

- El Paso County Code of Ethics

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I. Preamble

The stability of democracy depends upon the continuing consent of the governed, which in turn depends upon the trust the electorate holds for its government. The Commissioners Court of the County of El Paso, Texas, in concert with other elected county officials as well as leaders of the various county departments, recognize this need to maintain the public trust and confidence in the workings of county government, and thus adopt this Code of Ethics.

However, a Code of Ethics does not, in and of itself, enhance public trust, nor can it bring ethical behavior by our public servants. These goals are attained only through visible evidence of the manner in which the County's officials and employees apply the principles herein to the actual execution of the County's business. Public servants are stewards of public resources and, as such, are held to a higher standard than that of private citizens. The ethical conduct of government not only complies with written law, it also transcends the law. All El Paso County public servants are encouraged to continuously examine the policies, processes, and practices of our county government and seek and implement improvements.

II. Application of Code

A. This Code applies to the following:

1. El Paso County Judge and Commissioners;
2. All County employees, including assistant county purchasing agents if this Code is imposed upon the purchasing department by the Purchasing Board;
3. All County department heads, including the county purchasing agent if this Code is imposed upon the purchasing department by the Purchasing Board;
4. All County officials as that term is defined herein;
5. All persons whose goods and services are purchased under the terms of a purchase order or contractual agreement with the County;
6. Members of all County boards, commissions, and committees who serve without compensation. This includes county appointees to any board or commission, but not the administration or employees of other political subdivisions, including but not limited to, health and environmental districts, hospital districts, local mental health/mental retardation authorities, fire districts, water districts, appraisal districts, and councils of government;
7. All vendors and contractors who do business with the County or who seek to do business with the County;
8. All candidates for county and precinct elective office who voluntarily agree to comply with this Code;
9. All elected County officials who voluntarily agree to comply with this Code;

10. Employees of the judicial branch of the County of El Paso who are not specifically subject to the Code of Judicial Conduct; and

11. All individuals, who in doing business with the county of El Paso, can be reasonably expected to adhere to the spirit of this Code.

B. All individuals who are excluded from the application of this Code are invited to comply with this Code voluntarily.

C. This Code does not apply to justices of the peace or judges of courts of record.

D. A department head or elected official may impose stricter ethical standards on his employees than those found in this Code.

III. Definitions

For the purposes of this Code:

1. Local public official or county official means an elected county or precinct officer, a county department head, and any appointee to county boards, committees, and commissions.

2. County employee means a person who, whether full-time, part-time, temporary, or regular is hired by the county or paid pursuant to a state or federal grant or working on a volunteer basis for the county and does not qualify as a local public official.

3. Procurement means the process by which goods and services are purchased with the use of public funds for county use.

4. Goods and services means any thing paid for with County funds including a service, equipment, good, or other tangible or intangible personal property, insurance and high technology items.

5. Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

6. Substantial financial interest means:

(a) A person has a substantial financial interest in a business entity if:

(1) the person owns 2 percent or more of the voting stock or shares of the business entity or owns either 2 percent or more or \$5,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 2 percent of the person's gross income for the previous year.

(b) 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 \$1,500 or more.

(c) A local public official is considered to have a substantial financial interest under this section if a person related to the official in the third degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial financial interest.

7. Family member means a person related within the third degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code. See Appendix A.

8. El Paso County Board of Ethics means the board established by the El Paso County Commissioner's Court and charged with the responsibility and the authority to interpret and enforce the El Paso County Code of Ethics.

9. Political activity means:

(a) Soliciting support or funds for the re-election of a person occupying an elective office or a candidate for an elective office or for a political party or political group; and

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

10. Private Communication means communication with any vendor outside of a posted meeting of the governing body, a regular meeting of a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.

IV. Conflict of Interest in Procurement

A. Influencing and Advising Regarding Procurement Decisions

Public service is a public trust, requiring all employees to place loyalty to the law and ethical principles above private gain. To that end, all ethical County officials and employees who have any opportunity to influence any decision regarding the purchase of goods or services for the County shall be fair in procurement, bidding and/or contracting for any goods or services on behalf of the County.

1. In advising upon, discussing, recommending, and/or granting any County purchases, bids or contracts, County officials and employees have a duty to inform themselves about their financial interests, and make a reasonable effort to inform themselves about the financial interests of their family members.

