

Ethics Advisory Opinion 09/08/14

Ken Johnson

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To: City Council <council@cityofkyle.com>;

Honorable Mayor, Mayor Pro Tem, and Council Members --

The question has been raised, and an ethics advisory opinion requested, by a city official as to whether a city official or a city employee can accept "gifts" which have a monetary value and not be in violation of the city's ethics ordinance or state ethics laws.

The answer may be found at PART B, SECTION 3 ("GIFTS") of the city's ordinance. Basically, a city official or an employee cannot solicit, accept, or agree to accept any gift or benefit for himself or herself or his or her business if the acceptance "reasonably tends to influence or reward official conduct" or the official knows or should know the gift is being offered with the intent to influence or reward official conduct.

An obvious example of "influence or reward official conduct" would be if a city official were offered a gift in order to curry favor with the official to vote a certain way on a certain item.

The one exception [SECTION 3.(a)(2)] is that a city official or employee may solicit, accept, or agree to accept a gift or benefit if such gift or benefit is of "nominal value" or, individual meals worth \$50 or less (but such meals cannot exceed a total of \$250 in a single calendar year). Be that as it may, it should be noted that the general rule is city officials and employees should "avoid the appearance and risk of impropriety" in economic benefit circumstances (PART B, SECTION 1.(a)).

Please let me know if you have any questions or need further clarification on this matter.

Ken Johnson
City Attorney
City of Kyle, Texas

This advisory opinion is being provided in my capacity as the Ethics Compliance Officer, appointed to such role under PART G, SECTION 5(a) of the Ethics Ordinance. Pursuant to PART G, SECTION 10(b), any city official (including elected officials) or any city employee may request an advisory opinion from the Ethics Compliance Officer as to whether any individual action would violate the ethics laws, including the city's ethics ordinance. Such a request is required by the ordinance to be in writing.

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