



CAMERON COUNTY COMMISSIONERS' COURT

Code of Conduct

PREAMBLE

WHEREAS, The Cameron County Commissioners' Court desires to serve the residents of the county by transacting county business openly, and in accordance with accepted standards of conduct for public officials; and

WHEREAS, The Cameron County Commissioners' Court recognizes that legal requirements and the demands brought by the program of progress and advancement initiated by the court have lead to increasing interactions between the county and external parties, including local, state and federal governments in the United States and abroad; financial organizations; bond rating agencies; non-profit organizations; non-governmental organizations; business entities and private citizens; and

WHEREAS, The Cameron County Commissioners' Court believes that the manner in which the county transacts its business should reflect both the values of the residents of Cameron County and the expectations of external parties; and

WHEREAS, The Cameron County Commissioners' Court wishes to promulgate certain standards of conduct, to be used in all business conducted by the county, and to apply to all elected officials, appointed officials and employees of the county.

PURPOSE

The purpose of this code of conduct to ensure that all county business is conducted in a manner that reflects the character and values of the people of Cameron County and the expectations of external parties with whom the county interacts. In adopting this code of conduct, the Cameron County Commissioners' Court aims to maintain the sound business practices and regard for the public interest already in place among county officials and employees, while allowing the county to continue to enjoy the confidence of the public and external parties.

POLICY

It is Cameron County's policy that all elected officials, appointed officials and employees shall conduct themselves in a manner consistent with this code of conduct in all aspects of their business dealings on behalf of the county. No county official or employee shall engage in activities that may, directly or indirectly (or have the potential to):

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1. Harm the interests of the county or the public; or
2. Lessen the confidence of the public and external parties in the county by creating an impropriety, or the appearance thereof; or
3. Demonstrate bias, discrimination or create the appearance of unfairness on the part of the county; or
4. Violate any ordinance, law or statute recognized by the state of Texas; or
5. Conceal wrong-doing, including crimes or the violation of county policies, from the public and authorities.

STANDARD OF CONDUCT

Prohibitions

No County Elected Official, Appointed Official or Employee, shall (as applicable):

1. Participate in a vote or decision on a matter involving a business, contract or real property in which the individual has a substantial interest if it is reasonably foreseeable that an action on the matter would confer a special economic effect, distinguishable from its effect on the public, on the business or property involved. V.T.C.A., Local Government Code, Chapter 171.

For further information, please see "Disclosure."

2. Participate in a vote or decision on a matter related to the employment of a person related to the individual within the second degree of affinity or third degree of consanguinity, as defined in the Cameron County Personnel Manual. For further explanation, please see "Nepotism."
3. Solicit, accept or agree to accept any benefit as consideration for the individual's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, including such actions as may be taken during an administrative or judicial proceeding.
4. Disclose confidential information obtained in the course of county business for any purpose not authorized by law, county policy or court order.
5. Violate county policy or local, state or federal ordinances or laws, or conceal the violation of such by another party.

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6. Violate the terms of contracts and agreements entered into by the county in such a manner that the county is placed at risk of loss, unless the terms conflict with county policy or applicable law, or such violation is at the direction of the commissioners' court or official with authority to make the agreement.
7. Demonstrate unlawful or inappropriate bias in the course of county business, or conduct him or herself in such a way as to foster the appearance of unfairness on the part of the county.
8. Destroy or conceal county financial records, except in accordance with standard practices for document retention or security.
9. Conceal or withhold material financial or operational information from a person authorized to obtain such information by the commissioners' court.
10. Conceal or withhold, or assist another person to conceal or withhold, evidence of wrong-doing.
11. Refuse to comply with a valid request under the Texas Open Records Act, or knowingly violate the Texas Open Meetings Act. V.T.C.A., Government Code, Chapter 551.
12. Permit the personal or unauthorized use, including use by the individual, of county equipment, vehicles or property.
13. Convert or allow to be converted for private use, any money or thing of value belonging to Cameron County or another public entity.
14. Refuse to carry out, hinder or delay without authorization, a valid order of the commissioners' court regarding the conduct of county business, payment of claims, purchasing, contracts or other matters.
15. In the case of appointed officials, represent or hold one self out to have authorities granted by law or policy only to the commissioners' court or county judge. Such conduct includes attendance at meetings to discuss, or the issuance of pronouncements or written communications regarding, policy issues under the purview of the court or judge without authorization of the county judge or commissioners' court.
16. In the case of appointed officials, to deliberately withhold or conceal information known to the official related to a matter before the commissioners' court, in which the matter is publicly and widely known and the official is aware that his or her conduct or the information he or she has collected, is relevant to the matter.

