbyist registration ordinance,

then the council member or board or commission member does not need to file an annual gift disclosure report under the city's gift policies.

The city's gift disclosure reporting requirements under the city's gift policies are in addition to other reporting requirements under state and local laws.

- council members are still be required to list all gifts worth more than \$250 received by the councilmember, his or her spouse or dependent child, in the preceding calendar year on his or her annual personal financial statement, as required by state law (Chapter 145, Local Government Code) and
- those board and commission members who are required to file a financial disclosure report under the city's code of ethics (See Section 12A-19, Dallas City Code), are still required to report on the city's financial disclosure report, the source of each gift worth more than \$250 or accumulation of gifts worth more than \$250 from one source received by the board or commission member, his or her spouse, domestic partner, or dependent in the preceding calendar year, and the estimated value of each gift.

In addition, the city's code of ethics contains certain travel reporting requirements applicable to council members, board and commission members and other city staff.

- The annual gift disclosure report covers gifts received in the preceding calendar year and the first gift disclosure report is due April 30, 2010 for the prior calendar period from November 9, 2009 (when Resolution No. 09-2836 was adopted) until December 31, 2009.

- The annual gift disclosure report itemizes:
- date the item was given,
- name of donor,
- description of item,
- value of item,
- whether item was given to councilmember or his or her family member

Questions have arisen regarding what should be included on the annual gift disclosure form.

The following suggested guidelines are proposed for clarifying what should be reported on the annual gift disclosure form.

- **Add a “knowingly or with knowledge” requirement,**
- **exclude ceremonial functions and functions where council members and board and commission members ( and their family members) attend in their official capacities in accordance with city’s gift policies from reporting requirements,**
- **exclude tickets to fundraisers or charity events that benefit city facilities and programs given to council members and board and commission members (and their family members) in accordance with the city’s gift policies from reporting requirements,**
- **exclude travel, meals, entertainment and lodging reporting, if travel, meals, entertainment and lodging have been reported in accordance with city’s travel reporting requirement under Section 12A-21,**
- **exclude annual memberships to city-owned facilities given council members or board or commission members in accordance with city’s gift policies from reporting requirements,**
- **exclude tickets given to council members or board and commission members (and their family members) in accordance with city’s gift policies from reporting requirements,**
- **exclude ceremonial and protocol gifts received on behalf of the city, if the gifts have been given to the city manager and, if applicable, reported in accordance with Section 12A-22 of the Dallas City Code,**
- **exclude honorarium reported in accordance with state law on a council member’s personal financial statement,**
- **clarify that the gift reporting requirement applies to persons who are interested in or likely to become interested zoning matters that involve the exercise of a council member’s or board or commission member’s discretion**