



**MEETING MINUTES
MARCH 24, 2025**

**SEABROOK ETHICS REVIEW COMMISSION
MEETING**

Commission Member Kelly Bowman called the Seabrook Charter View Commission to order at 5:30 p.m. in the Council Chambers in Seabrook City Hall. The Chair and Vice Chair were not present, so there were no objections to Commission Member Bowman running the meeting. Present were Mark Warfel, Kelly Bowman, Helen Hanks, Nancy Harwell.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no public comments.

2. PRESENTATIONS

2.1 Ethics training presentation by Olson & Olson Attorneys At Law.

Philip Boedeker with Olson & Olson presented the training on ethics and codes related to ethics. See Attachment A.

3. CONSENT AGENDA

This item was considered before Item 2 on the agenda.

3.1 Approval of the November 12, 2024 Ethics Review Commission meeting minutes.

Motion:	To Approve the Consent Agenda
Made By:	Ethics Review Commissioner Warfel
Seconded By:	Ethics Review Commission Alternate Hanks
Vote:	Passed unanimously by all present

4. NEW BUSINESS

This item was considered before item 2 on the agenda.

4.1 Approval of Nathan Lenna, Chair of the Ethics Review Commission, to review and approve the minutes of the March 24, 2025 meeting.

Motion:	To Approve
Made By:	Ethics Review Commission Alternate Hanks
Seconded By:	Ethics Review Commission Alternate Harwell
Vote:	Passed unanimously by all present

5. ADJOURN MEETING

There being no further business, the meeting was adjourned at 6:58 pm.

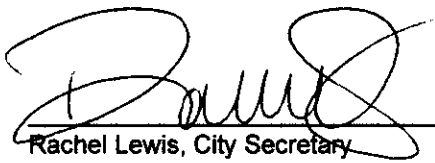
Signature Page



Nathan Lenna, Chair

3/25/2025
Date

ATTEST:



Rachel Lewis, City Secretary

Public Officials and Ethics

Philip J Boedeker
Olson & Olson L.L.P.

Texas Ethics Commission

- <https://www.ethics.state.tx.us/>
 - Resources / Opinions and Rules / Training / Forms
- **Contact**
 - Office Hours - Monday through Friday, 8am-5pm
 - Phone Number - 512-463-5800

Table of Contents

- Public Officials and Ethics (State Law)
 - Texas Constitution (Article 16, Sec. 1)
 - Texas Penal Code
 - Honorarium (Sec. 36.07)
 - Gift (Sec. 36.07)
 - Bribery (Sec. 36.02)
 - Tampering with Gov't Record (Sec. 37.10)
 - Misuse of Official Information (Sec. 39.06)
 - Abuse of Official Capacity (Sec. 39.02)
 - Official Oppression (Sec. 39.03)
 - Theft (Sec. 31.03(f))
 - Disclosure of Interest in Property (Sec. 553.002, Gov't Code)
 - Disclosure of Certain Relationships (Chapter 176, Local Gov't Code)

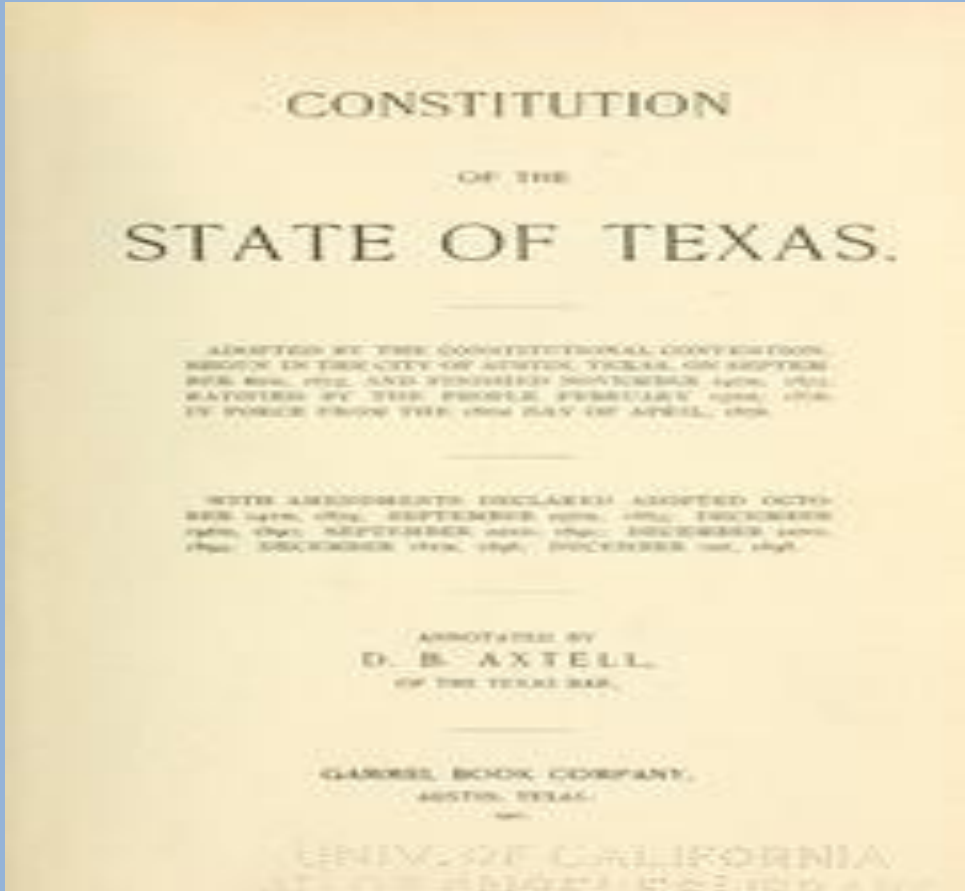
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- Public Officials and Ethics (State Law) (cont.)
 - Conflict of Interest (Chapter 171, Local Gov't Code)
 - Conflict of Interest (Chapter 212, Local Gov't Code)
- Public Officials and Ethics (City)
 - Code of Ethics
 - Local Public Officials
 - Conflicts of Interest

Public Officials and Ethics

The State of Texas

Texas Constitution



Texas Constitution

Article 16, Section 1

All elected and appointed officers, **before they enter upon the duties of their offices**, shall take the following Oath or Affirmation:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

Texas Constitution

Article 16, Section 1

All elected or appointed officers, **before taking the Oath or Affirmation of office** prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

"I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God."

Texas Penal Code

Public Servants = persons elected, selected, appointed, employed or otherwise designated as an officer, employee, or agent of government.

HONORARIUM

Sec. 36.07, Tex. Penal Code

A honorarium is commonly understood to be a payment in recognition of acts or professional services for which custom or propriety forbids a price to be set.

A public servant or employee may not **solicit, accept, or agree to accept** an honorarium in consideration for services that the person would not have been requested to provide **but for the member's official position or duties**.

An honorarium may include such things as fees for speaking, fees for teaching, severance pay, and moving expenses. 36.07 Texas Penal Code (cont.)



HONORARIUM

Sec. 36.07, Tex. Penal Code

Not included in the honorarium prohibition are:

- (1) transportation and lodging expenses in connection with conferences or similar events where the provides services (e.g., addressing the audience) so long as the service is more than merely perfunctory (i.e., superficial); and
- (2) meals provided in connection with the event.

Offense: Class A Misdemeanor - Up to 1 year in Jail plus a fine not to exceed \$4,000.

GIFTS



GIFT TO PUBLIC SERVANT

Sec. 36.08, Tex. Penal Code

A public servant may not solicit, accept, or agree to accept any benefit from a person the public servant knows:

- To be subject to regulation, inspection, or investigation by the public servant or his agency;
- is interested in or likely to become interested in any contract, purchase, payment, claims, or transaction involving the exercise of the member's discretion.

EXCEPTIONS TO GIFTS

Sec. 36.10, Tex. Penal Code

- (1) Fees required by law to be received by a public servant or any other benefit to which the is lawfully entitled or for which she gives legitimate consideration in a capacity other than as a (e.g., a jury duty fee);
- (2) Gifts given by a person with whom the has a familial, personal, business or professional relationship, independent of the 's official status (e.g., birthday gift from a family member);
- (3) Benefits for which the files a personal Financial Disclosure Report (Chapter 572, Government Code);
- (4) Political contributions as defined by Chapter 251 of the Texas Election Code;

EXCEPTIONS TO GIFTS

Sec. 36.10, Tex. Penal Code

(cont.)

- (5) Items with a **value of less than \$50**, excluding cash or a negotiable instrument (e.g., a check);
- (6) **Items issued by a governmental entity** that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) Transportation, lodging, and meals that are allowed under the **honorarium prohibition**;
- (8) Certain complimentary legal advice or legal services rendered to a public servant who is a first responder; and
- (9) Food, lodging, transportation, or entertainment accepted as a guest, if the donee is required by law to report those items.

UNSOLICITED GIFT

Sec. 63.08 (i), Tex. Penal Code

If a city official receives an unsolicited benefit from someone under the official's jurisdiction that he is prohibited from accepting under Texas Penal Code Section 36.08, he may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

BRIBERY

Sec. 36.02, Tex. Penal Code

Person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another any **benefit** as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.



BRIBERY

Sec. 36.02, Tex. Penal Code

A **benefit** is anything reasonably regarded as pecuniary gain or advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest (such as a relative or business partner).

Offense: Felony in the Second Degree
2- 10 years plus \$10,000

OFFICIAL INFORMATION



TAMPERING WITH A GOVERNMENTAL RECORD

Sec. 37.10, Tex. Penal Code

- (1) knowingly makes a false entry in, or false alteration of, a governmental record;
- (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
- (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;



TAMPERING WITH A GOVERNMENTAL RECORD

Sec. 37.10, Tex. Penal Code

- (4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
- (5) makes, presents, or uses a governmental record with knowledge of its falsity;
or
- (6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

Offense (Various):

Class A misdemeanor

Up to 1 year in Jail plus a fine not to exceed \$4,000

OR

Felony of the Third Degree

2 - 10 years plus \$10,000 fine

MISUSE OF OFFICIAL INFORMATION

Sec. 39.06, Tex. Penal Code

A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he:

- (1) acquires or helps another acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
- (2) speculates or helps another speculate on the basis of the information; or
- (3) coerces another into suppressing or failing to report that information to a law enforcement agency.

MISUSE OF OFFICIAL INFORMATION

Sec. 39.06, Tex. Penal Code

A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:

- (1) he has access to by means of his office or employment; and
- (2) has not been made public.

Offense: Class C Misdemeanor

\$500 fine or 2- 10 years plus \$10,000 fine

ABUSE OF OFFICIAL CAPACITY

Sec. 39.02, Tex. Penal Code

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

- (1) violates a law relating to the public servant's office or employment; or
- (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

ABUSE OF OFFICIAL CAPACITY

Sec. 39.02, Tex. Penal Code

A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the government. 39.02(d) Texas Penal Code

For part 1 - Class A, \$500 fine

For part 2 – depending on value,
up to Felony in the first degree,
Life plus \$10,000 fine



OFFICIAL OPPRESSION



OFFICIAL OPPRESSION

Sec. 39.03, Tex. Penal Code

A public servant acting under color of his office or employment commits an offense if he:

- (1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
- (2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or
- (3) intentionally subjects another to sexual harassment.

THEFT



THEFT

Sec. 31.03 (f), Tex. Penal Code

The penalty for a theft offense is increased to the next higher category of offense if:

- (1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant; or
- (2) the actor was in a contractual relationship with the government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of that contractual relationship.

\$500 fine up to Life plus \$10,000 fine

DISCLOSURE OF INTEREST IN PROPERTY



DISCLOSURE OF INTEREST IN PROPERTY

Sec. 553.002, Tex. Gov't Code

A public servant who has a legal or equitable interest in real or personal property that is to be acquired with public funds must file an affidavit **within 10 days** before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must:

- (1) state the name of the public servant;
- (2) state the public servant's office, public title, or job designation;
- (3) fully describe the property;

DISCLOSURE OF INTEREST IN PROPERTY

Sec. 553.002, Tex. Gov't Code

(Cont.)

- (4) fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
- (5) state the date when the person acquired an interest in the property;
- (6) include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
- (7) contain an acknowledgement of the same type required for recording a deed in the deed records of the county.

DISCLOSURE OF INTEREST IN PROPERTY

Sec. 553.002, Tex. Gov't Code

(Cont.)

The affidavit must be filed with:

- (1) the county clerk of the county in which the public servant resides; and
- (2) the county clerk of each county in which the property is located.

DISCLOSURE OF INTEREST IN PROPERTY

Sec. 553.002, Tex. Gov't Code

(Cont.)

Public funds includes only funds collected by or through a government.

“Public servant” means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

(A) a candidate for nomination or election to public office; or

(B) an officer of government. 553.003 Texas Government Code.

Up to 1 year in Jail plus a fine not to exceed \$4,000

Disclosure of Interested Parties



DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

State law requires local government officers to disclose employment, business, and familial relationships with vendors who conduct business, or consider conducting business, with the City.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

Local government officer means:

- (A) a member of the governing body of a local governmental entity;
- (B) a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or
- (C) an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

Family relationship means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

CONSANGUINITY

- (1) parent or child (relatives in the first degree);
- (2) brother, sister, grandparent, or grandchild (relatives in the second degree); and
- (3) great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

AFFINITY

A husband and wife are related to each other in the first degree by affinity. For other relationships by affinity, the degree of relationship is the same as the degree of the underlying relationship by consanguinity. For example: if two individuals are related to each other in the second degree by consanguinity, the spouse of one of the individuals is related to the other individual in the second degree by affinity.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

The officer must file a statement if the officer or officer's family member has an employment or other business relationship with a vendor that results in the officer or officer's family member receiving taxable income of more than \$2,500 in the preceding twelve months.

An officer who only receives investment income, regardless of amount, is not required to file a disclosure statement.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

An officer is required to file a statement if the officer or officer's family member accepts one or more gifts (including lodging, transportation, and entertainment accepted as a guest) from a vendor that has an aggregate value of more than \$100 in the preceding twelve months.

An officer is not required to file a statement in relation to a gift, regardless of amount, if the gift:

- (1) is a political contribution;
- (2) is food accepted as a guest; or
- (3) is offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

The officer is required to file a statement no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of facts that require a filing of the statement.

A vendor is any person that enters or seeks to enter into a contract with a city.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

Requirement applies to any written contract for the sale or purchase of real property, goods (personal property), or services.

The statements and disclosures must be filed with the City Secretary.

The statements and disclosures must be placed on the City's website.

DISCLOSURE OF CERTAIN RELATIONSHIPS

Chapter 176, Tex. Local Gov't Code

\$500 fine up to 1 year in jail and \$4,000 fine.

CONFLICTS OF INTEREST



Conflicts of Interest

Chapter 171, Local Gov't Code

State law prohibits a Councilmember from voting on or participating in a matter involving a business entity in which the official has a **substantial interest** if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public.

Conflicts of Interest

Chapter 171, Local Gov't Code

State law also prohibits a Councilmember from voting on or participating in a matter involving real property in which the official has a **substantial interest** if it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public.

CONFLICTS OF INTEREST

The Councilmember is required to:

1. File, before a vote or decision on any matter involving the business entity or real property, an affidavit with the city secretary stating the nature and extent of the interest; and
2. Abstain from further participation in the matter except when a majority of the members of the governing body also have a substantial interest and are required to file and do file affidavits of similar interests on the same official matter.

Conflicts of Interest

Chapter 171, Local Gov't Code

A Councilmember has a substantial interest in a business entity if the Councilmember:

1. Owns 10 percent or more of the voting stock or shares of the business entity;
2. Owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
3. Receives funds from the business entity that exceed 10 percent of the person's gross income for the preceding year.

Conflicts of Interest

Chapter 171, Local Gov't Code

A Councilmember has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500 or more.

Conflicts of Interest

Chapter 171, Local Gov't Code

A Councilmember is also considered to have a substantial interest in a business entity or real property if the official's relative within the first degree of consanguinity or affinity has a substantial interest in the business entity or real property. (Spouse, parent, child, father or mother-in law, or son or daughter-in-law).

Conflicts of Interest

Chapter 171, Local Gov't Code

Cannot Materially Participate

- The Councilmember **does not** have to leave the room during the discussion or the vote.

Conflicts of Interest

Chapter 171, Local Gov't Code

If an item of the City budget is specifically dedicated to a contract with a business entity in which a member of the Council has a substantial interest, the Council must vote on that line item separately. The Councilmember may not participate in the discussion or vote and must file the affidavit.

Up to 1 year in Jail plus a fine not to exceed \$4,000

CONFLICTS OF INTEREST



CONFLICTS OF INTEREST

Sec. 212.017, Local Gov't Code

State law requires a member of a Planning and Zoning Commission or City Council that has authority responsible for approving plats who has a **substantial interest** in a subdivided tract to file an affidavit stating the nature and extent of the interest and abstain from further participation in the matter.

CONFLICTS OF INTEREST

Sec. 212.017, Local Gov't Code

The affidavit must be filed with the city secretary before a vote or decision regarding the approval of a plat for the tract.

Subdivided tract means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.

CONFLICTS OF INTEREST

Sec. 212.017, Local Gov't Code

A person has a substantial interest in a subdivision if the person:

1. Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more; or
2. Acts as a developer of the tract; or
3. Owns 10% or more of the voting stock or shares of or owns either 10% or more or \$5,000 or more of the fair market value of a business entity that:
 - (A) has an equitable or legal ownership interest in the tract with a fair market value of 2,500 or more; or
 - (B) acts as a developer of the tract; or
4. Receives in a calendar year funds from a business entity described that exceed 10% of the person's gross income for the previous year.

Public Officials and Ethics

The City of Seabrook, Texas

CONFLICTS OF INTEREST

Sec. 212.017, Local Gov't Code

A person is also considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity (spouse, parent, child, father or mother-in law, or son or daughter-in-law) to another person who has a substantial interest in the tract.

Up to 1 year in Jail plus a fine not to exceed \$4,000

SEABROOK CODE OF ETHICS

City of Seabrook Code of Ordinances

Chapter 2 - Administration

Article VI. – Code of Ethics

https://library.municode.com/tx/seabrook/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTVICOET

Definitions

Sec. 2-177

Local public official means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, who exercises responsibilities beyond those that are advisory in nature. This includes members of the Seabrook Planning and Zoning Commission, Board of Adjustment and Economic Development Corporation.

Appointee means any appointed member of a board, commission, or committee set up by ordinance, charter, state law or otherwise, on a temporary or permanent basis. Municipal court judges, including substitute judges, are considered appointees.

Employee means any person employed by the city, including those individuals on a part time basis, but shall not mean any independent contractor hired by the city.

Financial Interest

Sec. 2-231 (a), Standard of Conduct

Applies to Local Public Officials, Appointees, and Employees

No local public official, appointee, or employee **shall have a financial interest, direct or indirect, (including any interest by reason of ownership of stock in any corporation or other entity) in any contract with the city**, or be financially interested, directly or indirectly, in the sale by the city of any land, or rights or interest in any land, materials, supplies, or services, except on behalf of the city as a local public official, appointee or employee.

The financial interest contemplated under this subsection means that the local public official, appointee, or employee receives an **actual financial benefit** from the transaction with the city.

An actual financial benefit from the transaction shall not include a financial benefit received through ownership in a corporation or other entity transacting with the city where the **ownership interest is less than one percent of the total capital stock of the corporation**.

Special Requirement

Sec. 2-231 (b), Standard of Conduct

It shall be a violation of this section for a local public official, appointee or employee to engage in any of the conduct prohibited under the city Charter, 11.29

Section 11.29. - Special requirements concerning the city manager and entities formed by, or having oversight by the City of Seabrook.

At the direction of the City Council, the City Manager shall be provided, at his or her request, any and all documents including those which may otherwise be excluded from public disclosure of those entities in accordance with state law formed by, or having oversight by the City of Seabrook. Additionally, the City Manager shall be granted access to any and all meetings including executive sessions of those entities formed by, or having oversight by the City of Seabrook, provided the city and the entity are not adverse parties. Matters addressed at meetings including those concerning the health, safety and welfare of the people of Seabrook identified by the City Manager shall be reported to the City Council and appropriate action shall be taken by the City Council or when applicable by the City Manager.

Gifts

Sec. 2-231 (c), Standard of Conduct

No local public official, appointee, or employee shall accept or solicit any gift or favor that might reasonably tend to influence him or her in the discharge of his or her official duties. The acceptance of a gift or benefit, the value of which is \$50.00 or less, and for which the acceptance of the gift is not a violation of V.T.C.A., Penal Code § 36.01 et seq., shall not be a violation of this subsection.

Represents Authority

Sec. 2-231 (d), Standard of Conduct

It shall be a violation of this section for an appointee to represent that he/she has authority to bind the city, by contract or otherwise, unless expressly authorized by appropriate action of the city council or Charter.

Local Public Officers

Sec. 2-232, Standard of Conduct

- (a) If a local public official has a **substantial interest** in a business entity or in real estate, and a matter involving the business entity or real estate, is pending before such official or the body of which the official is a member, the official shall not vote on, attempt to influence or otherwise participate in the consideration of the matter, and shall file an affidavit with the city secretary prior to the meeting at which the matter is scheduled, stating the nature and extent of the interest, if:
 - (1) In the case of an interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public, or
 - (2) In the case of an interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Ownership, Employment Business

Sec. 2-233, Conflict of Interest

- **Local public officials** and **appointees** shall recuse themselves from discussion and voting in all matters involving any item on an agenda that may benefit any business entity to which the local public official or appointee has a **substantial interest** as defined herein or by city Charter.
- Failure to comply with this section shall be cause for forfeiture of the elected or appointed position with the resultant vacancy on the council, board, commission or committee.

Public Officials and Ethics

Philip J Boedeker
Olson & Olson L.L.P.