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Montgomery County, Texas

CODE OF ETHICS



Adopted January 24, 2017

Effective February 1, 2017

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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 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. Montgomery County enacts this Code to detect and prevent violations of the law, including regulations, and ethical standards applicable to Montgomery County, its officers and employees and to enforce compliance with this Code.

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, the Rules of Conduct and the Harassment Policy set forth in the Montgomery County Employee Policy Manual; the Nondiscrimination Policy Statement and the Fraud Policy.

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 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. **Commissioners Court** means the Commissioners Court of Montgomery County, Texas.
3. **County governmental functions** include the activities regulated by the following Sections: Procurement, Employment Practices, Outside Employment, Post Employment Restrictions, Gifts and/or Benefits, Statement of Financial Interest, Political Activity, Reporting Violations of the Code of Ethics, Training, and Lobbyist.
4. **County public servant** means a person elected, selected, appointed, or employed, as defined below, even if the person has not yet qualified for, or assumed the duties of office:
 - (a) **County Employee:** high level personnel employed by the county or by a County Officer, including department heads and those persons involved in the procurement of goods and services for the County or a County Officer while they are engaged in the procurement process; assistant district attorneys of the District Attorney when performing a Montgomery County governmental function; and persons employed

in the judicial branch of the county government who are not elected or appointed judges and who are not subject to the Code of Judicial Conduct;

(b) County Officer: county judge, county commissioner, county attorney, sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, constable, and the District Attorney when performing a Montgomery County governmental function;

(c) A person appointed by the commissioners court or by a County Officer to a position on an authority, board, bureau, commission, committee, council, department district, division, multi-jurisdictional board or office of the county, whether the position is compensated or not.

(d) An attorney at law, including the District Attorney or his assistant prosecutors, or a notary public, when participating in the performance of a county governmental function. This provision does not include an attorney at law when exercising prosecutorial discretion or the marshalling or allocation of prosecutorial resources, which are state governmental functions.

(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.

(f) A person while serving as an appointed review officer on a standing preliminary review committee.

5. 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.

6. **Family members** and the respective degree of consanguinity and affinity shall mean:

FIRST DEGREE	SECOND DEGREE
Person's spouse Mother & spouse Father & spouse Daughter & spouse Son & spouse Mother-in-law Father-in-law Stepdaughter Stepson	Granddaughter & spouse Grandson & spouse Grandmother & spouse Grandfather & spouse Sister & spouse Brother & spouse

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

8. **Lobbyist** means:

Any individual:

- (a) who is employed or retained to conduct lobbying activities for financial or other compensation; and
- (b) whose lobbying activities constitute 26 hours or more of their service time during any 3 month period; OR
- (c) any individual otherwise currently registered or registered within the previous two year period as a lobbyist with any other jurisdiction, whether local, state, or federal.

The term Lobbyist does not mean:

- (a) 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;
- (b) a governmental entity or its officers or employees engaged in discussing matters relating to its own governmental interest;
- (c) an individual who lobbies as an unpaid volunteer or represents only himself; or
- (d) 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.

9. 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.

10. 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 ("Agents"). Agents will vary, depending on which Department is seeking the procurement and the purpose of the procurement.

Agents may include:

- Purchasing Agent and/or designees
- Auditor and/or designees
- County Administration designees
- Applicable Department Head and/or designees
- Applicable Evaluation Committee members
- Assistant County Attorneys who assist with procurement or contracts

11. Montgomery County Ethics Advisory Committee or Ethics Committee means the advisory committee created by the Montgomery County Commissioners' Court pursuant to this policy.

12. 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.

13. 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); and/or

(b) Advocating passage or defeat of any matter or issue on an election ballot.

14. Private Communication means communication 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.

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

16. 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.

17. Substantial financial interest means:

A person has a substantial financial interest in a Business Entity if:

(a) 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

(b) funds received by the person from the Business Entity exceed ten percent (10%) of the person's gross income for the previous year.

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 person related to the person subject to this Code pursuant to the definition of Family Member herein, has a substantial financial interest.

18. 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.

19. Violation constitutes one or more of the following:

(a) a failure to file a statement or report required under this Code of Ethics in a timely manner that complies with applicable requirements;

(b) a misrepresentation in a report required under this Code of Ethics code;

(c) a failure to cooperate with any request or inquiry made by the Ethics Committee relating to an investigation into conduct or activity that is the subject of a complaint; and

(d) a violation of this Code of Ethics.

IV. Ethics Committee

1. Composition

The Ethics Committee shall be comprised of five members of the public appointed by the

Commissioners Court. Two of the members shall be nominated by the Commissioners Court. One member shall be nominated and appointed from each of the following entities:

- a) the County Director of Human Resources shall nominate three (3) persons from which one will be appointed by the Commissioners Court;
- b) the County Auditor shall nominate three (3) persons from which one will be appointed by the Commissioners Court; and
- c) the County Purchasing Officer or Director of Purchasing shall nominate three (3) persons from which one will be appointed by the Commissioners Court.

