

DK

On this, the 23rd day of June, 2009, the Commissioners Court of Harris County, Texas, sitting as the governing body of Harris County, at a regular meeting of the Court, upon motion of Commissioner Lee, seconded by Commissioner Eversole, duly put and unanimously carried,

IT IS ORDERED that the request of the County Judge for adoption of a voluntary lobbyist registration policy, Harris County Statement of Ethics, implementation of employees ethics training, establishment of a Harris County Ethics Committee, and the immediate Web posting of all required personal and campaign financial disclosure forms be approved, as follows:

The vote of the court on the above motion was as follows:

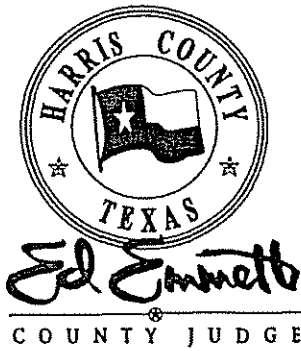
AYES:	Five (Judge Emmett, Commissioners Lee, Garcia, Radack, and Eversole)
NOES:	None
ABSTENTIONS:	None

Presented to Commissioner's Court

JUN 23 2009

APPROVE _____

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June 16, 2009

AGENDA LETTER

Commissioners Court
 1001 Preston, 9th Floor
 Houston, Texas 77002

Dear Commissioners:

The following item is recommended for the June 23, 2009, Commissioners Court agenda:

Discussion and possible action to consider adoption of a voluntary lobbyist registration policy, Harris County Statement of Ethics, implementation of employee ethics training, establishment of a Harris County Ethics Committee, and the immediate Web posting of all required personal and campaign financial disclosure forms.

Sincerely,

Ed Emmett
 Ed Emmett
 County Judge

EME/jgs

Vote of the Court:	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HARRIS COUNTY
 MANAGEMENT SERVICES

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Adm. Serv.
em - case
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Co. Insp. case
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Progr. (Harris) case

Presented to Commissioner's Court

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VOLUNTARY REGISTRATION OF LOBBYISTS

Although the State of Texas, the City of Houston and other Texas jurisdictions require registration and disclosure of lobbying activities, Harris County can not do so without enabling legislation. The county can, however, seek *voluntary* annual registration and financial disclosure showing clients represented and specific lobbying topics from any person or entity that expends or receives compensation of \$200 or more for lobbying activities.

The County Clerk shall have the responsibility for implementing procedures for such registration and disclosures.

HARRIS COUNTY STATEMENT OF ETHICS

It is essential to the proper government and administration of Harris County and its related entities that its elected officials and employees are independent, impartial, and responsible to the residents of Harris County; that decisions and policy are made in the best interests of the people, the community and the government; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. Therefore, public interest requires that Harris County establish and enforce clear and appropriate ethical principles and standards of conduct.

Coverage

These principles and standards of conduct apply to all County Officers and Employees (collectively, "Personnel") unless otherwise specified.

Principles

Certain broad principles apply to the standards of conduct that we expect from Harris County personnel. Because all standards of conduct and behavior cannot be specified in advance, we have listed these principles as guidance for personnel in the execution of their positions as public servants.

Specifically, we believe the following:

- The public has entrusted us, as stewards of county time and resources, to exercise our public duties without the influence or appearance of influence of our private interests.
- All residents are to be treated equitably and fairly. We will not grant special consideration, treatment or advantage beyond that which is available to every other resident.
- We will be careful to ensure that the administration of our county government is free from political and partisan influence.
- We will treat one another with mutual respect and support the highest standards of ethics.

As a practical matter, the principles described above may not provide sufficiently specific guidance for county personnel. To provide personnel with greater guidance as they execute their positions, the following is an illustrative list of standards of conduct consistent with the principles above.

HARRIS COUNTY STATEMENT OF ETHICAL STANDARDS

I. Upholding the Public Trust

The public has entrusted us to exercise our public duties without the influence or appearance of influence of our private interests. Personnel will avoid even the appearance that a conflict of interest exists and will communicate through their conduct that their decisions cannot be improperly influenced.

