

## ANNOTATED CONFLICT OF INTEREST QUESTIONNAIRE

**Who Must File a Conflict of Interest Questionnaire:** A person<sup>1</sup> who contracts with or seeks to contract with a local governmental entity<sup>2</sup> for the sale or purchase of property, goods or services or (ii) an agent of the person in the person's business with the local governmental entity (collectively, the "Contractor").

**When does a Contractor Have to File a Conflict of Interest Questionnaire:** A Contractor must file a Conflict of Interest Questionnaire with the local governmental authority not later than the seventh business day after the date the Contractor (i) begins contract discussions or negotiations with the local governmental authority; or (ii) submits to the local governmental entity an application, response to a request for proposal for bids, correspondence, or another writing related to a potential agreement with the local governmental entity (a "Contracting Activity"). See TEX. LOC. GOV'T CODE ANN. § 176.006 (a) (Vernon 2005).

The following numbers correspond to the numbered boxes on the Conflict of Interest Questionnaire.

1. **Name of Person Doing Business with the Local Governmental Entity.** Insert the name of your company.
2. **Check the Box if You are Filing an update to Previously Filed Questionnaire.** A Contractor must file an updated completed Conflict of Interest Questionnaire with the records administrator of the local governmental entity not later than (i) September 1 of each year in which a Contracting Activity (as defined above) is pending, or (ii) the seventh business day after an event that would make a statement incomplete or inaccurate. See TEX. LOC. GOV'T CODE ANN. § 176.006 (d) (Vernon 2005).

*Note: A Contractor is not required to file the September 1 undated Conflict of Interest Questionnaire in a year in which the Contractor has filed a Conflict of Interest Questionnaire on or after June 1, but before September 1 of that year.*

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<sup>1</sup> The term "person" is not defined in Chapter 176. The Code Construction Act defines a person to include a: "corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. See TEX. LOC. GOV'T CODE ANN. § 311.005 (2) (b) (Vernon 2005). However, Chapter 176 excepts certain governmental entities. See TEX. LOC. GOV'T CODE ANN. § 176.002 (b) (Vernon 2005).

<sup>2</sup>"Local governmental entity" means a county, municipality, school district, junior college district or other political subdivision or a local governmental corporation, board, commission, district or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization or governmental entities organized to provide to its members education, assistance, products or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government. The term "local governmental entity includes: tax increment reinvestment zones, management districts, local governmental corporations and certain hospital district and hospital authorities.

3. **Name Each Employee or Contractor of the Local Governmental Entity Who Makes Recommendations to the Local Governmental Officer to the Local governmental Entity With Respect to the Expenditures of Money AND Describe the affiliation or business relationship.** Insert the name of each employee or contractor of the local governmental entity who makes recommendations to the local governmental entity with respect to expenditures of money with whom you have an affiliation or business relationship. Describe the affiliation or business relationship. *See* TEX. LOC. GOV'T CODE ANN. § 176.006 (c)(5) (Vernon 2005).
4. **Name Each Local Governmental Officer Who Appoints or Employs Local Governmental Officers of the Governmental Entity for which this Questionnaire if Filed AND Describe the affiliation or business relationship.** Insert the name of each local government officer<sup>3</sup> who appoints or employs a local governmental officer of the local governmental entity that is a subject of the questionnaire with whom you have an affiliation or business relationship. Describe the affiliation or business relationship. *See* TEX. LOC. GOV'T CODE ANN. § 176.006 (c)(6) (Vernon 2005).

*Note: For example, a Contractor filing a Conflict of Interest Questionnaire in connection with a Contracting Activity with a tax increment reinvestment zone would have to disclose an affiliation or business relationship the Contractor has with a member of the city council of the city that appointed the tax increment reinvestment zone board members.*

5. **Name of Local Government Officer With Whom Filer has Affiliation or Business Relationship. (Complete this Section Only if the Answer to A, B, or C is YES).** Insert the name of the local government officer<sup>4</sup> with whom the Contractor has an affiliation, business relationship, or “other relationship that might cause a conflict of interest.” *See* TEX. LOC. GOV'T CODE ANN. §§ 176.006 (c)(1) (Vernon 2005) and 176.006 (c)(7) (Vernon 2005).

*Note: The Contractor must fill out this section for each local governmental officer with whom the Contractor has an affiliation or business relationship.*

- A. **Is the local governmental officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?** Answer yes or no. *See* TEX. LOC. GOV'T CODE ANN. § 176.006 (c)(2) (Vernon 2005).
- B. **Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local governmental officer named in this section And the taxable income is not from the local governmental entity?** *See* TEX. LOC. GOV'T CODE ANN. § 176.006 (c)(3) (Vernon 2005).

<sup>3</sup> “Local government officer” means (i) the members of the governing body of the local governmental entity and (ii) a director, superintendent, administrator, president or other individual designated as the executive officer of the local governmental entity. *See* Section 176.001 (4) Texas Local Governmental Code.

<sup>4</sup> The records administrator for the local governmental entity may maintain a list of local governmental officers and make the list available to the public and any person who may be required to file a Conflict of Interest Questionnaire.

- C. **Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership interest of 10 percent or more?** Does the Contractor have an affiliation with or a business relationship with a corporation or other business entity with respect to which the local government officer (i) serves as an officer or director or (ii) holds an ownership interest of 10 percent or more? Answer yes or no. *See* TEX. LOC. GOV'T CODE ANN. § 176.006 (c)(4) (Vernon 2005).
- D. **Describe each affiliation or business relationship.**

*It is an offense if a Contractor violates the disclosure requirements in Section 176.006 of the Texas Local Government Code. An offense is a Class C misdemeanor.*