2. County officials and employees shall excuse themselves from exercising influence, participation in, and discussion, recommendation, and/or granting of any County purchases, bids, or contracts if they or a family member have a substantial financial interest which may cause their impartiality to be compromised or cause there to be an appearance of impropriety.

B. Prohibited Procurement Participation by Decision-Makers

If a local public official or his family member has substantial financial interest in a business entity or in real property, the official shall abstain from any participation on any matter involving the business entity or the real property if:

(a) in the case of a substantial 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 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.

C. Disclosure and Reporting

Any local public official or employee to whom Subsection A or B, above, applies shall file an affidavit, in a form to be promulgated by the El Paso County Ethics Board, stating the nature and extent of the business interest before the matter is discussed or any decision regarding it is made.

D. Private Communication with Vendors by Members of Commissioners Court, County Department Heads, or the El Paso County Hospital District Board of Managers

No member of the El Paso County Commissioners Court, County Department Heads, or the Hospital District Board of Managers shall permit any vendor, its representative or employee, to communicate with him/her privately regarding any procurement of goods or services by the County or the Hospital District 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 commissioner's court, a department head, or the hospital district board of managers until the procurement process is complete and a purchase order is granted or a contract is entered into. Members of the commissioners court, department heads and the board of managers shall make a reasonable effort to inform themselves regarding procurements and shall have a duty to inquire of vendors, their representatives or employees, the nature of the private communication being sought prior to engaging in any communication. This prohibition against private communication with vendors, their representatives, or employees, shall apply to commissioner's court approval of hospital district purchases.

E. Lobbyist Registration

Any person who lobbies any County Official or County Employee shall register annually as a Lobbyist with the Secretary to the County Board of Ethics on or before the date they engage in Lobbying activity. All registrations expire on December 31 of each year.

1. For the purposes of this subsection, in addition to the definitions in Section III, the following terms shall be defined as follows:

- a. "Lobbyist" means any individual, corporation, association, firm, partnership, organization or group of persons acting in concert that receive Compensation or makes an Expenditure in order to Lobby any County Official or County Employee, including a person who acts as an agent of a or employee of another Lobbyist.
- b. "Lobby" or "lobbying" means the Solicitation directly or indirectly by a person in an effort to influence or persuade the County Official or County Employee 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 mere 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.
- c. "Lobby Employer" means an individual, corporation, association, firm, partnership, organization or group of persons who compensates or reimburses a Lobbyist for the purposes of Lobbying on a County Official Matter.
- d. "Solicitation" means the communication with a County Official or County Employee, by private interview, postal, electronic or telephonic communications, or any other means other than public expression at a meeting of County Officials open to the public under Chapter 551 (Open Meetings Act) of the Texas Government Code.
- e. "Compensation" means money, service, facility or other thing of value or financial benefit in an amount of \$200 or more in a calendar quarter that is paid, received, or

reimbursed in the past, present or future in return for or in connection with providing Lobbying services.

f. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit or gift of money or anything of value, including a contract, promise or agreement to make an expenditure, in an amount of \$200 or more, regardless of whether the promise or agreement is legally enforceable.

g. "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 or impending before County Commissioners Court or any County board, commission or committee (as defined in Section II.A.6).

h. "Media" means a person, corporation, association, firm, partnership, organization or group of persons who owns, publishes or is employed by a newspaper, another regularly published periodical, a radio station, a television station, a wire service or another bona fide news medium that in the ordinary course of business disseminates news, letters to the editors, editorial or other comment or paid advertisement that directly or indirectly opposes or promotes an Official Matter.