A. Personal and Financial Interests

1. We will disclose potential conflicts of interests and remove ourselves from the decision-making process if a reasonable person could conclude that objectivity is compromised.
2. We will not solicit or accept outside work that is adverse to or incompatible with the proper discharge of official duties.
3. We will be good stewards of county resources. Such resources (including e-mail, computers, phones, property, and employee time) will be dedicated to official county business.
4. County officers (elected and appointed) and all other personnel who have broad authority (including individuals whose responsibilities include awarding and execution of contracts, and leasing and sale of property) will provide detailed annual financial disclosure of sources of income and investments.

B. Receiving Gifts

1. We will not accept gifts valued at over \$100 annually from parties seeking official action, seeking to do business with the County, or having interests that may be affected by the duties of the employee. The county shall rely on requirements and exceptions as included in the Texas Penal Code, Chapters 36.08 and 36.10 and the rules of the Texas Ethics Commission.
2. We will disclose offers of future employment with anyone doing business with the county.

II. Treating all Residents Equitably

All residents will be treated equitably and fairly. We will not grant special consideration, treatment or advantage beyond that which is available to every other resident.

- A. We will disclose relationships that may lead to a conflict of interest and remove ourselves from personnel decisions (hiring, firing, supervision, appointments, promotions) involving members of our family, and from the decision-making process in which a family member, friend, or related organization could receive financial gain.
- B. We will not attempt to influence inappropriately the decisions of other personnel involved in procurement, policy-making, contracting, or other transactions.
- C. We will treat confidential information with the highest sensitivity. Confidential information will not be disclosed or used by any employee outside of official responsibilities.
- D. We will not represent others before any county courts or decision-making bodies except in the regular discharge of our official duties.

III. Ensuring a Non-partisan Administration

We will be careful to ensure that the administration of the county government is free from political and partisan influence.

- A. Elected officials will not solicit nor knowingly accept political contributions that are designed to influence official decision making.
- B. County contracts will be awarded in accordance with state law. In cases in which competitive bids are not allowed, the county will establish a clearly defined process for awarding contracts.
- C. County property will not be used to engage in political campaign activities, nor will personnel influence subordinates to participate or contribute to political campaigns.
- D. We will ensure that county operations receive appropriate attention continually throughout the election cycle, with careful attention to the use of vacation and compensatory time by county personnel.

IV. Showing Mutual Respect for Co-Workers

We will treat one another with mutual respect and support the highest standards of ethics.

- A. Communication from and among personnel, including e-mails, will uphold the dignity and respect of individuals and groups. Harassment, disparagement or abusive language will not be tolerated.
- B. County personnel will not give gifts to other personnel, nor solicit or accept such gifts, where those gifts are intended to influence behaviors or decisions.
- C. Personnel will support other personnel's rights to report in good faith violations of the law and these ethics principles and standards.

Compliance with Relevant Laws

The statements above only reflect broad ethical principles and standards of conduct that have been agreed upon by the Commissioner's Court. County personnel are expected to be aware of and conform to all relevant laws regulating their behavior.

Implementation

All filings and disclosures required by this Statement of Ethics shall be implemented by the County Clerk upon the advice of the County Attorney.

ETHICS TRAINING

All Harris County personnel should participate in ethics training designed to help them understand the importance of ethics, build skills at identifying ethics issues, and develop better instincts and behavioral responses when ethics issues arise. The training should be highly engaging and experiential so that personnel can relate it immediately to their unique department and role within the county. The training should include, at a minimum, review of relevant ethics law, discussion of the county's Statement of Ethics, information on how to report violations and the exploration of "real case" scenarios that can interpret, supplement, and amplify the ethics policies for the personnel. The Office of Human Resources and Risk Management shall be responsible for conducting this training.

