

CODE OF ETHICS



MONTGOMERY COUNTY ETHICS COMMISSION

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I. Purpose

The purpose of this Code of Ethics is to promote integrity, transparency, and trust with respect to the practices of Montgomery County (“County”) elected and appointed officials, as well as the leaders of the various County departments. This Code sets forth the expectations of professional behavior and memorializes Montgomery County’s commitment to high standards and honesty and the avoidance of impropriety and conflicts of interest. The Montgomery County Ethics Commission enacts this Code to detect and prevent violations of the law, and to implement and enforce ethical standards applicable to Montgomery County, its officers and employees.

II. Application of Code

The Montgomery County Code of Ethics is applicable to all County Public Servants as defined herein. All officials, elected and appointed, and department heads must be knowledgeable about the requirements of this Code of Ethics and must promote a culture within county departments that encourages ethical conduct and a commitment to comply with all applicable laws and regulations.

This Code of Ethics is in addition to, and does not replace or supersede, any other County policy or regulations including, but not limited to, 1) the Rules of Conduct and the Harassment Policy set forth in the Montgomery County Employee Policy Manual, and 2) the Nondiscrimination Policy Statement and the Fraud Policy. If an agreement authorized by Chapter 174, Texas Local Government Code, or a civil service statute applicable to a County Employee, conflicts with this Code of Ethics, said agreement or civil service statute shall prevail (pursuant to Section 161.003, Texas Local Government Code).

III. Definitions & Terms

For the purposes of this Code, words in the singular form shall be construed to include the plural and vice versa, unless the context requires otherwise. The use of the male gender shall include the female gender, unless the context requires otherwise. Additionally, the following definitions and terms consistent with Section 161.002, Texas Local Government Code and other applicable laws, shall apply:

- 1. Business Entity** means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. A Business Entity does not include a governmental entity.
- 2. Commission or Ethics Commission** means the Montgomery County Ethics Commission created by resolution and order of The Montgomery County Commissioners Court dated October 8, 2019, in accordance with Texas Local Government Code Chapter 161.
- 3. Commission Staff** means County Employees assigned to provide administrative support to the Commission.

4. **Commissioners Court** means the Commissioners Court of Montgomery County, Texas.
5. **“Communicates directly with”** or any variation of the phrase means contact in person or by telephone, telegraph, letter, facsimile, electronic mail, or other electronic means of communication.
6. **County Employee** means a person employed by Montgomery County, Texas, or a County Officer, and includes a person employed in the judicial branch of the county government who is not subject to the Code of Judicial Conduct. The term does not include a County Officer.
7. **County Office** means a position held by a County Officer.
8. **County Officer** means a county judge, county commissioner, county attorney, sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, and constable.
9. **County Public Servant** means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for or assumed the duties of office:
 - (a) a County Officer or County Employee;
 - (b) a person appointed by the Commissioners Court or a County Officer to a position on one of the following, whether the position is compensated or not:
 - (1) an authority, board, bureau, commission, committee, council, department, district, division, or office of the county; or
 - (2) a multi-jurisdictional board;
 - (c) an attorney at law or notary public when participating in the performance of a governmental function;
 - (d) a candidate for nomination or election to an elected County Office; or
 - (e) a person who is performing a governmental function under a claim of right although the person is not legally qualified or authorized to do so.
10. **Days** - All references to “days” are to calendar days, unless otherwise noted. In computing any period of time prescribed or permitted by this code, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, County holiday, or a day in which the County is otherwise not open for business, in which case the period runs to 5:00 p.m. of the next County business day.

11. Family Member(s) and the respective degree of consanguinity and affinity shall mean:

RELATIVES BY DEGREES		
1st Degree	2nd Degree	3rd Degree
Spouse	Granddaughter and spouse	Great-grandmother and spouse
Mother and spouse	Grandson and spouse	Great-grandfather and spouse
Father and spouse	Grandmother and spouse	Great-granddaughter and spouse
Daughter and spouse	Grandfather and spouse	Great-grandson and spouse
Son and spouse	Sister and spouse	Niece and spouse
Mother-in-law	Brother and spouse	Nephew and spouse
Father-in-law	Sister-in-law	Aunt and spouse
Stepdaughter	Brother-in-law	Uncle and spouse
Stepson	Grandmother-in-law	Half-aunt and spouse
	Grandfather-in-law	Half-uncle and spouse
	Step-granddaughter	Great-grandmother-in-law
	Step-grandson	Great-grandfather-in-law
	Half-sister and spouse	Aunt-in-law
	Half-brother and spouse	Uncle-in-law
	Stepsister and spouse	Niece-in-law
	Stepbrother and spouse	Nephew-in-law
		Step-great-granddaughter
		Step-great-grandson
		Step-niece and spouse
		Step-nephew and spouse
		First Cousins

12. Human Resources means the Montgomery County Human Resources Department.

13. Financial Disclosure Statement means the form approved by the Commission for reporting and identifying names and entities of associated financial interest.

