

Montgomery County Commissioners give green light to detailed ethics policy

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By Catherine Dominguez



Three years after District Attorney Brett Ligon urged Montgomery County Commissioners Court to create and adopt an ethics policy, commissioners finalized a comprehensive 18-page policy Tuesday. The almost hour long discussion during the court's meeting ended with commissioners approving the policy as submitted by the County Attorney's Office with one small change. Precinct 3 Commissioner James Noack suggested the ethics committee established by the new policy be unanimous in its findings to avoid frivolous claims.

According to the policy, a committee comprised of five community members will review any ethics complaints and determine whether there is a violation. Commissioners will appoint two members, while the county auditor, purchasing director and human resources director will recommend three people apiece, with commissioners choosing one of the recommendations from each department to get the five-person committee.

County Attorney J D Lambright said the process will allow a person to seek an appeal in front of an independent arbitrator. The policy goes into effect Feb. 1 and gives the county 45 days to organize the ethics committee.

Ethics saga

While Ligon and Lambright have been in favor of a policy, the issue resurfaced earlier this month when Ligon spoke to commissioners regarding the Texas Department of Transportation's new guidelines for grant funds that require a county have, and show proof of, an ethics policy with specific requirements. A set of ethical guidelines adopted by the court in April fell short of TxDOT requirements, delaying grant applications by the DA's Office, Montgomery County Sheriff's Office and Precinct 4 Constable's Office. During the court's Jan. 10 meeting, Ligon told the court to "reach for the stars" with the policy. Lambright agreed and said the new policy does just that.

"The county's current ethics policy is one page and 13 sentences long," Lambright told the court noting he wanted to make sure the plan was far-reaching and not just something to satisfy the state grant requirements. "The (new policy) is about 17 or 18 pages long and goes into an awful lot of detail. We wanted to put something in place not just for today but for down the road."

Ligon told the court to "dis-involve" themselves with outside business interests. He added the elected officials, including himself, make "good, livable" salaries.

"This is an opportunity to divest ourselves of outside business relationships and not let our pride get in the way," he said. "We have an opportunity for greatness. I wish success on every single one of you. "Whether it is legal is not the same thing as what it looks like. Merely the appearance of impropriety is often what gets people investigated"

Assistant County Attorney B.D. Griffin said the new policy provides transparency. "It will bring, in the long run, clarity," he said.

Policy highlights

The policy includes all county employees, except court-at-law judges and justices of the peace, who have guidelines already set and enforced by the State Commission on Judicial Conduct. The District Attorney's Office and district judges also are considered state employees and would not fall under the policy, except when handling county business.

Lambright said the new policy will require disclosure of business relationships; but, for Commissioners Court members, it will not require an abstention from discussions or action.

Another hot-button issue addressed in the new policy is nepotism. The approved policy states "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."

Lambright said the policy is not retroactive. Violations of the policy, as determined by the committee, will result in a reprimand.