



MONTGOMERY COUNTY ETHICS COMMISSION

TRAINING FOR LOBBYISTS & VENDORS

Montgomery County Ethics Commission Training

- In compliance with Chapter 161 of the Texas Local Government Code, vendors* and lobbyists must complete this training at least once per year when doing business with the Montgomery County, Texas.

* The training must be completed by an officer, principal, or other person with the authority to bind the vendor.

Montgomery County Ethics Commission Training

What is a Lobbyist?

Any Individual:

1. Who is employed or retained to conduct lobbying activities for financial or other compensation and whose lobbying activities constitute twenty-six (26) hours or more of their service time during any 3 month period.
2. Who is currently registered or has been registered within the previous two (2) year period as a lobbyist with any other jurisdiction, whether local, state, or federal.

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What is not a Lobbyist?

1. An attorney who communicates directly with a county public servant to the extent that such communication relates to the attorney's representation of a party in a civil or criminal proceeding.
2. A governmental entity or its officers or employees engaged in discussing matters relating to its own governmental interest.
3. A person who lobbies as an unpaid volunteer or represents only himself.
4. A person who responds to a direct request from a County Public Servant for information about a product or service for planning, budgeting, or informational purposes only.

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Lobby or Lobbying:

- 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 a vote for or against, or to take action or to refrain from taking action on an official matter. The term lobbying shall not include a request for information, inquiry or contact about:
 1. A general County issue, matter or procedure.
 2. A bid, requests for proposal, requests for qualification or requests 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.
 4. Mass media marketing communications of a generic nature.

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Solicitation:

- Solicitation is 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 Officials open to the public pursuant to Chapter 551 (Open Meetings Act) of the Texas Government Code.

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Registration:

- Upon completion of the required training, Lobbyists shall register annually with the county human resources department by completing the form prescribed by the Ethics Commission.
- Lobbyists will receive a current Lobbyist Registration Card on or before the date they engage in any lobbying activity with a county officer or department head.
- All registrations expire December 31st of each year.

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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 must be 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.
- Signs explaining Lobbyist registration requirements shall be posted in the lobby of each office of the County Officer or department head.
- The County Human Resources Department shall maintain the Lobbyist Registration and contact logs for a period of 3 years from the date of filing.

Montgomery County Ethics Commission Training

What is a Vendor?

- 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, which includes interlocal agreements.
- Any vendor involved in a single procurement exceeding \$50,000.00 must complete training on the Montgomery County Code of Ethics. This training certificate must be completed and submitted with each bid or proposal, in response to a request for qualifications or proposals, or otherwise contracting with the county. The training must be completed by an officer, principal, or other person with the authority to bind the vendor. The Purchasing Department will confirm that each responder has completed the required training affidavit prior to considering a bid or proposal and shall disqualify responders that have not completed and submitted the affidavit in the sealed response. This training requirement does not apply to emergency purchases.

Montgomery County Ethics Commission Training

Procurement:

- When advising, discussing, recommending, and/or granting any county purchases, bids or contracts, county public servants shall make known their financial interests, and make a reasonable effort to communicate the financial interests of their family members.
- County public servants shall excuse themselves from exercising influence, participating in, discussing, recommending, and/or granting any county purchases, bids, or contracts if they or their family members have substantial financial interests.

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Private Communication:

- No member of the Montgomery County Commissioners Court, County Elected Officials or Department Heads shall communicate privately with any vendor, lobbyist, representative, or employees of said organizations, regarding any procurement of items by the County after the date the bid, RFP, or RFQ is authorized or released. This prohibition against private communication shall continue until the procurement process is complete and a purchase order is approved or a contract is entered into.

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Gifts & Benefits:

- A County public servant, their family members, or any business organization in which they have a substantial financial interest, may not solicit or accept a prohibited gift or benefit valued at more than **Fifty and No/100 Dollars (\$50.00)** on behalf of themselves or any other person.
- For purposes of this Code, a “prohibited gift or benefit” refers to anything of value, including cash or cash equivalent, goods or services.
- Gifts from Vendors or prospective Vendors that are not prohibited, must be disclosed on Form CIS by any Local Procurement Officer (LPO) in accordance with Section VI.5, Disclosure Requirements of the Code of Ethics.

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When a Gift is not Prohibited:

- If the solicitation or acceptance of contributions to a political campaign if such contribution is subject to reporting under state law.
- A gift that is given on account of kinship or on account of a professional relationship independent of the public duties of the recipient.
- Commercially reasonable loans made in the ordinary course of the lender's business.
- 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.
- Gifts cards not exceeding \$35.00 presented by the Montgomery County Employee Committee to a county employee recognized as the Employee of the Month.
- Items for which the County, another governmental entity, or nonprofit operating on behalf of and in support of governmental entities, reimburses expenses.
- Gifts that are perishable, such as flowers, fruit, or candy, may be accepted if placed in a common area of the office and shared with co-workers or other County employees.

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When a Gift is not Prohibited:

- Invitations or tickets to public fundraising dinners or public charitable benefit events.
- Reasonable entertainment, meals or refreshments furnished in connection with local public events, appearances, meetings, engagements or ceremonies related to official county business.
- 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.
- A gift to the County Public Servant that is not personal, but a gift to the County for a County public purpose that was accepted by the Commissioners Court pursuant to Texas Local Government Code, Section 81.032.

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When a Gift is not Prohibited:

- 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.
- 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).
- 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.

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- **Examples of gifts include:**

- Loans
- Travel
- Entertainment
- Meals & beverages
- Tickets for fundraisers, professional or intercollegiate sporting events or artistic/cultural events

CERTIFICATE *of* COURSE COMPLETION

Code of Ethics Training for Vendors and Lobbyists

I, _____, certify that I have completed the Montgomery County Code of Ethics Training course for vendors and lobbyists that satisfies the legal requirements of the Local Government Code, Section 161.

Certificate is issued effective this ____ day of _____, 202__.



NOTICE TO CERTIFICATE HOLDER: In compliance with §161 of the Texas Local Government Code, vendors and lobbyists must complete this training at least once per year when doing business with Montgomery County, Texas. 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 and Certificates of Course Completions expire on December 31st of each year for Lobbyist. Vendors must submit training Certificate of Course Completion annually to the Montgomery County Ethics Committee and with any bidding submissions to the Montgomery County Purchasing Department. All form must be submitted to the Montgomery County Ethics Commission, c/o Montgomery County Human Resources Department, 501 N. Thompson, Suite 400, Conroe TX 77301, Phone (936) 539-7886, Fax (936) 788-8396 and/or to the Montgomery County Purchasing Department, 501 North Thompson, Suite 405 Conroe, Texas 77301, Phone 936-539-7980, Fax 936-760-6976.