2. Each Lobbyist shall file an annual registration form with the County Board of Ethics prior to engaging in any Lobbying activity. A Lobbyist must file a registration form for each person from whom he receives Compensation (including reimbursement). A separate registration shall be filed for each client of a Lobbyist. There shall be no registration fee. The Lobbyist Registration form shall be proposed by the Ethics Board and approved by Commissioners Court from time to time. Within 30 days after the Lobbyist terminates his relationship or ceases to perform Lobbyist activities for a client, the Lobbyist shall file a Notice of Termination with the Board of Ethics. The Lobbyist shall include any Lobbying activity prior to the termination in the semi-annual Activity Report. 3. No person who is an appointed member of a County board, commission or committee shall be eligible to register under this chapter, except that a person appointed prior to the effective date of this policy may register under this chapter. The County Official may serve out the remainder of his/her appointed term, but thereafter, shall not be eligible for reappointment if he or she is a registered Lobbyist. 4. Exclusions. The following are not required to register as a Lobbyist: a. A person who Lobbies as an unpaid volunteer or represents only him/herself. b. A Media representative on a matter of general public interest. This exclusion does not apply if the Media representative Lobbies a County Official or County Employee on an Official Matter on behalf of another person or on its own behalf if the Media representative/entity has a direct or indirect financial interest or the Official Matter directly impacts or affects the Media representative/entity in a manner that is different from the impact or effect on the general public. c. A governmental entity or its officers or employees engaged in discussing matters relating to its own governmental interest. d. An attorney who contacts a County Official or County Employee solely to discuss a pending claim, lawsuit or other legal action against the County, provided that the contact is with a County Official who does not vote or have final authority over any Official Matter and the attorney complies with Rule 4.02 of the Texas Disciplinary Rules of Professional Conduct, as amended.

Discussion of any contractual agreement with a County Official or County Employee is a discussion of an Official Matter and is not excluded. e. Any other person who contacts a County Official or County Employee solely to discuss a pending claim, lawsuit or other

legal action against the County, provided that the contact is with a County Official who does not vote or have final authority over any Official Matter. 5. Semi-Annual Activity Reports. Each registered Lobbyist shall file an Activity Report with the County's Board of Ethics semi-annually, on or before January 31 and July 31 of each year. The Activity Report shall specify the Lobbyist's activities over the previous 6 month period for each person from whom the Lobbyist receives Compensation, including information regarding the specific issues that were the subject of the Lobbying activities, a list of County Officials and County Employees contacted by the Lobbyist, the amount of total expenditures made in connection with Lobbying activities. The Activity Report shall be on a form proposed by the Board of Ethics and approved by the Commissioners Court from time to time. 6. Lobbyist Records. Each registered Lobbyist shall maintain the following records: a. a daily log of contacts with County Officials and County Employees; b. all accounts, bills, receipts, books, papers, logs and documents necessary to substantiate the Activity Reports for 2 years from the date of filing an Activity Report. 7. County Responsibility and Records

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- a. Each County Official and Department Head shall maintain a daily log of contacts made with any registered Lobbyist. Logs shall be made available for review to the Board of Ethics or its designee upon request. b. Signs notifying any person regarding the registration requirements for any person Lobbying a County Official or County Employee shall be posted in the lobby of each office of the County Official or County Employee. c. The County Board of Ethics shall maintain the Lobbyist Registration and Semi-Annual Activity Reports for a period of 2 years from the dates of filing. 8. Complaints and Enforcement. Complaints of violations of the Lobbyist Registration requirements will be submitted in writing to the Board of Ethics as set forth in Section XIII of the Code of Ethics. In addition to the remedies available under Section XIII.D, the Board of Ethics may from time to time publish a list of persons who have not registered prior to engaging in Lobbying activities or who have failed to comply with any of these registration requirements. Following a hearing as set forth in Section XIII.D, the Board of Ethics may also recommend to the Commissioners Court that a Lobbyist violating these requirements be suspended from Lobbying any County Official or County Employee for a period up to 12 months.

V. Conflict of Interest in Employment Practices

A. County elected officials and department heads shall ensure that County jobs are open to all applicants regardless of race, gender, religion, national origin, orientation, age, or disability.

B. County elected officials and department heads shall not advocate the employment, appointment, promotion, transfer or advancement to a paid County position of a family member as defined above in Section III (7). Neither shall they supervise nor manage a family member as defined above in Section III (7).

VI. Outside Employment

A. County Employees

1. A County employee who seeks to engage in employment outside of his duties with the County of El Paso must receive the approval of his supervisor prior to engaging in the outside employment. The employee must furnish to the supervisor a detailed description of the outside employment. Approval shall be given by the supervisor, provided that such employment is not conducted during the hours the employee is scheduled to work for the County; that such employment does not conflict with the employee's duties with the County; that such employment does not adversely affect the public image of the County; and that such employment does not adversely affect the employee's availability and usefulness as employee of the County.

