

11-21-24

ORDINANCE NO. 32924

An ordinance amending Chapter 12A, "Code of Ethics," of the Dallas City Code by amending Sections 12A-2, 12A-29, 12A-46, 12A-47, and 12A-48; establishing the office of the inspector general; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Proposition L to amend the Dallas City Charter to add a new chapter that establishes the Office of the Inspector General with the Inspector General being appointed by City Council and lists the duties of the Inspector General was placed on the November 5, 2024, election ballot; and

WHEREAS, Proposition L was adopted by a majority vote of the voters at the November 5, 2024, election; and

WHEREAS, on November 19, 2024, City Council received the report of the Ad Hoc City Council Canvassing Committee declaring the results of the November 5, 2024, special election for the purpose of adopting amendments, including Proposition L, to the Charter of the City of Dallas; and

WHEREAS, City Council approved a resolution declaring that Proposition L has been adopted by a majority of voters; and Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (22) of Section 12A-2, "Definitions," of Article I, "Declaration of Policy and Definitions," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

“(22) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article V (lobbyist regulations):

- (A) City council members.
- (B) Municipal judges.
- (C) The city manager, the chief of staff, assistant city managers, and chiefs.
- (D) The city auditor and the first assistant city auditor.
- (E) The city attorney and[5] the first assistant city attorney[~~and the inspector general~~].
- (F) The city secretary and the first assistant city secretary.
- (G) The inspector general.
- (H) All department directors.
- (I[H]) Members of all boards, commissions, committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.
- (J[I]) City council appointed members of boards of entities that were not created by the city council.
- (K[J]) The chief financial officer.
- (L[K]) For purposes of Chapter 12A only, a volunteer on committees or task forces formed by boards or commissions.”

SECTION 2. That Paragraph (1) of Section 12A-29, “Definitions,” of Article V, “Lobbyists,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

“(1) CITY OFFICIAL means:

- (A) The mayor and city council members.
- (B) The city manager, assistant city managers, and chiefs.

general].

(C) The city attorney and[5] first assistant city attorney[5] ~~and inspector~~

(D) The city secretary and first assistant city secretary.

(E) The city auditor and first assistant city auditor.

(F) The inspector general.

(G) Municipal judges.

(H[G]) All department directors.

commissions;

(I[H]) City of Dallas appointed members to the following boards and

members.

(i) Board of adjustment and board of adjustment alternate

(ii) Building inspection advisory, examining, and appeals board.

(iii) City plan commission.

(iv) Civil service board and civil service board adjunct members.

(v) Community development commission.

(vi) Dallas area rapid transit board.

(vii) Dallas-Fort Worth international airport board.

(viii) Ethics advisory commission.

(ix) Fire code advisory and appeals board.

(x) Housing finance corporation board.

members.

(xi) Landmark commission and landmark commission alternate

(xii) All local government corporation boards.

(xiii) All municipal management district boards.

(xiv) Park and recreation board.

(xv) Permit and license appeal board.

(xvi) All reinvestment zone boards.”

SECTION 3. That Article VII, “Legal Counsel,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code is amended to read as follows:

**“ARTICLE VII.
LEGAL COUNSEL.**

SEC. 12A-46. CITY ATTORNEY'S OFFICE.

(a) The city attorney's office shall serve ~~aet~~ as the legal counsel to the ethics advisory commission.

(b) The city attorney's office shall serve as legal advisor to city officials and employees on matters pertaining to the code of ethics.

(1) Confidential advisory opinions.

(A) Issuance. By written request to the city attorney, any city official or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The attorney assigned to draft the advisory opinion shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The city attorney, for good cause shown, may decline to issue the opinion.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a confidential advisory opinion may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:

- (i) the person requested the issuance of the opinion;
- (ii) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and
- (iii) the person waives the attorney-client privilege with respect to the written advisory opinion.

(C) Pending confidential advisory opinions. Whenever a confidential advisory opinion has been requested regarding the proposed actions or conduct of a city official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct until the city attorney issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney to issue the advisory opinion.

(2) General advisory opinions.

(A) Publishing. The city attorney may publish written general advisory opinions to serve as guidance to city officials and employees.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a general advisory opinion published by the city attorney may not be found to have violated this chapter.

(c) If the ethics advisory commission determines that a person has violated this chapter, the city council may direct the city attorney to initiate whatever legal action is necessary, including but not limited to injunctive relief.

SEC. 12A-47. OFFICE ~~[DIVISION]~~ OF THE INSPECTOR GENERAL.

(a) Powers and duties. ~~[Supervised by the city attorney to lead the Division of the Inspector General in the City Attorney's Office, t]~~The office of the inspector general serves as an independent investigative authority in regard to ethics and official misconduct. The inspector general has the following powers and duties:

(1) Seek out and initiate investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

(2) Receive and investigate complaints and anonymous tips alleging:

(A) violations of the laws, ordinances, and rules in Section 12A-50(a)(2); and

(B) fraud, waste, abuse, and corruption within the city.

(3) Submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings of investigations completed by the inspector general.

(4) Prosecute alleged or suspected violations of the laws, ordinances, and rules in Section 12A-50(a)(2) before the ethics advisory commission and recommend appropriate disciplinary action.

(5) Issue subpoenas in accordance with Paragraph (b)(2).

(6) Make recommendations to the ethics advisory commission that complainants are vexatious and recommend appropriate sanctions for vexatious complainants.

(7) ~~[Issue advisory opinions to city officials and city employees in accordance with Subsection (d).~~

(8)] Supervise a chief integrity officer to administer and manage the Integrity Officer Program.

(8[9]) Investigate and enforce claims of retaliation in violation of this chapter.

(b) Investigations.