No external party shall:

1. Furnish, offer, confer or agree to confer on any county official or employee a benefit that would place the official or employee in violation of this policy.
2. Persuade, attempt to persuade or otherwise encourage through speech or the offering of a thing of value, any county official or employee to violate county policy or local, state or federal ordinances and laws.
3. Furnish false or misleading information to county employees or officials in connection with a transaction.
4. Violate county policies when such policies are widely and publicly known, or the party is made aware of the policy in writing.
5. Distribute or attempt to gain access to confidential information held by the county.
6. Aid county officials, employees or other external parties in concealing wrongdoing or public information related to the county.

Conflict of Interest

If an elected or appointed official of the county has a substantial interest in a business, contract or property on which a special economic effect distinguishable from its effect on the general public, would be conferred by a vote or decision of the elected or appointed official, the official may not participate in the decision. In cases where an elected or appointed official is authorized by law or policy to enter into contracts without the permission of the commissioners' court, the provisions related to voting shall apply to the individual decision.

In cases where the majority of the members of a board or commission, including the commissioners' court, possess a substantial interest in a business, contract or property as described above, the members may participate in the decision provided they have complied with the requirement for disclosure as set out in this policy. For further information, please see "Definitions." V.T.C.A., Local Government Code, Chapter 171.

Disclosure

In the case of elected and appointed officials serving on duly constituted boards or commissions of the county government, including the Cameron County Commissioners' Court, any official who is a member of the board or commission shall submit an affidavit to the secretary of the board or commission, explaining his or her interest, when abstaining from a vote or decision on the basis of conflict of interest. V.T.C.A., Local Government Code, Chapter 171.

Additionally, each elected official of the county shall file annual financial disclosure statements with the County Clerk, as required by law.

All persons or groups with economic interests before the county, who believe that a county official with a conflict of interest may be asked to participate in decision relative to their interest, shall disclose in writing the nature of the conflict to the elected or appointed official(s) before such time as a decision may be made. In cases where such disclosure is not made, it shall be assumed that the official was not aware of the conflict or potential conflict at the time of the decision, unless the official has already disclosed the conflict in writing or through public statements, or the interest leading to the conflict was widely and publicly known.

Nepotism

No elected or appointed official, or other county employee with the direct authority to elect, appoint or hire personnel shall exercise that authority in favor of persons related to the individual within the second degree of affinity or the third degree of consanguinity, as defined in the Cameron County Personnel Manual.

Notwithstanding this provision, no person need be discharged from county service or transferred in order to comply with this provision, provided that the person was employed in or under consideration for his or her position on the date the individual with employment or appointment authority took office.

No elected or appointed official, or other county employee with supervisory authority, may engage in the direct supervision of a person related to them by the second degree of affinity or the third degree of consanguinity. However, this provision shall not be construed to prevent the advancement of an otherwise qualified county employee who has been employed under the supervision of one individual, but who merit has recommended for a position under the supervision of another to whom they are related.

Additionally, all applicants for county employment or appointment to a board or commission must disclose their relationship to county officials or employees on such applications as they may make for employment or appointment.

Express Exceptions

This code of conduct does not apply to the following:

1. A fee prescribed by law to be received by the official or employee or any other benefit to which the official or employee is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than that with the county.
2. A gift or other benefit, regardless of value, conferred on account of kinship or on account of a personal, professional or other business relationship

independent of the official or employee's capacity with the county.

3. Any gift or item of nominal value, including any item that is perishable; able to be consumed by a human; embroidered or engraved; given to an official or employee of the county in recognition of a recognized holiday, a day of special significance to the individual, an achievement of the individual, public service by the individual, or to encourage the individual to recover from an illness or injury.
4. An honorarium for legitimate services rendered, or in recognition of an achievement or public service by the official or employee.
5. A benefit of food, lodging, transportation or entertainment accepted as a guest while the official or employee is engaged in county business, is on a fact-finding trip, or is traveling solely on behalf of a political party or private business in which the individual has a role.
6. Any payment or benefit that is derived from an economic interest owned by an individual, or from a political party or public organization in which the individual is a member.
7. Any award publicly presented in recognition of public service.
8. A lawful contribution to a political campaign.
9. Any benefit with a value of less than \$250.

Definitions

In this code of conduct, the following terms shall be defined to mean:

“Nepotism” – Conduct in relative to a family relation between a county official or employee and a person who he or she hires, appoints or supervises, that is not otherwise provided for in this code, county policy or state law.

“Affinity” – Relationship between relatives by marriage. Degree defined in County Personnel Manual.

“Consanguinity” – Relationship between relatives by blood. Degree defined in County Personnel Manual.

“Conflict of Interest” – Any circumstance in which economic or personal considerations, may affect, in a direct and significant manner, a matter of discretion before an individual in his or her official capacity.

“Elected Official” – Includes the following officeholders: Constitutional County Judge, County Commissioner, State District Judge, County and District Attorney, County Court-at-Law Judge, Justice of the Peace, County Clerk, District Clerk, Sheriff, Tax Assessor-Collector, County Treasurer, Constable.