2. Qualification

Only individuals qualified to serve on a jury in the courts of Montgomery County as provided by Texas Government Code §§ 62.102(1)-(6) and 62.102(8)-(9) may serve on the Ethics Committee.

3. Term of Ethics Committee member

The Ethics Committee shall be established within forty-five (45) days of the adoption of this Code of Ethics. Each member shall serve on the Committee for a term of two years, or until they no longer qualify whichever is less. Vacancies on the Ethics Committee shall be filled by nomination of a replacement from the entity that nominated the individual who previously occupied the vacant position.

4. County Attorney

A representative from the Office of the County Attorney shall serve on the Ethics Committee solely in an advisory capacity and shall not have voting power.

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 card verifying that the Lobbyist is registered.

Upon completion of the required training, a Lobbyist shall register annually with the Montgomery County Human Resources Department on the form prescribed by the Ethics Committee, and receive a current lobbyist registration card, on or before the date they engage in lobbying activity with a County officer or department head. All registrations expire December 31st of each year.

2. Reporting

Each County officer and department head shall maintain a daily 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 Ethics Committee or its designee.

Signs notifying any person regarding the registration requirements for any person lobbying a County officer or department head 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 dates of filing.

VI. Procurement

1. Influencing and Advising Regarding Procurement Decisions

In advising upon, 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 excuse themselves from exercising influence, participating in, discussing, recommending, and/or granting of any County purchases, bids, or contracts if they or a Family Member have a substantial financial interest.

2. Prohibited Procurement Participation by Decision Makers

County Public Servants shall disqualify themselves from participating in any official act regarding a procurement matter involving a Business Entity or real property in which they or a 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 that is distinguishable from the effect on the public; or

(b) in the case of substantial financial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Any County Public Servant to whom § VI.1 applies shall complete an affidavit and place it on the Commissioners Court Agenda, in a form to be promulgated by the Ethics Committee, stating the nature and extent of the substantial financial interest before the matter is discussed or before any decision regarding it is made.

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 shall not profit by any knowledge they acquired solely from their official position with the County, which information is not available to the general public.

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

No member of the Commissioners Court, County Elected 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 from the date that the bid, RFP, or RFQ is released. No private communication regarding the purchase shall be permitted by a member of the Commissioners Court, a County Elected 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 Elected 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

If a County Public Servant is involved in a procurement for the County, the County Public Servant may be a Local Procurement Officer, which requires the County Public Servant to 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

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 who have a known history of engaging in illegal activities in positions with responsibilities that provide them with access to financial and/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 might 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 the County Public Servant might reasonably expect would require or induce the County Public Servant to disclose confidential information acquired by reason of the official position;
- (b) accept other employment or compensation that could reasonably be expected to 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 from his authorized supervisor pursuant to the Montgomery County Civil Service Rules, or other Montgomery County or departmental policy.

IX. Post-Employment Restrictions

Elected officials and department heads shall not knowingly conduct County business with a former elected official or department head that was separated from office or employment in the previous two (2) years in which the former elected official or department head is currently compensated as a representative of another person or entity which County business includes any business matter in which the former elected official or department head was either personally involved or that was within the former elected official or department head's responsibility while an elected official or department head.

Non-elected department heads should not knowingly 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 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 but not limited to:

- (a) Loans;

(b) Travel; and

(c) Gifts of tickets or free admission to a professional or intercollegiate sporting event or artistic or cultural event with a face value of greater than \$250.

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.

(b) A gift or other benefit conferred 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 any decisions related to the interest.

(c) Commercially reasonable loans made in the ordinary course of the lender's business

(d) Awards, such as plaques, certifications, trophies or similar mementos, publicly presented in recognition of or in conjunction with public service.

(e) Gifts do not include items for which the County reimburses or items which are received but are donated to a charitable organization within thirty (30) days. If the gift is a perishable item, such as flowers, fruit, or candy, it may be placed on a public counter and shared with employees and the public.

(f) Invitations or tickets to fundraising dinners or public charitable benefit events including golf tournaments or other fundraising events involving participation in competitions.

(g) Reasonable entertainment, meals or refreshments furnished in connection with local public events, appearances or ceremonies related to official county business, if furnished by the sponsor of such public event, appearances or ceremonies.

(h) 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, to the extent that those services are more than merely perfunctory. Any materials received in conjunction with the event shall become property of the County.

(i) A gift that was not personal to the County public servant and was 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.