14. Item means any service, equipment, goods, or other tangible or intangible real or personal property.

15. Lobbyist means a person, who for compensation, communicates directly with a County Officer or County Employee to influence official action and whose lobbying activities constitute twenty-six (26) hours or more of their service time during any three (3) month period. The term shall also include any individual who otherwise is currently registered or has been registered within the previous two-year period as a lobbyist with any other jurisdiction, whether local, state, or federal.

The term does not include:

- a) an attorney who communicates directly with a County Officer or County Employee to the extent that such communication relates to the attorney's representation of a party in a civil or criminal proceeding;
- b) a governmental entity or its officers or employees engaged in discussing matters relating to its own governmental interests; or

c) an individual who lobbies as an unpaid volunteer or represents only himself.

16. Lobby or Lobbying means the Solicitation directly or indirectly by a person in an effort to influence official action or persuade a County Public Servant to favor or oppose, recommend or not recommend, vote for or against, or to take action or refrain from taking action on an Official Matter. The term lobby or lobbying shall not include a request for information, inquiry or contact about: 1) a general County issue, matter, or procedure; 2) a bid, request for proposals, request for qualifications or request for information made to the County Purchasing Agent or staff; 3) a County request for information about a product or service for planning, budgeting, or informational purposes only; and 4) mass media marketing communications of a generic nature.

17. Local Procurement Officer (LPO) means a County Employee who has influence in preparing, reviewing, or awarding bids/Requests for Proposals (“RFPs”), Requests for Qualifications (“RFQs”) or other County Procurements. LPO includes the County Judge, Commissioners Court members and any County Officer or County Employee who exercises discretion in the planning, recommending, selection, or contracting of a Vendor (also known as “Agents”). Agents will vary, depending on which Department is seeking the Procurement and the purpose of the Procurement.

Agents may include:

- a) the Purchasing Agent and/or designees;
- b) the Auditor and/or designees;
- c) applicable department head and/or designees;
- d) applicable evaluation committee members; or
- e) Assistant County Attorneys who assist with Procurement or contracts.

18. Official Matter means a contract, bid, award, appointment, regulation, court order, resolution, recommendation, or any other action on a public policy issue of a discretionary nature pending before County Commissioners Court or any County board or commission. Pending means currently under consideration or posted for consideration or action.

19. Political activity means:

- a) soliciting support or funds for the re-election of a person occupying an elective office, or for a candidate for an elective office, or for a political party, or for a political group as defined by Texas Election Code Section 251.001, Subsections (12), (13), (14), and (15); or
- b) advocating passage or defeat of any matter or issue on an election ballot.

20. Private Communication means communication relating to any Procurement with any Vendor outside of a posted meeting of the governing body, outside of a regular meeting of a standing or appointed committee, outside of a negotiation with a Vendor which has been specifically authorized by the governing body or otherwise outside the normal course of business.

21. Procurement means the acquisition of any Item or a public purpose, for consideration, for the benefit of Montgomery County, its officers, agents, or employees in their official capacities.

22. Solicitation means the communication with a County Public Servant, by private interview, postal, electronic or telephonic communications or any other means other than public expression at a meeting of County Officers open to the public under Chapter 551 (Open Meetings Act) of the Texas Government Code.

23. Substantial Financial Interest means:

- (a) A person has a Substantial Financial Interest in a Business Entity if:
 - (1) the person owns ten percent (10%) or more of the voting stock or shares of the Business Entity; owns either ten percent (10%) or more or \$15,000 or more of the fair market value of the Business Entity; or
 - (2) funds received by the person from the Business Entity exceed ten percent (10%) of the person's gross income for the previous year.
- (b) A person has a Substantial Financial Interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A person subject to this Code is considered to have a Substantial Financial Interest under this section if a Family Member (as defined herein), has a Substantial Financial Interest.

