

Secretary, and is required to abstain from any further participation in the matter if:

- (i) in the case of a substantial interest in a business entity, the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or
- (ii) in the case of a substantial interest in a business entity, it is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public.

An exception to the abstention rule is provided in cases where a majority of members of the governmental entity are likewise required to and do file affidavits.

- B. A substantial interest in a business entity exists when the City Official:
  - (i) owns ten percent (10%) or more of the voting stock or shares of the business entity, or
  - (ii) owns ten percent (10%) or more or \$5,000 or more of the fair market value of the business entity, or
  - (iii) has received from the business entity funds which exceed ten percent (10%) of the official's gross income for the prior year.
- C. A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of \$2,500 or more.
- D. A local public official means a member of the City Commission or other City Official, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.
- E. It is an offense for a City Official to act as a surety for a business entity that is contracting with the City, or to act as a surety on any official bond required of an officer of the City. Section 171.003 Texas Local Government Code.
- F. A City Official is considered to have a substantial interest if a person is related to the City Official in the first degree by consanguinity or affinity has a substantial interest. Section 171.002(c) Texas Local Government Code.
- G. The provisions of Section 171.001 et seq., Texas Local Government Code, are IN ADDITION to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

#### 4.02. Bribery.

It is unlawful for a City Official to accept or agree to accept:

- A. any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion as a public servant; or
- B. any benefit as consideration for a decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or
- C. any benefit as consideration for a violation of a duty imposed by law on a public