

# A CITY OF HOUSTON, TEXAS CHARTER AMENDMENT ON ETHICS

To the Mayor and City Council of the City of **Houston** (“City”), we the undersigned registered voters of the City of **Houston**, Texas, under Section 9.004 of the Texas Local Government Code, hereby petition for an election to amend the Charter of the City of **Houston** to add the following as a separate section to the Charter to read as follows:

**SUBSECTION ONE-CAMPAIGN FINANCE.** Any person holding or seeking a City of **Houston** public office or any campaign organization advocating or opposing an issue being voted upon only by the City of **Houston** voters is prohibited from receiving financial and/or in-kind contributions totaling more than \$1,000 in a given calendar year given directly or indirectly (such as through directors, trustees, officers, key executives or lobbyists of a company, through a political action committee, or through blood relatives) by any person or legal entity if that person or legal entity, in such contribution calendar year or in the immediately preceding calendar year: (a) receives or submits a formal proposal to receive more than \$10,000 total business, either directly or via subcontracting, with the City of **Houston**, its agencies or with entities having City of **Houston** mayoral-appointed officials; or (b) has received or seeks to receive preferential treatment of any kind by the City of **Houston** or its agencies or affiliates.

Any person holding or seeking a City of **Houston** public office or any campaign organization advocating or opposing an issue being voted upon only by City of **Houston** voters or City Council may receive no more than \$5,000 in total (financially or in-kind) annually from any person or legal entity not described in the preceding paragraph. This paragraph does not apply to a referendum on the ballot as a result of a voter-initiated petition submitted pursuant to state law or this Charter.

**SUBSECTION TWO-PROHIBITING ELECTED CITY OFFICIALS AND MAYORAL-APPOINTED OFFICIALS FROM RECEIVING SUBSTANTIAL GIFTS AND ENTERTAINMENT FROM OTHERS.** Elected City officials and mayoral-appointed officials, whether to positions with the City, City agencies or City-affiliated entities (via mayoral appointment), and their lineal relatives are prohibited from accepting more than \$100 annually in gifts or entertainment from any single individual or legal entity (including its directors, trustees, officers, key executives, or lobbyists) doing business (including subcontracting) with, or proposing to do business (including subcontracting) with, the City, its agencies or any City-affiliated entity (via mayoral appointment). This prohibition is in effect during such official’s time in office and the following twelve months.

**SUBSECTION THREE-PROHIBITING ELECTED CITY OFFICIALS AND MAYORAL-APPOINTED OFFICIALS FROM DOING BUSINESS WITH THE CITY, ITS AGENCIES OR AFFILIATED ENTITIES.** City of **Houston** elected officials and mayoral-appointed officials, to City or City-affiliated entities, and their lineal relatives are prohibited during the elected or appointed official’s entire term of office and the twelve months immediately following his/her leaving office from: (a) doing business (directly, via subcontracting, or via any entity in which the official or his/her lineal relatives own more than a 5% financial interest) in any amount with the City of **Houston**, its agencies or affiliated entities (through mayoral-appointments); (b) receiving preferential treatment in any manner from the City of **Houston** or its agencies unless specifically provided for by City ordinance and recorded in the City’s financial records as an expense of that person’s office, or (c) receiving compensation from any party in regard to a matter before the voters of the City of **Houston** or City Council.

**SUBSECTION FOUR-ETHICS COMMISSION.** A new Ethics Commission of the City of **Houston**, to be composed of five persons, will be responsible for the enforcement of City Charter provisions and ordinances regarding elections and campaign finance and other ethics laws concerning elected officials and employees of the City and its agencies and affiliated entities. To the extent of any conflict, this Section (Subsections One to Seven) of the Charter supersedes City ordinances. The following groups, independent of City control, will each select one of their City of **Houston** resident members to the Commission: (a) **League of Women Voters of Houston**, (b) **Common Cause of Houston**, (c) **Houston Bar Association**, (d) **Harris County Medical Society**, and (e) **Houston Chapter of the Texas Society of Certified Public Accountants**. If any of these entities does not make its appointment within 90 days of being allowed to do so, another appropriate organization shall be selected by the Commission in lieu of this organization.

