

Ethics Code and Municipal Campaign Finance Code Changes

Please note, changes to the Ethics Code and Municipal Campaign Finance Code have been approved and will be effective October 1, 2024. The following changes affect employees:

Section	Final Details	Rationale
2-43: Conflicts of Interest	<p>Provides guidance on when recusal is required for officials or employees serving on boards or in decision-making capacities outside the City (three-step test).</p> <p>Introduces a restriction that City officials or employees may not participate in making or awarding a contract benefiting a former employer within 12 months of starting their City employment or service.</p>	<p>The guidance and restrictions prevent real or perceived biases, thereby maintaining public trust and ensuring fairness in decision-making.</p>
2-45: Gifts	<p>Clarifies the distinction between a “gift” and an “honorarium” (which is subject to restriction under Texas Penal Code 36.07).</p> <p><i>Note: Penal Code 36.07 prohibits public servants from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that they would not have been requested to provide but for the public servant's official position or duties.</i></p>	<p>Clarification distinguishes between an “honorarium” that is subject to the restriction under state law and a “gift” as defined under the City’s Ethics Code.</p>

Frequently Asked Questions (FAQs)

1. Why were these code sections updated?

- The updates were made over an extensive review period to enhance transparency, ensure fair competition, and maintain public trust. They aim to clarify existing rules and prevent conflicts of interest or unethical practices.

2. When do the changes take effect?

- The changes are effective **October 1, 2024**. Starting on that date, all employees must follow the updated guidelines. Failure to comply with these changes may result in disciplinary action or other consequences.

3. If I serve on a board, how do I determine if I need to recuse myself from a decision-making process in my City position?

- The new guidance introduces a three-step test to help you determine if recusal is necessary. You must recuse yourself if you serve as an officer, director, or in any other policy-making position unless you meet all of the following conditions:
 - You serve on the board as a representative of the City as part of your official duties or job assignment;
 - You receive no remuneration, either directly or indirectly, for your service on the board; and
 - The primary nature of the business entity is charitable, nonprofit, or governmental.
- Be sure to review the full code for other situations that may require recusal, such as actions that could affect the financial interests of yourself or your family members.

4. What should I do if I have worked for a company that is bidding on a City contract?

- Be sure to let your supervisor know and fill out the required forms to recuse yourself from the decision-making process, if you started your City employment or service within the last 12 months, as you are prohibited from participating in the making or awarding of a contract that benefits your former employer.

Recusal forms are available here: www.sa.gov/Directory/Departments/OCC/Ethics/Resources

5. What is the difference between a "gift" and an "honorarium"?

- A "gift" is something of value given voluntarily, like money, property, or services, without expecting anything in return.
- An "honorarium" is a payment or reward for services that you would not have been requested to provide but for the official position you hold or duties you perform.
- It's important to recognize the distinction as honorariums are restricted under the Texas Penal Code.

6. Can I accept a gift from a vendor if it's unrelated to any current or future City business?

- Even if a gift is unrelated to current or future City business, you must carefully consider whether accepting it could create a perception of bias or impropriety.
- The City's Ethics Code provides guidelines on accepting gifts, and it's crucial to ensure that accepting a gift doesn't violate these rules or state laws.
- When in doubt, please speak with your supervisor or contact the City Auditor's Office at 210-207-0080.

7. Where can I get more information or assistance?

- For more information on the code changes, please contact the City Auditor's Office at 210-207-0080.