



# UPDATE on Issues

League of Women Voters of the Houston Area

September, 2009

## ETHICS IN LOCAL GOVERNMENT

The Houston Area LWV studied “Ethics in Local Government” in 2007, which resulted in our consensus position of “Support of effective ethics regulation with strong enforcement.” We found in the study that the State of Texas has the Texas Ethics Commission, the City of Houston has an Ethics Committee, but Harris County has no ethics oversight group of any sort. Because the county is governed by the state, state law would have to be changed to establish such a body.

### The Harris County Ethics Reform Task Force

In March 2008, Judge Ed Emmett established the Ethics Reform Task Force, chaired by the Chairman of the Board of Regents at Rice University, James W. Crowover. Other members included E. William Barnett, Robert M. Stein, Mallory Caldwell and Laura Blackburn. Judge Emmett gave the task force a single charge: Find the best ethical practices in government and the private sector. As a member of the task force, I can report that we did that.

The final report of the Ethics Task Force was issued on July 22, 2008.<sup>1</sup> Its major findings include:

- The proposed creation of a Harris County Ethics Board composed of nine volunteers to be nominated by the Commissioners Court and civic and professional organizations, such as the Harris County Bar Association, League of Women Voters and local colleges and universities. The Ethics Board would oversee ethics training for government officials and staff, investigate complaints and conduct a running assessment of needed changes to the county’s ethics policies. (The idea for the LWV came from Milwaukee!)
- Other recommended infrastructure changes: creating the position of Director for Ethics Advancement, an internal Ethics Committee composed of county personnel, and explicit partnerships with relevant legal offices of the State and County.
- Registration and disclosure of lobbyists trying to influence decision making in Harris County and a one-year ban on lobbying by former county employees
- Prohibition of elected officials soliciting campaign contributions from contractors during contract award periods
- Expansion of the number of county officials and employees required to file financial disclosure forms and making these forms readily available to the public

- Update and strengthen the Code of Ethics relating to proper use of the county’s time and properties, particularly the use of electronic assets

An underlying effort of the Ethics Task Force was to help establish a strong ethical culture in Harris County. To that end we felt that education has to be primary, stating that, “Education is at least as important as legislation in achieving ethical behavior....Studies on governmental entities demonstrate that ‘When both a well-implemented ethics and compliance program and a strong ethical culture are in place within a government organization, misconduct drops by 60 percent, and reporting rises by 40 percent.’ ” (<http://www.ethics.org>). In reviewing the efforts of the private sector, the Task Force quoted findings from *Strategic Finance* of August 2007:

“Evidence continues to accumulate that ethical companies perform better financially than others...Companies on the Index (Ethics index compiled by Corpedia) have outperformed the S&P by more than 370% over the past five years.... Firms that pay attention to ethics and employ compliance initiatives that assure their conduct harmonizes with their core values build greater customer loyalty; attract and retain superior, more productive employees; and achieve lower costs of capital through greater investor confidence.”

Further, “The importance of ethics education is that it can help people identify when an ethics issue exists, understand the implications of particular choices, and know how to get help to resolve them.”

The Task Force also highlighted the importance of transparency in promoting ethical behavior, stating that, “Transparency discourages activity that would not stand up to public scrutiny, provides information that adds clarity to the understanding of a situation, encourages confidence in government, and enables voters to make more intelligent, informed decisions pertaining to government.”

Finally, the Task Force recommended adopting a more contemporary code that would:

- Engage all personnel in county government, from the Commissioners Court to employees in general
- Motivate personnel by emphasizing the principles of ethics and the end results that ethical behavior seeks to achieve
- Raise the bar for ethical behavior (for example, ensuring that an individual is careful about the perception of impropriety as well as the reality)

One of the attachments of the recommendations was a proposed set of ethical principles, which would apply to all county officers and employees. The principles are stated below:

“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 citizens are to be treated equitably and fairly. We will not grant special consideration, treatment or advantage beyond that which is available to every other citizen.
- 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.”

In addition to the Principles stated above, the Task Force also recommended a Statement of Ethical Standards that covered

- upholding the public trust,
- treating all citizens equitably,
- ensuring a nonpartisan administration, and
- showing mutual respect for coworkers

It was a pleasure for me to serve on the Ethics Task Force. I can truthfully say that I have never served on a group that took its charge so seriously and worked so many, many hours to make these recommendations the best that they could be. I am proud of the results.

### **Events After the Task Force Recommendations**

The recommendations of the Ethics Task Force were forwarded to the members of the Commissioners Court on July 14, 2008. They were then released to the public on July 22.

And then weeks went by and nothing happened! Commissioner El Franco Lee wanted the recommendations sent to the County Attorney for his views, and that was done. After the election, they also went to the new County Attorney, Vince Ryan. Both of them reviewed what could be done by Commissioners Court and what needed revisions in state law. But the report itself was never adopted.

During the 2009 Texas Legislative Session, Commissioner Sylvia Garcia worked with Senator Mario Gallegos to introduce SB 2468, which would keep county employees from lobbying the county for two years after their employment terminated. It was passed by both the Senate and the House, but was vetoed by Governor Perry because he considered it “piecemeal” in that it didn’t cover the entire state. Both Jan Wilbur and I went to Austin to lobby with Commissioner Garcia for passage of SB 2468. We were not happy with the governor!

Would anything ever happen with ethics in Harris County?! I am happy to report that Judge Emmett took the leadership and introduced the five topics that the county attorneys had said could be adopted by Commissioners Court without further legislative authority. The five areas were:

1. Adoption of a voluntary lobbyist registration policy
2. Adoption of a Harris County Statement of Ethics
3. Implementation of employee ethics training
4. Establishment of a Harris County Ethics Committee
5. Immediate Web posting of all required personal and campaign financial disclosure forms

These recommendations were put on the agenda for June 23, 2009, and they all passed without comment! I had made a presentation to Commissioners Court before the vote, knowing there was some concern that it would be referred back to the County Attorneys again. I was very clear that these items had been reviewed enough and that both County Attorneys had agreed that Commissioners Court had this authority. None of the commissioners would look at me nor would the County Attorney but neither did they object. So, we finally have a real start on ethics reform in Harris County. As stated by Roma Khanna on June 23 in the *Houston Chronicle*, "The Harris County Commissioners Court on Tuesday approved a slate of ethics reforms, placing new controls on money and influence in government for the first time in years."<sup>2</sup>

### **Implementation of Ethics Reform**

Since adoption of the five items relating to ethics that Judge Emmett introduced, several things have happened.

1. The Harris County Human Resources and Risk Management Office is now including the newly adopted Statement of Ethics (which includes both the Principles and the Statement of Ethical Standards as recommended by the Task Force) as part of the handout packet to all new employees.
2. The Human Resource Office is working on a new presentation on ethics training that will be part of the new employee orientation that every county employee must go through after being hired.
3. The immediate Web posting of all required campaign disclosures became available on July 17 on County Clerk Beverly Kaufman's Web site.<sup>3</sup>
4. County Clerk Beverly Kaufman also predicted that the site would be ready to accept and post voluntary lobbyist disclosures by the end of August and that personal financial disclosures would be posted by the end of October.
5. The Office of Management Services is currently designing a process for the creation and administration of the Harris County Ethics Committee.

--Laura Blackburn

### **References:**

1. [http://www.judgeemmett.org/PDF/Ethics\\_Task\\_Force\\_Report.pdf](http://www.judgeemmett.org/PDF/Ethics_Task_Force_Report.pdf)
2. <http://www.harrisvotes.com/>
3. <http://www.chron.com/disp/story.mpl/nb/tomball/news/6494413.html>