



The Office of Vince Ryan  
County Attorney

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February 13, 2012

Harris County Commissioners Court  
1001 Preston, 9<sup>th</sup> Floor  
Houston, Texas 77002

Re: Harris County Ethics Committee

Dear Judge Emmett and Harris County Commissioners:

Questions have been raised recently regarding the activities of the Harris County Ethics Committee created by action of the Harris County Commissioners Court in June, 2009. This letter includes a description of those activities and an explanation of the parameters governing the Ethics Committee.

The Ethics Committee is made up of five members. Each member of the Commissioners Court appoints one member. The Harris County District Attorney and the Harris County Attorney each provide an advisor to the Committee.

The Ethics Committee met on October 15, 2009 and again on November 19, 2009. The Committee reviewed and approved a proposed Ethics Presentation prepared by the Harris County Attorney and the Harris County Human Resources and Risk Management Division. The remainder of the meeting consisted of reviewing possible functions of the Committee and existing legal limitations on its actions.

Concerns expressed by the Committee included:

1. Matters discussed during Committee meetings are not confidential under existing law;
2. Deliberations, notes, and correspondence among the Committee members are subject to disclosure under the Public Information Act;
3. The Committee lacked authority over elected officials and their employees;
4. Those employees who filed complaints with the Committee would not be protected by the Whistleblower Act;
5. Opinions issued by the Committee would not provide Officials who rely upon them the same prosecutorial and civil protection as opinions issued by the Harris County Attorney.


As such, the Committee unanimously concluded that pending further legislation that all ethics complaints would either be referred to the County Attorney or would be handled through established, legally authorized grievance procedures. To date, no legislation sponsored and approved by the Commissioners Court to remedy the problems identified by the Ethics Committee has been forwarded to the State Legislature or included in the County's legislative platform and none has been adopted.

Following the Ethics Committee's approval, the Human Resources and Risk Management Division and the County Attorney's Office have used the Ethics Presentation in ethics training classes, incorporated the County Ethics Statement into the Harris County Personnel Regulations, made ethics part of new employee orientation, and issued and distributed an Ethics DVD which has been viewed by thousands of County employees. Our office receives and gives advice on almost a daily basis regarding ethical issues, including the following major projects:

1. Research and advice concerning the implementation and enforcement of the requirements under Tex. Loc. Gov't Code Chapter 159 regarding the filing of Personal Financial Statements by Harris County officials, judges, and employees. Activities include holding a seminar to help train and educate those who are required to file Personal Financial Statements.
2. An investigation into the activities of the Harris County Financial Services Division of the Management Services Department regarding the investment of County Funds. The investigation included the proposal of a series of reforms regarding investments, the hiring of special counsel to represent the County in bond transactions, conflicts of interest, and reporting to Commissioners Court, all of which were adopted in September, 2010. This investigation also resulted in the recovery of more than \$1.4 million in overpaid legal and investment fees.
3. Investigation of allegations of voter intimidation and voter fraud surrounding the conduct of elections, and conducting extensive training and consultation with election officials to assure legal and successful elections.
4. A review of the operations of the Port of Houston Authority to assure compliance with the Texas Open Meetings Act, the Texas Public Information Act, and budget, procurement, and accounting procedures.
5. An ongoing review of the operations of the Harris County Constables regarding the proper use of County personnel and equipment, record keeping, vacate notices, political activities, and the contract deputy program.
6. An ongoing review of the Harris County Public Health and Environmental Services Department Veterinary Public Health Services Division to assure compliance with the law.
7. A review of the operations of the Harris County Housing Authority to assure compliance with the Texas Open Meetings Act and reviewed contracting and procurement procedures regarding the development of the Patriots by the Lake project.
8. A review of whether the Harris County Housing Authority had the legal authority to provide a vehicle for the use of the chair of the Housing Authority Commission
9. When appropriate, matters have been referred to the Harris County District Attorney or the U.S. Attorney for the Southern District of Texas.

Pursuant to our duty under the law, our Office stands ready to provide whatever further advice and counsel which the Commissioners Court deems necessary for the conduct of the affairs of Harris County. Please call upon us at any time for whatever is needed.

Sincerely,



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VINCE RYAN  
Harris County Attorney