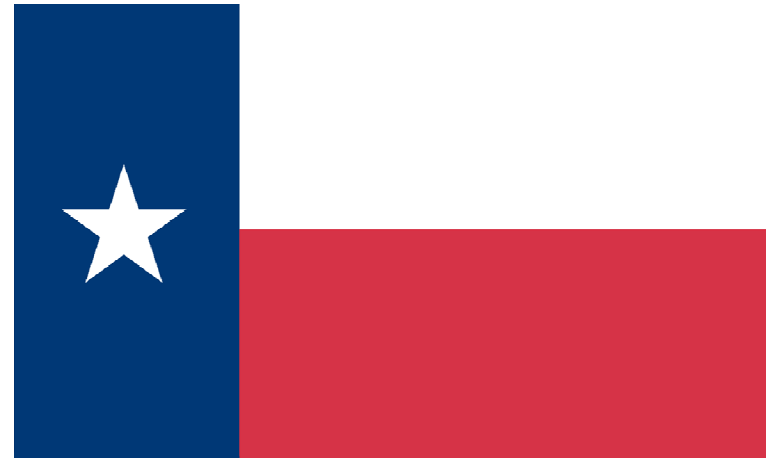




# Texas State Soil and Water Conservation Board

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Ethics and Legal  
Issues for SWCD  
District Directors





# What are ethics?

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- Standards of conduct which indicate how one should behave based on principles of right or wrong.



# What are ethics?

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- Two basic aspects to ethics:

discerning right from wrong

commitment to do what is right

# What is law?

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- Law is a rule of being or of conduct, established by an authority able to enforce its will; a controlling regulation; the mode or order according to which an agent or a power acts.





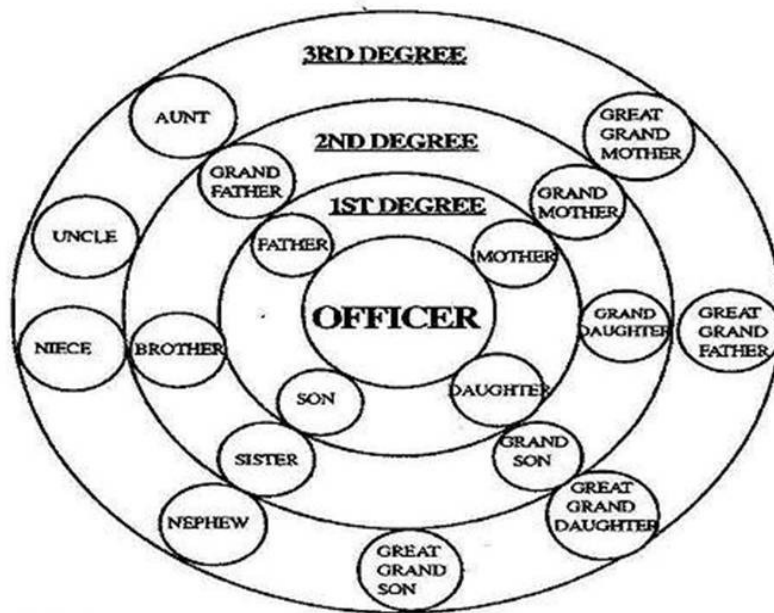
## Can I take it?

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- Never take anything as consideration for an official act.
- Never accept an Honorarium for services related to your official role.
- You may accept:
  - Items worth less than \$50.00
  - Food if the donor is present.

# Nepotism

Consanguinity Kinship Chart  
(Relationship by Blood)



Affinity Kinship Chart  
(Relationship by Marriage)





# Using District Resources for Political Advertising in Connection with an Election

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- Public funds may not be used for political advertising.
- Prohibition applies to officers and employees.
- Specific rules apply to prevent misuse of district publications.



# Code of Ethics

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- Draft Code of Ethics available for SWCDs to adopt.
- On TSSWCB website for district use.