(1) Except as provided in this subsection, the inspector general has broad authority to initiate investigations, either as the result of a tip received, or upon observing suspicious conduct or documentation. Investigations initiated by the inspector general shall be treated as complaints received by the inspector general, following the same complaint process in Section 12A-52.

(2) For the purpose of conducting investigations authorized by this chapter, the inspector general shall subpoena witnesses and compel the production of books, papers, and other evidence material in the same manner as is prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. A person receiving a subpoena in accordance with this section may, before the return date specified in the subpoena, petition the corporation court for a motion to modify or quash the subpoena. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this paragraph is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code.

(3) The inspector general shall not commence or continue an investigation involving alleged conduct that is the subject of pending civil or criminal litigation, and shall instead postpone such investigation pending:

(A) the conclusion of any claim or civil litigation involving the alleged conduct; and

(B) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to the alleged conduct.

(c) Quarterly reports. The inspector general shall submit quarterly reports to the ethics advisory commission, the city council, the city attorney, the city auditor, and the city manager detailing the findings and conclusions of all completed investigations, whether initiated by the inspector general or initiated as a result of a formal complaint or anonymous tip. The report shall summarize all completed investigations, including dismissals, approved settlement agreements, and the disposition of prosecutions. For investigations that have been dismissed, the reports shall not include the names of complainants or of persons investigated by the inspector general.

(d) ~~[Advisory opinions.]~~

(1) ~~Confidential advisory opinions.~~

(A) ~~Issuance.~~ By written request to the chief integrity officer or city attorney, any city official or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The attorney assigned to draft the advisory opinion shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The city attorney, for good cause shown, may decline to issue the opinion.

(B) ~~Reliance.~~ A person who reasonably and in good faith acts in accordance with a confidential advisory opinion may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:

- (i) ~~the person requested the issuance of the opinion;~~
- (ii) ~~the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and~~
- (iii) ~~the person waives the attorney-client privilege with respect to the written advisory opinion.~~

(C) ~~Pending confidential advisory opinions.~~ Whenever a confidential advisory opinion has been requested regarding the proposed actions or conduct of a city official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct until the city attorney or chief integrity officer issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney or chief integrity officer to issue the advisory opinion.

(2) ~~General advisory opinions.~~

(A) ~~Publishing.~~ The inspector general, chief integrity officer, or city attorney may publish written general advisory opinions to serve as guidance to city officials and employees.

(B) ~~Reliance.~~ A person who reasonably and in good faith acts in accordance with a general advisory opinion published by the inspector general, chief integrity officer, or city attorney may not be found to have violated this chapter.

(e) Integrity Officer Program.

(1) Purpose.

(A) The Integrity Officer Program provides support to city departments and offices by ensuring that city employees and persons doing business with the city comply with the Code of Ethics and adhere to all ethical standards and reporting requirements.

(B) The city manager, city secretary, city attorney, and city auditor shall designate a liaison to assist the chief integrity officer with ethics training and the Chief Integrity Program.

(2) Chief integrity officer. The inspector general shall supervise a chief integrity officer to coordinate with city departments and offices to provide training related to integrity, transparency, and accountability within city government. The duties of the chief integrity officer shall include, but not be limited to, the following:

(A) Administer and manage the Integrity Officer Program under the supervision of the inspector general.

(B) Develop and implement training programs and other communication with city officials, city employees, and persons doing business with the city that reinforce ethical conduct and the requirements of the code of ethics.

(C) Assist the city attorney, inspector general, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the Code of Ethics [~~and drafting confidential and general advisory opinions~~].

(D) Notify all city departments and offices of any significant amendments to the Code of Ethics.

(E) Annually distribute a plain-language guide to the Code of Ethics to all city officials, employees, and registered lobbyists.

(F) Assist the inspector general in the enforcement of the Code of Ethics.

(G) Promote a culture of ethics within the city.

SEC. 12A-48. OUTSIDE LEGAL COUNSEL.

(a) Ethics advisory commission. An independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:

- (1) a complaint is filed relating to:
 - (A) an alleged violation of this chapter by a city council member; or
 - (B) an alleged violation of this chapter by a city employee who is a department director or of higher rank;
- (2) the ethics advisory commission requests such an appointment; or
- (3) the city attorney requests such an appointment for good cause shown.

(b) City official or employee charged in a complaint.

(1) Once an information is filed by the inspector general with the ethics advisory commission, a city official or employee named as the respondent in the information may retain an independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, approved by the city attorney to serve as the person's legal counsel for a particular case.

(2) If a city official or employee charged in a complaint retains an independent outside attorney from an approved list provided by the city attorney, the city will pay the reasonable and necessary fees not to exceed the median hourly rate from the most recent State Bar of Texas salary survey for the Dallas-Fort Worth-Arlington metropolitan statistical area, as well as the reasonable costs of that attorney from the time the inspector general files the complaint with the ethics advisory commission through the conclusion of the evidentiary hearing. The ethics advisory commission shall review the invoice submitted by outside council and determine whether the fees and costs are reasonable and necessary in accordance with this paragraph.

(3) If the ethics advisory commission finds that the city official or employee committed a violation of this chapter, the city official or employee shall reimburse the city for the fees and expenses of an attorney retained under Paragraph (2).

(c) Complaints filed against employees within the office [Division] of the i[F]nspector g[G]eneral. If a complaint is filed against the inspector general or any employee within the office [Division] of the i[F]nspector g[G]eneral, the city attorney shall retain an independent outside attorney, who does not otherwise represent the city, a city official, or the inspector general in his or her official capacity to investigate the complaint to its conclusion in accordance with Article IX."

SECTION 4. That Chapter 12A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or

part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By  _____
Assistant City Attorney

Passed DEC 11 2024



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 11 2024

ORDINANCE NUMBER 32924

DATE PUBLISHED DEC 14 2024

ATTESTED BY: