

# CITY OF COLLEYVILLE

## Financial Disclosure and Business Conflicts of Interest Forms

### INSTRUCTION GUIDE

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## **GENERAL INSTRUCTIONS**

These instructions were prepared by the City staff based upon their review of Ordinance O-02-1322 and Ordinance O-13-1896, which requires the completion of certain forms adopted in the ordinances for the purpose of making the disclosures required by the Ordinances. These instructions are not part of the adopted ordinances or forms. It is the obligation of the individual who is required to complete the forms to do so in accordance with the content of the disclosure ordinances. These instructions are offered only as an aid to the completion of the forms and do not in any manner modify or alter the forms or the required disclosures called for by the ordinances.

Ordinance O-02-1322 (the "Disclosure Ordinance") and Ordinance O-13-1896 amending Ordinance O-02-1322 requires each member of the City Council, including the Mayor, each candidate for membership in the City Council, including the Mayor, each member of the Planning and Zoning Commission, and Zoning Board of Adjustment, who were appointed after the passage of the Disclosure Ordinance, and each applicant for a position on a Planning and Zoning Commission or the Zoning Board of Adjustment to file a Financial Disclosure and Business Conflict of Interest Report with the City Secretary. This obligation is a continuing obligation and elected and appointed officials must comply with the Disclosure Ordinance and the amending Ordinance O-13-1896, until their successors have qualified for the office.

The City Secretary and other City staff shall not review or approve the Financial Disclosure and Business Conflict of Interest Report filed by individuals, nor shall the City Secretary or other staff members instruct individuals on the completion of the Financial Disclosure and Business Conflict of Interest Report forms. It is the responsibility of each individual to comply with the requirements of the Disclosure Ordinance or the amending Ordinance O-13-1896.

The disclosures required by the Disclosure Ordinance and the amending Ordinance O-13-1896 are not exclusive. Other provisions of the City Charter and ordinances may require additional disclosures, i.e., every candidate for City elective office is required by Section 4.07 of the Charter to make certain disclosures. It is the responsibility of each individual to comply with all Charter and ordinance provisions.

### ***WHO SHOULD FILE***

The Disclosure Ordinance and the amending Ordinance O-13-1896, requires that a Financial Disclosure and Business Conflict of Interest report be filed by the "Reporting Individual" as the term is defined in the ordinances. The ordinances define "Reporting Individuals" as that term is defined in the ordinances. The ordinance defines "Reporting Individual" as each member of the City Council, including the Mayor, each candidate for membership in the

City Council, including the Mayor, each member of the Planning and Zoning Commission and Zoning Board of Adjustment, who are appointed after the passage of the ordinances and each applicant for a position on a Planning and Zoning Commission or the Zoning Board of Adjustment. Ordinance O-02-1322 was passed on February 5, 2002; Ordinance O-13-1896 was passed November 19, 2013. In summary, the following are required to file a Financial Disclosure and Business Conflict of Interest Report with the City Secretary.

Office Holders:

Mayor

Councilmember

Members of Planning and Zoning Commission and Zoning Board of Adjustment appointed after February 5, 2002.

Candidate for Office:

Mayor

Councilmember

Applicants for:

Planning and Zoning Commission

Zoning Board of Adjustment

### ***PERIOD COVERED***

The Financial Disclosure and Business Conflicts of Interest Report has three general aspects, an Account of Financial Activity, a report of bankruptcies, and a report of criminal history. An Account of Financial Activity is reported for the twelve months immediately preceding the date the Account of Financial Activity is due. Reporting of bankruptcies and criminal history under the ordinance is not limited to any time period.

### ***PHOTOCOPIES OF FORMS***

The Financial Disclosure and Business Conflict of Interest Forms must be used in making the disclosures required by the Disclosure Ordinance. Photocopies of the forms may be utilized and it is anticipated that multiple copies of numbered forms will be utilized where the space on the form is inadequate to allow complete disclosure.

### ***FILING DEADLINES***

**Candidate Report.** A candidate for elected office who is required to file a Financial Disclosure and Business Conflicts of Interest Report must do so two business days following the closing of filing for elective office.

**Applicants for Planning and Zoning Commission or Zoning Board of Adjustment Report.** An applicant for appointment must file a Financial Disclosure and Business Conflict of Interest Report two days

following the end of the application period stated in the official City advertisement for application for the position.

**Supplemental Report.** Sitting Councilmembers, including the Mayor, and sitting members of the Planning and Zoning Commission, and the Zoning Board of Adjustment, shall have a duty to file supplemental disclosures upon the Financial Disclosure and Business Conflicts of Interest Forms within five (5) days of an occurrence of any change in the information reflected in the Financial Disclosure and Business Conflicts of Interest Forms previously filed by the individual.

### ***LATE FILING AND FAILURE TO FILE PENALTY***

An individual subject to the Financial Disclosure and Business Conflicts of Interest Report, including any supplements required thereto, who fails to file the necessary forms with the City Secretary within the prescribed time period shall be subject to a fine not to exceed \$500, as per Ordinance O-02-1322 and O-13-1896.

It is a defense to prosecution under the Disclosure Ordinances that the individual filed the Financial Disclosure and Business Conflict of Interest Forms in conformity with the provisions of the ordinances within five (5) days of the date due.

### ***COMPLETING THE FORM***

All forms must be either typewritten or legibly hand-printed in ink. If requested information is not applicable to your activities, clearly mark the section "N/A." A complete statement consists of Forms 1 - 8.

# FORM 1. INFORMATION STATEMENT

## *COVER SHEET*

1. **Name:** List your name.
2. **Address:** List the address at which you would like to receive communications from this office, such as notices of your filing requirements.
3. **Telephone number:** List a telephone number at which you can be reached during regular business hours.
4. **Reason for Filing Statement:** Check the appropriate box to indicate in which capacity you are filing this Financial Disclosure and Business Conflicts of Interest Report.
  - **Candidate:** If you are a candidate for elected office, check this box and indicate which office you seek. Identify the office completely, indicating the Place number.
  - **Elected Official:** If you are an elected official, check this box and indicate which office you hold. Identify the office completely, including the Place number.
  - **Zoning Board of Adjustment or Planning and Zoning Commission:** If you are an applicant or an appointed member, check this box and indicate which Board or Commission you either hold or have applied for.
  - **Supplemental Disclosure:** To be filed within five (5) days of an occurrence of any change in the information reflected in the Financial Disclosure and Business Conflict of Interest Forms previously filed.
5. **Spouse and dependent children's financial activity.** Provide information for spouse and dependent children whose financial activity the filer had actual control over during this filing period. In addition, the source of annual income of the spouse shall be provided.

## FORM 2. SOURCES OF OCCUPATIONAL INCOME

Complete a block for each source of occupational income.

*(Each numbered item in these instructions corresponds to the same numbered item on the form.)*

1. **Information relates to:** Check the appropriate box indicating whether the source relates to you, your spouse, or a dependent child.
2. **Employment:** Check the appropriate box indicating whether the individual information relates to the employed by another or self-employed.

**Employed by another.** If the individual is employed by another, provide the name and address of the employer and the position held.

**Self-employed.** If the individual is self-employed, report the nature of the occupation, *e.g.*, attorney, carpenter, etc. name and address of the business and the position held.

## FORM 3. INTERESTS IN REAL PROPERTY

This section is for reporting beneficial interests held or acquired in real property. Refer to the following definitions when completing Form 3.

**Beneficial Interest.** A beneficial interest means an ownership of either legal or equitable title and includes any item held in trust where the individual reporting is either the trustee or the beneficiary of a trust governed by Title 9 of the Texas Property Code. Where the ordinance specifies a beneficial interest of 10% or more of a business entity it is meant that the individual reporting owns or is entitled to either a legal or equitable interest in 10% or more of the outstanding stock, membership interest, or other indicia of ownership of the business entity.

**Business Entity.** "Business entity" means sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business for profit is conducted.

**Trust.** A "trust" means a trust subject to Chapter 9 of the Texas Property Code that owns real property or a beneficial interest in a business entity owning real property within the map marked Exhibit "A" to Ordinance-O-13-1896, or where the trust owns a 10% or more beneficial interest in another business entity.

## FORM 3. INTERESTS IN REAL PROPERTY CONTINUED

## INTERESTS IN REAL PROPERTY

For this section, you are required to report beneficial interest real property, which is located on the map marked as Exhibit "A" to Ordinance O-13-1896.

*(Each numbered item in these instructions corresponds to the same numbered item on the form.)*

1. **Held or Acquired By:** Check the appropriate box indicating whether the interest is held or acquired by you, your spouse, or a dependent child.
2. **Description:** Indicate the lot, block, subdivision, city and county, or, if the real property is not part of the subdivision, the number of acres and tract, city and county in which the property is located. In addition, provide the property tax identification number assigned by the county appraisal district for each individual property.
3. **Street Address:** Enter the street address of the real property, if applicable, and include the city and county and state where the real property is located.
4. **Names of Persons Retaining an Interest:** List the names and addresses of any person other than the reporting individual, his spouse or dependent child owning an interest in the property, including any business entity owning an interest in the property whether independent or part of the reporting individual's interest.

## FORM 4. GIFTS

This section is for the reporting of gifts worth more than \$250 received by you, your spouse, or a dependent child. Do not report gifts that are 1) a gift to be reported by a lobbyist as a lobby expenditure, 2) a political contribution, or 3) a gift from a person related to you within the second degree by consanguinity or affinity.