HARRIS COUNTY ETHICS COMMITTEE

The Harris County Ethics Committee would be composed of five well-respected and accessible county personnel. The sole responsibility of this committee would be to provide advice and counsel on an informal and confidential basis to county personnel who have ethics-related concerns (for example, a difficult decision that involves ethical tradeoffs, an observation of a possible violation by others). Members of this committee would continue their current role within the county (that is, membership in this committee would be part-time). All committee work would be done in coordination with the County Attorney's Office and District Attorney's Office when applicable. The Office of Management Services shall design a process for the creation and administration of the Harris County Ethics Committee.

POSTING OF ALL DISCLOSURE FILINGS

Harris County should require, as soon as practicable, the full public disclosure to the public – in person and by way of the Internet – of all personal and campaign financial disclosure forms submitted as required.

Such disclosure shall be implemented by the County Clerk.

To report violations of this policy or to make a complaint, please contact:

Erika Owens

Human Resources & Risk Management

1310 Prairie, Suite 400

Houston, Texas 77002

Phone: (713) 755-4390

Fax: (713) 437-4126

**CITIZENS' ETHICS REFORM TASK FORCE RECOMMENDATIONS
COMPARISON**

RECOMMENDATION	CURRENT LAW	NECESSARY LEGISLATIVE OR REGULATORY CHANGE
Recommendations Requiring New Legislation		
Create a lobbyist registration and disclosure system.	<p>* <i>County</i>: No statute presently authorizes lobbyist registration or disclosure.</p> <p>* <i>Municipality</i>: Home-rule municipalities already have ordinance making authority.</p> <p>* <i>State</i>: Chapter 305 of the Texas Government Code already authorizes registration of lobbyists.</p>	New legislation would be needed to authorize a county to create a lobbyist registration and disclosure system.
Regulate post-employment activities of county officials and county employees.	No statutes presently authorize regulation of post-employment of county officials and employees.	New legislation would be needed to authorize regulation of post-employment of County officials and employees.
Create a County Ethics Board with an ethics administrator or director.	A county is already authorized by statute to create a County Ethics Board for county employees. However, the County Ethics Board would have no authority over persons employed by elected county officials.	New legislation would be needed to authorize the County Ethics Board to exercise authority over persons employed by elected county officials or for Commissioners Court to impose ethics rules on persons employed by elected county officials.
Recommendations that Commissioners Court is authorized to implement		
Provide ethics training.	Harris County may sponsor and pay for ethics training for any County employee.	
Expand disclosure for County employees.	On March 4, 2008, Commissioners Court, pursuant to chapter 159 of the Texas Local Government Code, adopted a financial disclosure reporting system for County and Flood Control District officers, precinct officers, county judicial officers, candidates for those offices, and certain County and District employees. County and District employees who are required to file financial disclosures include: all department heads; the deputy executive director and division directors of the Public Infrastructure Department (division directors are directors of Architectural and Engineering Division, Facilities and Property Management, Flood Control Division, Construction Programs Division, Right of Way Division, Toll Road Division, and Planning and Operations Division); and, certain division directors of the Management Services Department, Financial Services and Human Resources and Risk Management. Harris County Commissioners Court may expand the disclosure requirements to other County employees.	
Establish an internal ethics committee.	Harris County may establish the internal ethics committee recommended by the Citizens' Ethics Reform Task Force.	
Post disclosure filings on County website.	Harris County may post on its website any required disclosure filings.	
Revise County Code of Ethics.	Harris County may revise the Code of Ethics adopted in 1994 and may include in the revised Code of Ethics section 21 of the County's personnel regulations relating to electronic equipment, media, and services.	
Improve communications and visibility of County Code of Ethics.	Harris County may publish and distribute any of its policies in a variety of means.	
Adopt Harris County Ethical Principles (Attachment 2 to the Citizen's Ethics Reform Task Force Report).	Harris County may adopt the Harris County Ethical Principles (Attachment 2 to the Citizens' Ethics Reform Task Force Report) to the extent that the Ethical Principals provide guidance and are inspirational rather than regulatory in nature.	