24. Vendor means any person or their representative or employee whose goods and services are purchased under the terms of a purchase order or contractual agreement with the county.

The term Vendor does not include a governmental entity or its officers or employees engaged in discussing matters relating to its own governmental interest, including interlocal agreements between the government entity and the county.

25. Violation constitutes one or more of the following:

- (a) **Category One Violation** means a Violation of the ethics code adopted by the Commission as to which it is generally not difficult to ascertain whether the Violation occurred or did not occur, including:
 - (1) the failure by a person required to file a statement or report required under the ethics code to:
 - (a) file the statement or report in a manner that complies with applicable requirements; or
 - (b) file the statement or report in a timely manner;
 - (2) a misrepresentation in a report required under the ethics code; or
 - (3) a failure to respond in a timely manner to a written notice under Section 161.156(b).
- (b) **Category Two Violation** means a Violation of the ethics code adopted by the Commission that is not a Category One Violation.

IV. Advisory Opinions

Upon the request of any person covered by the Code of Ethics adopted by the Ethics Commission, the Commission may issue a written ethics advisory opinion regarding the application of the Code of Ethics to a specified existing or hypothetical factual situation. The Commission may not issue an opinion that includes the name of any person who may be affected by the opinion. The name of the person requesting the opinion shall be deemed confidential.

V. Lobbyist Activity, Registration, & Reporting

1. Registration

County Officers and department heads shall not permit any Lobbyist, including a Lobbyist's representative or employee, to communicate with them regarding any Official Matter before being presented with a current Lobbyist Registration Certificate verifying that the Lobbyist is registered with the County. A lobby registration requirement sign shall be posted in the lobby of each office of the County Officer or department head.

Upon completion of the required training, a Lobbyist shall register annually with the Montgomery County Human Resources Department on the Lobbyist Registration Form prescribed by the Commission and receive a current Lobbyist Registration Certificate, on or before the date, they engage in Lobbying activity with a County Officer or department head. All registration certificates expire on December 31st of each year.

2. Reporting

Each County Officer and department head shall maintain a log of contacts made with any Lobbyist. The contact logs shall be submitted to the County Human Resources Department on or before June 30th and December 31st each year and made available for review upon request by the Commission or its designee. Departments having no contacts with Lobbyists shall submit a blank log and check the appropriate designated box indicating no contacts occurred during the reporting period.

The County Human Resources Department shall maintain the Lobbyist Registration and contact logs for a period of 3 years from the date of filing.

VI. Procurement

1. Influencing and Advising Regarding Procurement Decisions

In advising, discussing, recommending, and/or granting any County purchases, bids or contracts, County Public Servants shall inform themselves about their financial interests, and shall make a reasonable effort to inform themselves about the financial interests of their Family Members.

County Public Servants shall not exercise influence, participate in, discuss, recommend and/or grant any County purchases, bids, or contracts if they or their Family Member have a Substantial Financial Interest.

2. Prohibited Procurement Participation by Decision Makers

County Public Servants shall disqualify themselves, and shall be deemed disqualified, from participating in any official act regarding a Procurement matter involving a Business Entity or real property in which they or their Family Member have a Substantial Financial Interest, if:

- a) in the case of a Substantial Financial Interest in a Business Entity, the action on the matter will have a special economic effect on the Business Entity; or
- b) in the case of Substantial Financial Interest in real property, that an action on the matter will have a special economic effect on the value of the property.

Unless otherwise exempt by law, any County Public Servant to whom one or more prohibitions as outlined in this Section VI hereto applies, shall complete a Financial Disclosure Statement before participating in any procurement process. However, any County Officer who is required to file a disclosure report pursuant to Chapter 159 of the Local Government Code shall provide a copy of each disclosure report to the Commission before the matter is discussed or before any decision is made. Purchasing personnel administering the Procurement process shall ensure all County Public Servants participating in a selection or the award process shall verify all Financial Disclosure Statements have been filed prior to said Public Servants participation.

3. Prohibited Acts

County Public Servants shall not acquire a financial interest at a time when they believe or have reason to believe that it will be directly affected by their official act. County Public Servants are prohibited from and shall not profit by any knowledge they acquired solely from their official position with the County and for which information is not available to the general public.