**Gifts from Relatives.** A parent, child, brother, sister, grandparent, or grandchild is related to you within the second degree by *consanguinity*. Individuals related to you within the second degree by *affinity* include the spouse of anyone related to you within the second degree by consanguinity, and anyone related to your spouse within the second degree by consanguinity (i.e. aunts, uncles, cousins, etc.) *You are not required to report gifts from these individuals.*

1. **Recipient:** Check the appropriate box indicating whether the gift was given to you, your spouse, or a dependent child. *If more than one of you received it, check as many boxes as apply.*

2. **Donor:** Provide the name and address of the person or organization giving the gift.
3. **Description:** Describe the gift

## FORM 5. BOARDS AND EXECUTIVE POSITIONS

This section is for information about all boards of directors of which you, your spouse or dependent children are members and all executive positions held in corporations, firms, partnerships or proprietorships.

**Non-profits.** This section applies to boards of directors and executive positions with non-profit, as well as for-profit entities.

**Compensated Service.** If you, your spouse, or dependent child received payment for positions listed in this section, you are required to list the entity under FORM 2 SOURCES OF OCCUPATIONAL INCOME.

*(Each numbered item in these instructions corresponds to the same numbered item on the form.)*

1. **Position Held By:** Check the appropriate box to indicate whether the position is held by you, your spouse, or a dependent child.
2. **Organization:** Provide the name of the organization.
3. **Position Held:** Provide the position held in the organization.

## FORM 6. BANKRUPTCIES AND MISDEMEANOR INVOLVING MORAL TURPITUDE AND FELONIES

### BANKRUPTCIES

Identify any bankruptcy personally filed by you, filed by a business in which you owned 10% or more at the time of filing, or filed by a business in which you were an officer or director at the time of such filing.

**Bankruptcy.** "Bankruptcy" means the filing of a petition, voluntary or involuntary under Chapter 7, 11, or 13 of the Bankruptcy Code. (Title 11 of the United States Code).

1. **Type of Bankruptcy:** Provide the complete name of the person or business entity that filed for bankruptcy and the date the bankruptcy was filed. Also, indicate whether the bankruptcy was personal or business.

2. **Chapter.** Includes filings under Chapters 7, 11 or 13 of the Bankruptcy Code.
3. **Discharge.** Indicate whether you personally or the business entity involved, if Chapter 7, received a discharge.
4. **Reorganization,** Indicate whether you completed a successful reorganization under Chapter 11 or 13.

## **MISDEMEANOR INVOLVING MORAL TURPITUDE AND FELONIES**

You are required to disclose the filing of any information, which charges a misdemeanor involving moral turpitude, a felony indictment, a conviction of a misdemeanor involving moral turpitude, or a conviction of a felony of the individual or of a business entity in which the individual had a 10% or more beneficial interest or where the individual was at the time of filing, or conviction, an officer or director of the business entity.

**Moral Turpitude.** "Moral turpitude" means (1) the quality of a crime involving grave infringement of the moral sentiment of the community as distinguished from statutory mala prohibita; (2) conduct that is based, vile, or depraved; and (3) something that is inherently moral or dishonest. Examples of moral turpitude could include: theft, swindling, crime of making a false report, assault by a man against a woman, and forgery.

1. **Name:** Provide the name of the person or business entity charged or convicted. Indicate if the charge or conviction was personal or business by checking the appropriate box.
2. **Type of Indictment or Information:** State whether the alleged offense was charged by information or indictment, the date of the information or indictment and the location in which the information or indictment was filed (county and state).
3. **Nature of offense.** State the nature of the offense, including a citation to the statutory provision, which prohibits the alleged offense.
5. **Disposition of indictment or information.** State the disposition of the indictment or information.

## **FORM 7. INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS**

*(Each numbered item in these introductions corresponds to the same numbered item on the form.)*

**Business Entity.** "Business entity" means sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business for profit is conducted.

**Beneficial Interest.** A beneficial interest means an ownership of either legal or equitable title and includes any item held in trust where the individual reporting is either the trustee or the beneficiary of a trust governed by Title 9 of the Texas Property Code. Where the ordinances specify a beneficial interest of 10% or more of a business entity it is meant that the individual reporting owns or is entitled to either a legal or equitable interest in 10% or more of the outstanding stock, membership interest or other indicia of ownership of the business entity.

1. **Held or Acquired By:** Check the appropriate box indicating whether the interest is held or acquired by you, spouse, or a dependent child.
2. **Description:** Provide the name and address of the business entity.
3. **Nature of Business.** State the nature of the business.

## **FORM 8. PERSONAL FINANCIAL STATEMENT AFFIDAVIT**

The policy requires that the Financial Disclosure and Business Conflicts of Interest Report be verified. The verification page must have the signature of the individual required to file the Financial Disclosure and Business Conflicts of Interest Report as well as the stamp or seal of office of a notary public or other person authorized by law to administer oath and affirmations. Without proper verification, the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

## **ATTACHMENTS**

**ORDINANCE O-13-1896 - Exhibit "A" Map  
Exhibit "B" Complaint Form**

# **INSERT MAP**