2. A determination of the existence of a conflict of interest by a supervisor may be appealed by the employee to the Board of Ethics.

B. Department Heads and Elected Officials. An elected official or department head may not hold any employment relationship or contractual relationship which would impair the impartial or independent judgment of the official or department head.

VII. Post Employment Restrictions

A. Elected Officials and Department Heads. An elected official or department head may not, for two years after employment by the County, act as a compensated representative of another before county government in connection with any specific matter in which he participated as a County official or employee. "Specific" matter refers to business in which the elected official or department head was either personally involved or that was within the official's responsibility while an elected official or department head.

B. Members of Commissioners Court. A member of commissioners court is prohibited, for two years after leaving office, from employment with the county and from representing for compensation any person or entity on any matters pending before the El Paso County Commissioners Court or any entity controlled by it for any purpose. This does not prohibit the practice of law before any court of record within El Paso County.

VIII. Gifts

A. A County official or employee with decision making authority, his/her family members, or any business organization in which he/she has a substantial financial interest, may not accept a gift or benefit valued at more than Fifty and No/100 Dollars (\$50.00). A department head or elected official may impose stricter prohibitions on the acceptance of gifts than those required by this Code.

B. For purposes of this Code, a "gift" refers to anything of value including:

1. Loans;
2. Travel;
3. Entertainment;
4. Meals and beverages; and
5. Gifts of tickets or free admission to a professional or intercollegiate sporting event or artistic or cultural event.

C. A prohibited gift does not include:

1. The solicitation or acceptance of contributions to a political campaign if such contribution is subject to reporting under state law.
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status 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 interests of the donor.
3. Commercially reasonable loans made in the ordinary course of the lender's business.
4. Awards, such as plaques, certifications, trophies or similar mementos, publicly presented in recognition of public service.
5. Gifts do not include items for which fair market value is paid or which the County reimburses, or items which are received but are donated to a charitable organization within 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.
6. Invitations or tickets to fund raising dinners or public charitable benefit events.
7. Food or drink consumed by an elected official or employee with decision-making authority during the conduct of official public business or attendance at public ceremonies as a public official or employee.

IX. Statement of Financial Interest

A. 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, candidates for elected office, elected officials, appointed officials, board and committee members, department heads and the purchasing agent shall file with the County Board of Ethics within 30 days of the effective date of this Code of Ethics, application for such office, taking office, appointment, or selection, a signed, sworn financial disclosure statement making known:

1. The name, address, and industry of any entity for whom that person is employed or self-employed;
2. 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;
3. The name, address, and industry of any business in which the person has partnership or joint venture interest; and
4. The name, address, and industry of any business in which the person has a substantial financial interest.

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

There is no requirement to disclose the extent of financial involvement in any business interest. However, the county judge, a county commissioner, and the county attorney may provide a copy of their most current financial disclosure report filed pursuant to Chapter 159 of the Local Government Code in lieu of the financial disclosure statement required by this Code.

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

Each candidate for elected office and each candidate for a department head position shall be provided with a notice of the financial disclosure requirements at the time of application for such office or employment.

C. Delinquent Reports. Within 60 days after the effective date of this code of ethics, and thereafter no later than July 1 of each year, the County Board of Ethics 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.

D. Publication. The County Board of Ethics shall submit all financial disclosure statements and delinquent reports to the County Information Technology Department for posting on the County website.

X. Political Activity

A. County Time and Equipment

No non-elected county official or employee shall engage in political activities during any hours he or she is paid to actually work for the county. Non-elected county officers and employees may take vacation leave or leave without pay for this purpose if approved according to county policy. No county official or employee shall utilize county equipment or supplies of any kind for political purposes.

B. Coercion of Employees

No County official, department head, or employee shall, directly or indirectly, use or threaten to use, any official authority or any influence in any manner whatsoever which tends:

(1) to coerce any person to participate in political activities, an election campaign, or fundraising effort; or

(2) to discourage, restrain, deter, prevent, interfere with, or discriminate against any person who chooses to participate in political activities, an election campaign, or fundraising effort.

C. Seeking Elective Office

No county official or employee shall be prohibited from seeking or holding elective office.

XI. Reporting Violations of the Code of Ethics

A. Duty to Report. Local public officials, county officials, county employees, and all others who are subject to this Code have a duty to report violations of this Code and to cooperate in investigations, inquiries, and hearings conducted by the Board of Ethics.

B. No Coercion. No county official or employee shall 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, or discriminate against any person who, in good

faith, reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics 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.

C. False Reports. This section shall not be construed as prohibiting disciplinary action if an officer or employee of the county discloses information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity. The Board of Ethics shall issue an opinion when it determines that any information has been disclosed that was known to be false or was disclosed with reckless disregard for its truth or falsity.

XII. Campaign Contributions

If a member of commissioners court, or candidate for a seat on commissioners court, accepts political campaign contributions of One Thousand and No/100 Dollars (\$1,000.00) or more, including in-kind contributions, from any one person or entity within a twelve month period, he shall report the amounts, the donor, and the dates of said contributions by an item on the agenda of the El Paso County Commissioners Court within 30 days of the date of said contribution. The report shall also be placed upon the El Paso County web page. In the event that the report is not made within 30 days, the disposition of the contribution shall be determined by the Board of Ethics.

XIII. Enforcement: El Paso County Board of Ethics

A. Creation and Membership

1. There is hereby created a Board of Ethics, which shall have the authorities, duties and responsibilities as set forth herein.
2. The Board of Ethics shall consist of nine members, one to be appointed by each member of Commissioner's Court, and four members to be chosen from the community by an open application process from the community-at-large by the sitting members of the Board. All members shall be residents of the County. No member shall hold any elected office, employed, or be appointed to any position governed by this Code or be a candidate for any such office or position. Vacancies on the Board shall be filled within 60 days. In the event that a vacancy on the Board goes unfilled for 60 days, the remaining members of the Board of Ethics shall fill the vacancy.
3. Members shall be appointed for a two-year term; except that appointments which are made to fill vacancies arising during a term shall be for the remainder of the unexpired term. Terms shall be staggered and each member may serve until his or her successor is appointed.
4. The Board of Ethics shall select from among its members a chair and a vice chair and shall adopt such rules governing its proceedings as it may deem proper. Such rules and regulations must be consistent with existing statutes, ordinances, and the El Paso County Civil Service Rules and the El Paso County Employee Handbook.
5. The Board of Ethics shall also serve as an advisory body to the Commissioners Court, county department heads, and any person subject to this Code on matters concerning ethics in the operation of the government of El Paso County.
6. The Board of Ethics Board shall be assigned staff by the County to assist in its duties as the Commissioners Court deems necessary. The members of the Board of Ethics are subject to this

Code, including the provisions governing financial interests, restrictions on post employment, and penalties.

7. Members of the Board of Ethics shall serve without compensation.

8. Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the request of a majority of the Board, provided, however, that the board must meet no less than once per month.

9. Meetings of the Board of Ethics shall be subject to the terms and conditions of the Texas Open Meetings Act.

B. Duties and Responsibilities

The Board of Ethics shall have the following powers and duties:

1. To initiate investigations on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regards to alleged violations of this Code.

2. To refer any information concerning violations of this Code to the appropriate legislative body, investigative body, District Attorney, or other appropriate person or body as necessary.

3. To enforce the provisions of this Code with regard to all officers and employees of the County who are subject to its terms by issuing appropriate orders, recommendations, or imposing appropriate penalties.

4. To control and maintain all statements of financial interest that are required to be filed by this Code to ensure that the statements are available for public inspection in accordance with the requirements of this Code and the Texas Open Records Act.

5. To develop and submit any reports regarding the conduct of its business that may be required by the El Paso County Commissioners Court.

6. To issue formal written ethics advisory opinions on whether certain anticipated actions conform to this Code upon the request of any person covered by this Code.

7. To ensure that copies of public documents in the custody of the Board are appropriately available. The custodian of the records of the Board of Ethics shall be the Chair of the Board.

8. To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this Code, provided that the rules, regulations and actions are not in conflict with the provisions of this Code, the El Paso County Civil Service Rules, the El Paso County Employee Handbook, or any state or federal law.

9. To recommend, as needed, changes in this Code of Ethics for adoption by Commissioners Court.

C. Removal

1. It is the intention of this Code that board members should be insulated and protected from arbitrary removal and shall be removed only for egregious conduct contrary to the public good. It may come to pass that a board member, in the course of performing his duties, may be subjected to political pressure to do or refrain from doing what is ethical by the threat of removal from this board. Therefore, removal of a board member should only be considered for good cause.