4. Private Communication with Vendors by Members of Commissioners Court, County Officials or Department Heads.

No member of the Commissioners Court, County Officials or department heads shall permit any Vendor, its Lobbyist, representative, or employee to communicate with him privately regarding any Procurement of Items by the County after the date that the bid, Request for Proposal (RFP), or Request for Quote (RFQ) is released. No Private Communication regarding the purchase shall be permitted by a member of the Commissioners Court, a County Official or department head until the Procurement process is complete and a purchase order is granted or a contract is entered into. Members of the Commissioners Court, County Officials or department heads shall make a reasonable effort to inform themselves regarding Procurements and shall have a duty to inquire of Vendors, their Lobbyists, representatives, or employees, the nature of the Private Communication being sought prior to engaging in any communication.

5. Disclosure Requirements – Form CIS (LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT)

If a County Public Servant is involved in a Procurement for the County, the County Public Servant may be a Local Procurement Officer. If so, the County Public Servant must disclose family relationships, employment or business relationships, and/or gifts from prospective Vendors, as described below.

Disclosure Requirements. When a Local Procurement Officer (LPO) knows or learns that one or more of the following situations apply regarding a prospective Vendor, the LPO must disclose the following information by completing and filing a Conflicts Disclosure Statement Form (“FORM CIS”) with Human Resources or as otherwise directed in the procedures adopted in connection with this Ethics Code within seven (7) business days. The Disclosure Requirements only apply to the particular Procurement in which the LPO is involved as a LPO.

Family Relationship with the prospective Vendor. The prospective Vendor has a Family Relationship with the LPO. Family Relationship means a relationship within the third degree of consanguinity (blood) or second degree of affinity (marriage). See chart below.

Gifts from the prospective Vendor. The prospective Vendor has given the LPO or LPO’s first-degree Family Member, in the previous 12 months, Gifts that add up to more than \$100. For purposes of this Section only, "Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest, with the exception of political contributions or food accepted as a guest, or a benefit on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

Employment or Other Business Relationship with the prospective Vendor. The prospective Vendor has an employment or other business relationship with the LPO or LPO Family Member that results in the LPO or LPO Family Member receiving taxable income (other than investment income) that exceeds \$2,500 in the previous 12 months. When used herein, the terms “business relationship” and “investment income” have the same meanings as defined in Texas Local Government Code section 176.001.

Employment or Other Business Relationships of County Officers with Vendors and prospective Vendors. A County Officer shall disclose all employment or other business relationship with (a) a Vendor or prospective Vendor and/or (b) an employee of a Vendor or prospective Vendor regardless of the amount or type of income. Solely for purposes of this paragraph, a “business relationship” means (a) a connection between two or more parties based on the commercial activity of one of the parties, or (b) joint commercial activity between two or more parties.

RELATIVES BY DEGREES		
1st Degree	2nd Degree	3rd Degree
Spouse	Granddaughter and spouse	Great-grandmother and spouse
Mother and spouse	Grandson and spouse	Great-grandfather and spouse
Father and spouse	Grandmother and spouse	Great-granddaughter and spouse
Daughter and spouse	Grandfather and spouse	Great-grandson and spouse
Son and spouse	Sister and spouse	Niece and spouse
Mother-in-law	Brother and spouse	Nephew and spouse
Father-in-law	Sister-in-law	Aunt and spouse
Stepdaughter	Brother-in-law	Uncle and spouse
Stepson	Grandmother-in-law	Half-aunt and spouse
	Grandfather-in-law	Half-uncle and spouse
	Step-granddaughter	Great-grandmother-in-law
	Step-grandson	Great-grandfather-in-law
	Half-sister and spouse	Aunt-in-law
	Half-brother and spouse	Uncle-in-law
	Stepsister and spouse	Niece-in-law
	Stepbrother and spouse	Nephew-in-law
		Step-great-granddaughter
		Step-great-grandson
		Step-niece and spouse
		Step-nephew and spouse
		First Cousins

VII. Employment Practices

County elected officials and department heads shall ensure that hiring decisions are not made on the basis of race, gender, religion, national origin, sexual orientation, age, or disability.

County elected officials and department heads will not advocate the employment, appointment, promotion, transfer or advancement to a paid County position of a Family Member and will not supervise or manage a Family Member, unless the employee was employed prior to the election or appointment of the County Elected Official or department head.

The County will not employ individuals that have been convicted of engaging in illegal activities, in positions with job duties that include access to financial or highly confidential information.

