

MONTGOMERY COUNTY ETHICS COMMISSION

MINUTES - MONDAY, FEBRUARY 28, 2022

1. **Call to Order** - The Montgomery County Ethics Commission convened at approximately 3:00 p.m. on this date in the Alan B. Sadler Commissioners Court Building, 501 N. Thompson, 4th Floor, Conroe, TX. The meeting was called to order by Chair Nancy Mikeska.
2. **Roll Call** - Amanda Whittington, Nancy Mikeska, Casey Loring, William Dornbos, Charles McBride, Anne Sundquist, Janet Spielvogel, Francis Bourgeois and Tony Fuller

Board members not present – Ann Vickery
3. **Approval of Agenda** – Commission member Charles McBride motioned to approve and Commission member William Dornbos seconded. Agenda was unanimously approved.
4. **Citizen Comments** - None
5. **Recognize reappointment of members (Bill Dornbos; Tony Fuller; Francis Bourgeois; Charles John McBride; Janet Spielvogel) by the Montgomery County Commissioners Court on January 25, 2022** - No action taken
6. **Consider and approve election of Ethics Commission Officers Chairperson and Vice Chairperson** – Chairperson Nancy Mikeska motioned that Vice Chair Casey Loring be appointed as Chairperson. Commission member Francis Bourgeois seconded. The motion was unanimously approved. Commission member Tony Fuller volunteered his nomination to become Vice Chairperson, Commission member Bill Dornbos seconded. The motion was unanimously approved.
7. **Consider and approve Ethics Commission minutes from October 25, 2021 meeting** – Vice Chairperson Fuller asked that a sentence in #7 be clarified. Assistant County Attorney McKinney, suggested that he and the Board Secretary update the minutes based on the audio recording if given the authority by the Board. Vice Chairperson Tony Fuller moved to approve the minutes with the changes to #7 based off of the audio recording. Commission member Nancy Mikeska seconded. The motion was unanimously approved. *After listening to the audio, the corrected sentence will read: Following discussion, a motion was made by Commission Chair Pro Tem Casey Loring and seconded by Commission member Charles McBride to allow the Assistant County Attorney, absent any objections from the subcommittee members of the changes, to make minor adjustments and immaterial changes to the adopted documents.*
8. **Consider and appoint members to the Ethics Commission Subcommittee** – Assistant County Attorney McKinney explained that the subcommittee who worked on developing the Code of Ethics policy, forms and procedures, would have the opportunity to step down. Additionally, if any other members wanted to volunteer to be on this subcommittee, now would be the time. Commission member William Dornbos and Commission member Anne Sundquist stepped down. Following the discussion, Commission member William Dornbos moved to accept the nominations of Vice Chairperson Tony Fuller, Commission member Francis Bourgeois, Commission member Amanda Whittington and Commission member Janet Spielvogel to the subcommittee. Commission member Charles McBride seconded. The motion was unanimously approved.
9. **Consider and discuss future goals of Ethics Commission Subcommittee** - Assistant County Attorney McKinney suggested that the subcommittee plan on creating and developing a predesigned template for a complaint response letter; add a frequently asked questions section to the Ethics webpage; create a document explaining the complaint process; create a submission form that the Commission receives for questions and advisory opinions; and any other forms the Commission determines will be needed. No action taken.