2. Board members may be removed by majority vote of the Board of Ethics for good cause. "Good cause" shall include, but not be limited to:

- a. Failure to pay local, state, or federal taxes when due;
- b. Failure to attend a board meeting two times within 6 months without reasonable excuse as determined by the Board;
- c. Failure to abide by this Code as applicable;
- d. Conviction of a crime of moral turpitude or felony offense.

D. Complaints, Investigations and Hearings

1. Complaint. The Board or any person may file a complaint alleging a violation of this Code. The complaint shall be in writing and signed by the complainant. The written complaint shall state the nature of the alleged violation, the date, time and place of each occurrence, and the name of the person(s) charged with the violation. Within ten working days of the receipt of a complaint, the Board of Ethics shall acknowledge receipt of the complaint to the complainant and shall forward a copy of the complaint and a general statement of the applicable procedures for responding to the person who is the subject of the complaint.

2. Board May Initiate Complaints. The Board may file a complaint if it receives information that it finds credible and which is corroborated regarding a violation of this Code.

3. Initial Inquiry.

(a) The Board of Ethics shall make a determination whether the complaint is within its jurisdiction and, if so, whether it alleges a minimum factual basis to constitute a violation of this Code. If the Board concludes that the complaint is outside its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, issue an Order Dismissing the Complaint, reduce the conclusion to writing, and transmit a decision to the complainant and to the respondent.

(b) If the Board concludes that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimum factual basis to constitute a violation, the Board shall notify the respondent who is the subject of the complaint and shall issue an Order Setting the Matter for Public Hearing within thirty days, unless the alleged violator petitions for and the Board consents to a later date.

(c) At the Initial Inquiry, the Board may call witnesses and accept evidence. The Board shall afford any person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have a right to be represented by counsel, be heard under oath, and offer evidence in response to the allegations.

(d) The Initial Inquiry may be held in executive session pursuant to the Texas Open Meetings Act.

(e) After the Initial Inquiry, the Board shall release its Orders to the public and the complaint and all records pertaining thereto shall become public records.

4. Public Hearing.

(a) The hearing shall be open to the public.

(b) The Board may call witnesses and accept evidence.

(c) The complainant and the respondent may present evidence, be heard under oath, be represented by counsel, and cross examine witnesses.

(d) The Board of Ethics shall adopt hearing procedures consistent with fundamental fairness and due process.

E. Written Opinions, Decisions, and Penalties

At the conclusion of the Public Hearing, the Board of Ethics shall issue a written decision and findings. Additionally, the Board:

1. May issue a public censure with or without a penalty regarding an elected official or vendor;
2. May make a written disciplinary recommendation to Commissioners Court regarding violations of this Code by a department head, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which a department head may otherwise be disciplined;
3. May make a written disciplinary recommendation to a department head or elected official regarding violations of this Code by their employees, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which the employee may otherwise be disciplined;
3. May refer its decision and findings to the appropriate law enforcement authority.

XIV. Effective Date

The provisions of the El Paso County Code of Ethics shall be effective .

XV. Affirmation of Acceptance of the Code of Ethics

The following county elected officials have volunteered to accept the provisions of this Code and agree that they and their employees will be bound by its terms and conditions:

A. José R. Rodríguez, El Paso County Attorney

APPENDIX A FAMILY RELATIONSHIPS INCLUDED WITHIN THE THIRD 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
Sister-in-law
Brother-in-law
Grandmother-in-law
Grandfather-in-law
Step-granddaughter
Step-grandson
Half-sister & spouse
Half-brother & spouse
Stepsister & spouse
Stepbrother & spouse
Great-grandmother & spouse
Great-grandfather & spouse
Great-granddaughter & spouse
Great-grandson & spouse
Niece & spouse
Nephew & spouse
Aunt & spouse
Uncle & spouse
Half-aunt & spouse Half-uncle & spouse
Great-grandmother-in-law
Great-grandfather-in-law
Aunt-in-law
Uncle-in-law
Niece-in-law
Nephew-in-law
Step-great-granddaughter
Step-great-grandson
Step-niece & spouse
Step-nephew & spouse