VIII. Outside Employment

County Public Servants shall not accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the County, or which may impair their independent judgment in the performance of their public duty. Consequently, a County Public Servant shall not:

- a) accept other employment or engage in a business or professional activity that might reasonably expect would require or induce the County Public Servant to disclose confidential information acquired during their employment with the County; or
- b) accept other employment or compensation that could reasonably impair the County Public Servant's independence of judgment in the performance of the County Public Servant's official duties.

It shall not be a Violation of this Code and shall be a defense to a complaint submitted under this section if a County Public Servant receives approval to engage in the outside employment from his authorized supervisor pursuant to the Montgomery County Civil Service Rules, or other Montgomery County or departmental policy.

IX. Business Matters Involving Former Elected Officials and Department Heads

Current Elected officials and department heads shall not conduct County business with a former elected official or department head:

- a) whose term of office ended or who ceased employment with the County within the last two (2) years;
- b) who is currently being compensated as a representative of another entity involving County business; and
- c) if the business matter previously involved the former elected official or department head, or was within the former elected official or department head's responsibility while they were the elected official or the department head.

Non-elected department heads shall not hire any person who has served as a Montgomery County elected official in the previous year.

Nothing contained herein shall prohibit the practice of law before any court within Montgomery County or the appointment of a licensed attorney to indigent defense or as an attorney *ad litem* or guardian *ad litem*. Nothing contained herein shall prohibit the appointment of a former elected judge as a visiting judge or magistrate.

X. Gifts and/or Benefits

A County Public Servant, his Family Members, or any business organization in which he has a Substantial Financial Interest, may not solicit any gifts, nor may accept a prohibited gift or benefit valued at more than fifty dollars (\$50.00) in connection with their position or because of their duties as a County Public Servant.

For purposes of this Code, a "prohibited gift or benefit" refers to anything of value, including cash or cash equivalent, goods or services.

A prohibited gift does not include:

- a. the Solicitation or acceptance of contributions to a political campaign if such contribution is subject to reporting under state law and does not violate any other law;
- b. a gift or other benefit awarded on account of kinship or a personal, professional, co-worker, or business relationship independent of the public duties of the recipient, unless the donor has a Substantial Financial Interest in a business relationship or real estate purchase or sale with the County and the recipient is in a position to influence decisions related to the interest;
- c. commercially reasonable loans made in the ordinary course of the lender's business and same terms as available to the public;
- d. i) awards, such as plaques, certifications, trophies or similar mementos, and incidental items not exceeding a value of \$50.00, when publicly presented in recognition of their public service, and ii) gifts cards not exceeding \$35.00 presented by the Montgomery County Employee Committee to a county employee recognized as the Employee of the Month;
- e. items for which the County, another governmental entity, or nonprofits operating on behalf of and in support of governmental entities, reimburses expenses;
- f. or if the gift is a perishable item, such as flowers, fruit, or candy, it may be accepted if placed in a common area of the office and shared with co-workers or other County employees;
- g. invitations or tickets to public fundraising dinners or public charitable benefits;
- h. reasonable entertainment, meals or refreshments furnished in connection with local public events, appearances, meetings, engagements or ceremonies related to official county business;
- i. registration, transportation, lodging and meal expenses in connection with a conference or similar event in which the County Public Servant renders services, such as addressing an audience, engaging in a seminar, or serving as an officer or committee member of an organization and attendance is appropriate to the performance of the official duties or representative function of the official or employee. Any materials received in conjunction with the event shall become property of the County;
- j. a non-personal gift to a County Public Servant, for a County public purpose, which was accepted by the Commissioners Court pursuant to Texas Local Government Code Section 81.032. Items received in conjunction with this section shall become property of the County;
- k. gifts of tickets or free admission to local school or local sporting events or local artistic or cultural events, if the attendance is appropriate to the performance of the official duties or representative function of the official or employee;

- l. gifts of tickets or free admission to political campaign events or campaign fundraisers with a value not exceeding \$250.00 given on account of kinship or a personal, professional, co-worker, or business relationship independent of the public duties of the recipient (notwithstanding political contributions subject to reporting under Texas Ethics Commission Rules); or
- m. any other exceptions authorized by the current Texas Ethics Commission Rules or other applicable law.

PLEASE NOTE: No provision provided herein is intended to authorize, permit, or encourage conduct that would otherwise be in violation of Texas Penal Code Chapter 36 or any other local, state, or federal law. All provisions relating to donor(s)/donee(s), including reasons for gift(s), mandatory attendance at event(s) or dinner(s), etc., as outlined in Chapter 36 and referenced in various Texas Ethics Advisory Opinions must be followed and adhered to at all times. Gifts from Vendors or prospective Vendors including those identified above as non-prohibited, must also be disclosed on Form CIS by any LPO in accordance with Section VI.5, Disclosure Requirements.