- 10. Consider, discuss and take action regarding changes to the Code of Ethics clarifying what items are not considered prohibited gifts** – Assistant County Attorney McKinney discussed with the Commission the need to narrow exemptions to gift cards to those from the employee committee and not authorize any other type of acceptance of gift cards to meet provisions of the penal code and also to reduce any similar gifts to the \$50.00 threshold. Additionally, Assistant County Attorney McKinney shared with the Commission that elected officials will regularly provide complimentary tickets to other elected officials to attend fundraising events. The subcommittee incorporated a limit of \$250.00 which the Commission approved. Assistant County Attorney McKinney recommended language be added that this gift would be from someone who would be considered a professional, friend, office, or colleague relationship with the recipient of the tickets. Assistant County Attorney McKinney proposed that the Commission allow him to make minor changes, only restricting use and not authorizing any additional exemptions. Following discussion, a motion was made by Vice Chairperson Tony Fuller and seconded by Commission member Anne Sundquist to allow the Assistant County Attorney to work with the District Attorney's office regarding gift cards and to amend the language in the Code of Ethics to narrow the exceptions. The motion was unanimously approved. Another motion was made by Vice Chairperson Tony Fuller and seconded by Commission member William Dornbos, to permit the Assistant County Attorney to add additional language in the Code of Ethics narrowing the issuing of political fundraising tickets to those instances involving a professional, friend, office, or colleague type relationship. The motion was unanimously approved.
- 11. Receive update from County Attorney's Office and Human Resources Department regarding implementation of Montgomery County Code of Ethics and training. Take appropriate action relating to reminder emails and deadlines for all training** – Assistant County Attorney McKinney provided statistics relating to training and discussed that the Code of Ethics does not mandate a timeline for an employee to complete the training. The original training notification email had a completion date of February 1st. McKinney recommended an additional email be sent to the Supervisor, Department Head or Elected official, identifying the employees who have failed to meet the training deadline of Feb 1st and explain the Commission has been made aware of the failure to complete the training and has indicated a necessity of completion by March 18th. For those employees out on leave, we can notify the Supervisor that upon return, the employee will need to immediately complete the training. Assistant County Attorney McKinney informed the Commission that new hires will receive training at new employee orientation. McKinney further explained, the Code of Ethics also applies to Commissioners Court appointees and that the County Judge's office is currently working on providing HR and the County Attorney's office with the contact list so notification of required training can be sent to appointees. Following discussion, motion was made by Commission Member William Dornbos and seconded by Commission member Charles McBride, to notify delinquent employees that they are in violation of the Code of Ethics and that they have until March 18th to complete the Ethics training. The motion was unanimously approved. Commission member Janet Speilvogel motioned and seconded by Commission member William Dornbos that an email notification be sent to Commissioners Court Appointees announcing that they are subject to the Code of Ethics and that the required training needs to be completed by April 29th. The motion was unanimously approved.
- 12. Conduct workshop relating to Complaint Rules and Procedures** – Assistant County Attorney McKinney provided an overview of the complaint rules and procedures, discussed the standing preliminary review committee setup, terms, lots and attorney requirement. No action taken.
- 13. Consider and appoint members to the Standing Preliminary Review Committee** – Following discussion of #12, Commission member William Dornbos moved to accept the nomination of Attorney and Commission member Nancy Mikeska as Review Officer, seconded by Vice Chairperson Tony Fuller. The motion was unanimously approved. Lots were then drawn, and Commission member William Dornbos and Commission member Anne Sundquist were selected. Motion to approve Commission member William Dornbos and Commission member Anne Sundquist to the Standing Preliminary Review Committee was made by Commission member Nancy Mikeska, seconded by Vice Chairperson Tony Fuller. The motion was unanimously approved.

- 14. Miscellaneous** - Assistant County Attorney McKinney reviewed the Ethics page on the County website with the Commission. Suggestions were made to add an email address to the contact page and to change the language of the current form "CIS" to " Local Government Officer Conflicts Disclosure Statement". Next meeting date is May 23, 2022 at 3pm.
- 15. Request for Future Agenda Items** – A faux trial or mock complaint process was discussed as a way to determine what forms the Commission needs. In addition, a request was made that agenda items be emailed a week before the Commission meeting to all members.
- 16. Adjourn** - Motion to adjourn the meeting at 4:45 p.m. by Commission member William Dornbos and seconded by Commission member Charles McBride. The motion was unanimously approved.

APPROVED: _____
Date 5/23/2022

Casey Loring, Chair

Tony Fuller, Chair Pro-Tem