“Appointed Official” – Includes the following: department heads, administrative deputies of elected officials, assistants to elected officials, managers/supervisors of major operational divisions (otherwise known as “department heads”), Health Authority, County Engineer, Road Superintendent, County Auditor, Purchasing Agent, Budget Officer, Assistant and Associate District Attorneys, Attorneys in the Commissioners’ Court Civil Division, Chief Emergency Officer, Criminal Hearing Officer, Associate Judge, Juvenile Probation Director, Elections Administrator, and members of county boards and commissions.

“Employee” – Any person who receives compensation from the county for services provided in the course of employment.

“External Party” – Means any person who is not a county official or employee, or any organization, government, business or other body.

“Direct” – For the purposes of hiring, appointment or supervision, the term “direct” shall mean that supervision or employment occurs directly between a person and an individual with such authority, and no individual with similar authority is employed in an intermediate capacity between the person and the individual.

“Benefit” – Means anything reasonably regarded a pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

“Confidential” – Means any information that is not a matter of public knowledge or available to the public on request, or that the county is required to keep confidential.

“Wrong-doing” – Means a crime, as defined by ordinance or statute, or the violation of a court order or county policy.

“Decision” – Means the exercise of discretion granted to a county official or employee in his capacity at the county.

“County” – Means Cameron County, Texas.

“Honorarium” – Means payment for services rendered in a situation where custom, propriety or practice prevents the setting of a price.

“Participate” – Means to take part in official acts or actions on behalf of the county or to exercise discretion.

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“Widely and Publicly Known” – Means information that has appeared repeatedly in a newspaper or television broadcast, been publicized in a written communication or oral pronouncement by a county official or has been discussed on the record in an open session of the Cameron County Commissioners’ Court.

“Substantial Interest” – Defined by Local Government Code, Section 171.002.

“Transaction” – an activity that is or may be viewed as an official act of the county.

Penalties

For violations of this code, elected officials are subject to public or private warning, public or private admonition, or public censure, by the commissioners’ court. Additionally, infractions of the code that represent criminal violations shall be referred to the district attorney or other authorities as may warrant.

In the case of appointed officials and employees, the commissioners’ court may address violations of this code through private or public warning; private or public reprimand; remedial training or counseling; suspension, with or without pay; demotion; reduction in rank or pay; termination or removal from office. Additionally, infractions of the code that represent criminal violations shall be referred to the district attorney or other authorities as may warrant.

In the case of external parties, the commissioners’ court may address violations of this code through private or public warning; private or public reprimand; public censure; withholding of funds; termination of contracts or business relationships and debarment from conducting business with the county. Additionally, infractions of the code that represent criminal violations shall be referred to the district attorney or other authorities as may warrant.

Applicability

This code of conduct shall apply to county officials who are paid with state funds, or who are supervised by state officials, including the county auditor and county and district attorney.

This code of conduct shall apply to county officials and employees who are supervised by a board or commission of county government other than the commissioners’ court, including the elections administrator and the juvenile probation director.

Additionally, this code of conduct shall apply to all boards and commissions of the county, including the Cameron County Parks Board, the Cameron County Historical Commission, the Cameron County Housing Authority, the Cameron County Housing Finance Authority and all persons appointed to a board or commission by the commissioners’ court or county judge, unless the board or commission has adopted its own code of conduct, which shall then prevail.

Conflicts

In any case where the established policy of Cameron County conflicts with the provisions of this code, the policy shall be amended to reflect this code.

Construction, Application and Severability

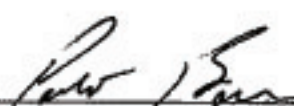
This code shall not be construed to affect the propriety of any action taken prior to the effective date of this code.

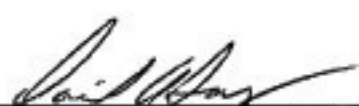
In the event that any portion or portions of this code are held unconstitutional, void or other declared invalid, the remaining provisions of the code shall be unaffected and remain in effect.

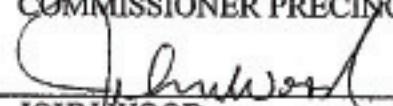
ADOPTED this 31st day of January, 2006.

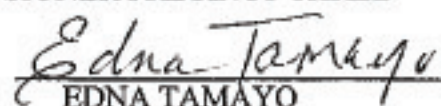
CAMERON COUNTY COMMISSIONERS' COURT


GILBERTO HINOJOSA
COUNTY JUDGE

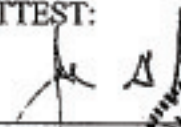

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT ONE


DAVID A. GARZA
COMMISSIONER PRECINCT THREE


JOHN WOOD
COMMISSIONER PRECINCT TWO


EDNA TAMAYO
COMMISSIONER PRECINCT FOUR

ATTEST:


JOE G. RIVERA
COUNTY CLERK