Persons seeking guidance regarding the applicability of the Code to a particular transaction may seek an advisory opinion from the Commission prior to the transaction. However, such an opinion shall not be binding on the Commission should the actual facts of the matter differ from the information presented to the Commission.

XI. Financial Disclosure Statement

1. **Report.** Those who make decisions involving public personnel, property, resources, and funds exercise substantial influence and discretion in the performance of their public duties. In the interest of full disclosure of their financial interest, County Officers, department heads and the purchasing agent shall file a signed, sworn Financial Disclosure Statement with the Commission, through the Human Resources Department, within 30 days of taking office, appointment or selection, a signed, sworn Financial Disclosure Statement making known:
 - a) the name, address, and industry of any entity for whom that person is employed or self-employed;
 - b) the name, address, and industry of any boards of directors or corporations on which the person serves, whether organized for profit or not, and whether such service is for compensation or not;
 - c) the name, address, and industry of any business in which the person has partnership or joint venture interest; and
 - d) the name, address, and industry of any business in which the person has a Substantial Financial Interest.
2. **Extent of business interest.** There is no requirement to disclose the extent of financial involvement in any business interest. Furthermore, the requirement in this Ethics Code to file a Financial Disclosure Statement does not apply to any County Officer who is otherwise required to file a disclosure report pursuant to Chapter 159 of the Local Government Code.

3. **Time for Filing.** Each person subject to this provision shall file a signed and sworn updated Financial Disclosure Statement with the Commission by April 30th of each year in office or employed. In the event of a change of circumstance regarding the Financial Disclosure Statement between reporting periods, each person subject to the reporting provision shall file an updated Financial Disclosure Statement within thirty (30) days of the change of circumstance.
4. **Delinquent Reports.** No later than July 1st of each year, the Commission shall prepare a delinquent report naming each person subject to this filing requirement who has not filed the required Financial Disclosure Statement. Such report shall be submitted as an agenda item to the Commissioners Court at its next regular meeting or as soon thereafter as reasonably practicable. Another notice of the financial disclosure requirements shall be sent to each person who has not filed the required statement.

XII. Political Activity

1. County Time and Equipment. Non-elected County Public Servants shall not engage in Political Activities during any hours he/she is paid to actually work for the county. Non-elected County Public Servants may take accrued vacation or compensatory time leave or leave without pay for political purposes if approved according to County policy.

County Public Servants shall not utilize county equipment or supplies of any kind for political purposes.

2. Abuse of Official Discretionary Authority. County Public Servants shall not directly or indirectly, use or threaten to use their official discretionary authority in a manner to:

- a) reward or coerce any person to participate in Political Activities, an election campaign, or fundraising effort; or
- b) discourage, restrain, deter, prevent, interfere with, or discriminate against any person who chooses to participate in Political Activities, an election campaign of another, or fundraising effort.

XIII. Record Retention

County Public Servants shall be familiar and comply with all applicable state and/or federal record retention laws.

XIV. Disclosure of Certain Contracts

Contracts for services executed by the County that would require a person to register as a Lobbyist under Texas Government Code Chapter 305, shall be posted on the Commission's webpage.

XV. Reporting Violations of the Code of Ethics

1. Duty to Cooperate. County Public Servants and all other who are subject to this Code have a duty to cooperate in investigations and inquiries conducted by the Commission to the extent allowed by law.

2. Retaliation Prohibited. A County Public Servant may not suspend or terminate the employment of or take other adverse action against a County Employee who in good faith: a) submits a complaint or otherwise reports to the Commission or a law enforcement authority a Violation of this Ethics Code; b) participates in the complaint processing, investigation, inquiry or any other aspect of the Commission review of an alleged Violation of the Ethics Code and related recommendation.

3. Coercion Prohibited. A County Public Servant shall not directly or indirectly, use or threaten to use, any official authority or influence in any manner whatsoever, to discourage, restrain, deter, prevent, interfere with, coerce, discriminate, or retaliate against any person who, in good faith, reports, discloses, divulges, participates in, or otherwise brings to the attention of the Commission or any other agency or office, any facts or information relative to an actual or suspected Violation of this Code or other state, federal, or local laws.