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

Gifts from Vendors or prospective Vendors must be disclosed on Form CIS by Local

Government Officer/Procurement in accordance with Section VI.5, Disclosure Requirements.

XI. Statement of Financial Interest

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 with the Ethics Committee, through the Human Resources Department, a signed, sworn financial disclosure statement within 30 days of the application for such office, 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 boards of directors of 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.

The Committee shall develop a form for the report for the purposes of this section.

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 the county judge, a county commissioner, the county attorney and any other County Officer who is otherwise required to file a disclosure report pursuant to Chapter 159 of the Local Government Code or the District Attorney who is required to file a financial disclosure report pursuant to Chapter 572 of the Texas Government Code.

3. Time for Filing. Each person subject to this provision shall file a signed and sworn updated financial disclosure statement with the Ethics Committee by April 30th of each year in office or employed.

4. Delinquent Reports. Within sixty (60) days after the effective date of this Code of Ethics, and no later than July 1 of each year thereafter, the Ethics Committee shall prepare a delinquent report naming each person subject to this filing requirement who has not filed the required statement. Such report shall be submitted as an agenda item to the Commissioners Court at its next regular meeting. 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 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 and shall not destroy, erase or delete any records in violation of such laws.

XIV. Reporting Violations of the Code of Ethics

1. Duty to Cooperate. County Public Servants and all others who are subject to this Code have a duty to cooperate in investigations and inquiries conducted by the Ethics Committee.

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 Committee or another law enforcement authority a violation of this Ethics Code; b) participates in the complaint processing, investigation, any inquiry or any other aspect of the Committee's 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 any influence in any manner whatsoever, which tends 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 Ethics Committee 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. Frivolous and Bad-Faith Complaints. Frivolous and bad-faith complaints are complaints that are groundless and brought in bad faith or are groundless and brought for the

purpose of annoyance, embarrassment or harassment. Frivolous and bad-faith complaints may result in disciplinary action in accordance with the Montgomery County Employee Policy Manual/Civil Service Regulations.

XV. Training

1. All training shall be conducted in accordance with the policies and procedures designed by the Human Resources Department which may include training in an online format. Records of completed training shall be maintained by the Human Resources Department with a copy in each department for its employees.

2. **County Public Servants.** County Public Servants and all other county employees (including those not covered by the application of this Code) 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 (including those not covered by the application of this Code) will complete training on these subjects in new hire orientation. All other County Public Servants will complete training on this Code of Ethics upon the implementation of this Code of Ethics and any major changes to it. All County Public Servants and all other county employees (including those not covered by the application of this Code) will complete training on this Code of Ethics subjects biennially thereafter.

3. **Lobbyists.** A lobbyist intending to meet with and/or lobby a County Officer or department head shall complete the registration prior to meeting with and/or lobbying a County Officer or department head.

XVI. Complaint Filing Procedures

1. **Persons who may file a complaint.** An individual who is 18 years of age or older may submit a sworn complaint to the Ethics Committee through the Montgomery County Human Resources Department.

2. **Filing of Complaint.** The complaint must be filed in accordance with the rules of the Committee, which shall be designed by the Montgomery County Human Resources Department and published on the County's website. The complaint must be submitted to the Committee using the form designed by the County Human Resources Department.

For purposes of this section, a complaint is filed on the date it is hand-delivered to the Committee 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 responsible for detection and reporting of suspected or known incidents of non-compliance 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 Ethics Committee rules. The Ethics Committee rules will provide for a procedure to report findings of conduct contrary to this Ethics Policy to Commissioners Court or the supervising Elected Official as appropriate.

XVII. Compliance

All County Officers and high level personnel employed by the County or a County Officer are responsible for the oversight of compliance with this Code. The Director of Human Resources shall develop procedures to the extent allowed under applicable law which procedures shall be designed to ensure compliance with this Code. The procedures shall include reporting of non-compliance to Commissioners Court and/or the county elected official having oversight of the respondent to a complaint.


XVIII. Advisory Opinions

Upon the request of any person covered by the Ethics Code, the Committee or its designee may issue a written ethics advisory opinion regarding the application of the Ethics Code to a specified existing or hypothetical factual situation. The Committee or its designee 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 confidential.

XIV. Adoption


This Ethics Code is adopted by the Commissioners Court of Montgomery County, Texas on January 24, 2017 and becomes effective on February 1, 2017.

MONTGOMERY COUNTY, TEXAS


CRAIG DOYAL, COUNTY JUDGE


MIKE MEADOR, COMMISSIONER PCT. 1


CHARLIE RILEY, COMMISSIONER PCT. 2


JAMES NOACK, COMMISSIONER PCT. 3


JIM CLARK, COMMISSIONER PCT. 4

ATTEST:

Mark Turnbull

MARK TURNBULL, COUNTY CLERK

