



## INTEROFFICE MEMORANDUM

**To:** Ronald L. Olson, City Manager  
**FROM:** Kathy Davis, City Attorney  
**DATE:** MARCH 22, 2018  
**SUBJECT:** CITY OF KILLEEN EMPLOYEES AND CHARITABLE EVENTS

For many years, the Killeen Professional Fire Fighters' Association has participated in a "Fill the Boot" campaign benefitting the Muscular Dystrophy Association. Beginning last year, the Association has conducted its campaign on dates other than those allowed by the city's solicitation ordinance, requiring that an exception be made to allow that charitable activity on the different dates, and at additional locations. In discussing this request, it was relayed to me that the intent was to use on-duty firefighters to conduct this charitable activity.

Article III, Section 52 and Article XI, Section 3 of the Texas Constitution state that the legislature may not authorize any county, city or other political subdivision to lend its credit or grant public money in aid of an individual, association, or corporation. The intent is to prevent local governments from making expenditures of public funds for a private purpose. This also prohibits city employees acting to benefit a private purpose while "on the clock" for the city.

Over the past several years, the city has taken strides to ensure that employee groups and associations understand that they can only conduct their group/association activities while not on duty, and may only participate in charity events while off duty. This has included addressing charity events that had been assisted or staffed by on-duty Parks and Receptions staff, as well as charitable activities conducted by on-duty police officers and employees. It is important that there be accountability in the way the city spends its resources, whether those resources be dollars or employee efforts, and that those resources are expended lawfully.

It should be noted that a donation of money or resources can be made if the City Council determines: (1) there is a legitimate, predominately public purpose for the expenditure; (2) the city receives adequate consideration or return benefit for its donation; and (3) the arrangement has sufficient controls to guarantee that city



funds are being used for a municipal public purpose. The benefit must be specific to the city, rather than to the public generally.

If the location and date requirements of the solicitation ordinance are waived, I recommend that it be made clear that the participation of on-duty City of Killeen personnel is not allowed in this, or any other, charitable activity, absent a finding of a clear public purpose by the City Council.

Please let me know if you have any other questions.

A handwritten signature in cursive script that reads "Kathy Davis". The signature is written in dark ink and is positioned above a horizontal line.

Kathy Davis  
City Attorney