4. Civil Penalty for Frivolous or Bad-Faith Complaints. The Commission may impose a civil penalty of not more than \$4,000 for the filing of a frivolous or bad-faith complaint. A frivolous or bad-faith complaint is a Violation of the Ethics Code. In this subsection, “frivolous complaint” means a complaint that is groundless and brought in bad faith or is groundless and brought for the purpose of harassment. The respondent to a bad-faith complaint may also elect to commence a civil action against any person who filed a frivolous complaint against the respondent and a court may award costs and attorney’s fees.

XVI. Education and Training for Persons Covered by Ethics Code

The Commission and Commission Staff shall make periodic training available for persons covered by the Ethics Code adopted by the Commission. The training program will provide information about the Ethics Code, the role and functions of the Commission, and plain-language materials as further described by Section 161.103. All training shall be conducted in accordance with the policies and procedures designed by the Commission and facilitated by the Montgomery County Human Resources Department. This training may be provided in an online format. Records of completed training shall be maintained by Human Resources on behalf of the Commission with a copy in each department for its employees.

County Public Servants and all other County Employees must participate in regular training to learn about the County’s ethics standards and expectations and this Code of Ethics. All newly hired, appointed, and elected County Public Servants and all other County Employees will complete training on these subjects during new hire orientation. All other County Public Servants will complete training on this Code of Ethics upon the implementation of this Code of Ethics or

any major changes to it. All County Public Servants and all other County Employees will complete training on this Code of Ethics subjects biennially thereafter.

In addition to the qualifications under Local Government Code, Chapter 262, before submitting a bid, responding to a request for qualifications or proposals, or otherwise contracting with the county for goods or services exceeding an amount equal or in excess of \$50,000, an officer, principal, or other person with the authority to bind the Vendor shall complete training on the ethics code.

Any Lobbyist intending to meet with a person covered by the Ethics Code shall complete training on the Ethics Code. In addition, a person covered by the Ethics Code or a Lobbyist or Vendor must complete the training as determined by the Commission.

XVII. Complaint Filing Procedures

- 1. Persons who may submit a complaint.** An individual may submit a sworn complaint to the Commission by submitting the complaint form to the Montgomery County Human Resources Department.
- 2. Submission of Complaint.** The complaint must be submitted in accordance with the rules of the Commission, per the Montgomery County Ethics Commission Complaint Rules and Procedures published on the Montgomery County Ethics Commission website.

For purposes of this section, a complaint is filed on the date it is hand-delivered to the Human Resources Department on behalf of the Commission, or on the date that it is deposited in the mail or with a common or contract carrier, properly addressed, with postage prepaid.

- 3. Responsibility for detection and reporting.** All County Public Servants are encouraged to report suspected or known incidents of non-compliance in accordance with this Code of Ethics.
- 4. Complaint Processing.** All complaints filed pursuant to this Code will be processed through the procedures in the manner prescribed in the Montgomery County Ethics Commission Complaint Rules and Procedures published on the Montgomery County Ethics Commission website.
- 5. Deadline to file a complaint.** A complaint shall be filed within one hundred eighty (180) days of the date the alleged conduct is discovered. The Standing Preliminary Review Committee may waive the 180-day filing deadline for good cause shown. In no event may a complaint be filed later than two (2) years from the date of the alleged conduct.

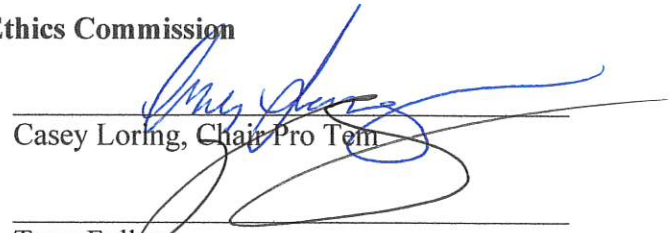
XVIII. Adoption

This Code of Ethics was adopted by the Montgomery County Ethics Commission on this the 25th day of October, 2021 and shall be effective on the 1st day of February, 2021.

Montgomery County Ethics Commission



Nancy Mikeska, Chair




Casey Loring, Chair Pro Tem

Francis Bourgeois

Tony Fuller

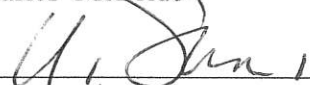


Bill Dornbos



Charles M. Bride

Janet Spielvogel



Anne Sundquist

Anne Vickery



Amanda Whittington