The Commission members are subject to the same requirements as elected City officials under this Section of the Charter. They will serve five year staggered terms and each member is limited to one term. The original five members selected under this Section of the Charter will select the method to provide for the annual replacement of one member. The Commission will after formation under this Section establish its own rules and procedures within existing law, including its own budget and reasonable compensation of its members. The Commission will have subpoena power and the authority to take sworn testimony and may employ up to three people under its direct control to investigate matters within its authority or jurisdiction and to perform necessary administrative tasks. At the discretion of the majority of the Commission, such employees may be loaned to City departments when not occupied with Commission business.

The Commission shall publish a conflict-of-interest policy for City elected officials and employees and its agencies and affiliated entities and provide for the proper and timely communication and monitoring of such policy. Within 90 days after the end of each calendar year, the Commission shall publish a public report of its proceedings during that year, which shall include an adequate description of the nature and resolution of each matter handled in the previous year and identify all matters still unresolved which have been pending for six months after receipt of a complaint or initiation of investigation. The reports shall also disclose the names of all persons who have not timely filed campaign reports required by law. The Commission shall have the power to require prompt electronic disclosure of campaign contributions and expenditures and set a reasonable time for this to be done, which must be at least every 30 days.

The Commission may enforce its decisions by any means provided by Subsection Six below and any other means provided by current law and shall be authorized to hire outside legal counsel for this purpose. **This Section of the Charter dissolves the present Ethics Commission. The Ethics Commission created hereunder will assume all previous authority and responsibility of that body.** It is not intended to supercede or diminish the authority of any other government body; however, the Commission may exercise the authority granted herein even if another government entity has concurrent jurisdiction of the matter, and specifically may enforce its authority concurrently with the District Attorney of **Harris** County, the State of Texas Ethics Commission **or the City’s Inspector General** to the extent not prohibited by State statute. The Commission may not punish complainants who submit matters for its consideration, except for repeated frivolous filings, after opportunity is given to withdraw the complaint and conducting a hearing on their failure to do so.

**SUBSECTION FIVE-DISCLOSURES.** Within 30 days after the end of each calendar year, each elected City official will file with the Commission a form prescribed by the Commission, which will furnish verification that the official has fully and unconditionally complied with the requirements of this Charter Section, where it applies to him/her. Each contract entered into by the City will contain a clause, prescribed by the Commission, stating that the properly authorized signer of the contract affirms that the contractor, and its subcontractors, have read, fully understand, and agree to comply with this Charter Section, where applicable. All other entities created by City Council or which the City controls through mayoral appointments or under other law shall be subject to the Texas Open Meetings Act and the Texas Public Information Act and the City shall use its authority to require all such entities to so comply.

**SUBSECTION SIX-ENFORCEMENT AND SANCTIONS FOR VIOLATION OF THIS AMENDMENT.** Any person who voted in the City elections on the date of the vote on this Charter Amendment shall have the right and standing to enforce the provisions of this Charter Amendment, by mandamus, declaratory judgment, contempt and/or any other remedy provided by law notwithstanding any other law of equal or lesser dignity to the contrary. Any elected or other responsible official of the City of **Houston** who intentionally fails to carry out any duty or other legal provision of this Charter Amendment with the intent that the City not comply therewith shall be fined \$1,000 for each violation and shall be responsible for the legal fees of any person who successfully sues to enforce this Section of the Charter.

**SUBSECTION SEVEN-EFFECTIVE DATE OF THIS AMENDMENT.** This Charter Amendment will become effective immediately upon voter approval.

**SUBSECTION EIGHT-SEVERABILITY.** If any portion of this Charter Section is declared unlawful, then such portion shall be removed and the remainder of this Charter Section will remain in effect.

Precinct	Cert No.	Street Address	City	Zip	County	Printed Name	Date of Birth	Signature	Date
_____	_____	_____	<b>Anywhere</b>	_____	<b>Anywhere</b>	_____	_____	_____	_____
_____	_____	_____	<b>Anywhere</b>	_____	<b>Anywhere</b>	_____	_____	_____	_____
_____	_____	_____	<b>Anywhere</b>	_____	<b>Anywhere</b>	_____	_____	_____	_____
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_____	_____	_____	<b>Anywhere</b>	_____	<b>Anywhere</b>	_____	_____	_____	_____

**INSTRUCTIONS:** Do not sign unless you are a registered voter in the City of **Anywhere**. Voters please completely fill in this form, or provide as much information as you can. Please use ink, not pencil.