

28 October 2011

To: City Attorney, Susie Green

Cc: City Council, GHA Board, Jack Roady

Re: City Council Conflict of Interest Policy

Ms. Green:

The Galveston Open Government Project (GOGP) is unclear on how the City's conflict of interest policy works. We understand that Councilmembers are asked to declare if they have a conflict, and refrain from participation and voting if they do so declare.

However, the most serious conflicts of interest usually arise when a Councilmember does not declare it themselves. Can one Councilmember raise the issue about another Councilmember? Can a government watchdog group ask for a "ruling"? Can the public raise the issue directly? If so, who makes the decision? Is it you, as the City Attorney, or should the District Attorney be consulted?

For example, several people have contacted the GOGP asking the following situation:

Councilmember Linda Colbert's sister-in-law Gwen Colbert just filed a lawsuit against GHA and GRACE.

Gwendolyn Colbert v. GRACE et al, deceptive practices, filed 10/25/11, case #11-cv-1693, (Criss)

Does this event, involving a family member, create a conflict of interest, through no action on her part, with regards to GHA and GRACE?

If so, is it a conflict of interest for Councilmember Colbert to vote on any agenda item dealing with GHA or GRACE?

Who makes that decision?

Can you explain to the public how conflict of interest issues can be raised and decided when they are not self-declared by a Councilmember?

Do we need change the charter to give this City law more teeth?

Best regards,

**David Stanowski
President
Galveston Open Government Project, Inc.**