# Lobby Law

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## **EXCEPTIONS FROM REQUIRED REGISTRATION**

**Public Officials.** A government officer or employee who communicates to influence legislation or administrative action in his or her capacity as a government officer or employee is not required to register on the basis of those communications.

(**Note:** Chapter 556 of the Government Code restricts the use of appropriated funds for lobbying.)

# Concealed and Unconcealed Weapons

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# Concealed and Unconcealed Weapons

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## Texas Concealed and Open Carry Laws

### What you need to know

1. As of **September 1, 2015** it is unlawful for state agencies and political subdivisions to exclude individuals with a license from concealed carrying a handgun from entering or remaining on the premises.
2. As of **January 1, 2016** it is **unlawful** for state agencies and political subdivisions **to exclude** individuals with a license from open carrying a handgun from entering or remaining on the premises.



# Concealed and Unconcealed Weapons

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A governmental entity must post a 30.06 sign prohibiting concealed carry and a 30.07 sign prohibiting open carry [Texas penal Code §46.035(c)] if they elect to prohibit concealed and/or open carry during their meetings conducted under the Texas Open Meetings Act (TOMA).



# Concealed and Unconcealed Weapons

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SWCDs that have an office separate from USDA NRCS will not be able to post signs prohibiting concealed or open carry in their office. They may elect to post signs prohibiting concealed or open carry when conducting their meetings posted under TOMA.



# Concealed and Unconcealed Weapons

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SWCDs that conduct their TOMA meetings in other public locations (such as a restaurant) should abide by the posting(s) or lack of posting(s) that the independent establishment has adopted.



# Concealed and Unconcealed Weapons

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SWCDs that are co-located with UDSA-NRCS and conduct their district meetings in federal facilities do not need to post any signs. The federal facilities are already off limits to weapons and federal law prevails over state laws related to weapons.



# Concealed and Unconcealed Weapons

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SWCDs co-located with USDA-NRCS should be aware that all facilities owned or leased by GSA for the use of federal agencies may include common employee break areas, hall ways and parking spaces where weapons are also prohibited.





# Concealed and Unconcealed Weapons

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Federal agencies may also post different signs than those prescribed by state law. Any signs they post are legal and their penalties for possessing prohibited weapons are more severe than state law.



# Open Government

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Elected and appointed public officials are required by state law to receive training in Texas open government laws.





# Open Government

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The Office of the Attorney General offers free video training courses, which were developed in compliance with a mandate from the 79th Texas Legislature that the Attorney General establish the formal training necessary to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws.

You have met those requirements  
at this conference.



# Open Government

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If your district receives a request for information that it wishes to withhold from public disclosure and that it considers to be a legal exception your district must ask for a decision from the attorney general about whether the information is within that exception.

Our office can assist you with guidance if necessary.

# Open Government

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## **Agriculture Code** **§201.006. Confidentiality** **of Certain Information**

See handout in your notebook for provisions of the law





## Other Issues

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### **Misuse of Government Property**

- State law prohibits public officials and public employees from using government property for personal purposes.

Illegal even if the district is fully reimbursed

- State law prohibits public officials the use of public employees to perform private work during working hours.

Work may be performed on employee's own time without the use of any public resources



## Other Issues

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### **Misuse of Government Property (Con't)**

- Violations range from Class C misdemeanor to first degree felony, depending on the value of misused property
- Travel discounts with airlines, motels, hotels etc. are not things of value belonging to the government under law



# Other Issues

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## **Misuse of Official Information**

State law prohibits public officials and public employees from using confidential information to gain a benefit or advantage or with intent to harm or defraud

Law applies to information to which the public does not generally have access and is prohibited from disclosure





# Other Issues

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## **Conflict of interest**

A state officer or employee should not:

- Accept or solicit any gift or favor that might influence official duties
- Accept other employment or engage in a business that would require disclosure of confidential information
- Make personal investments that could create a conflict between personal and public interest



# Other Issues

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## **Private Interest in Measure or Decision**

If a board member has a private or personal interest in a measure, proposal, or decision pending before the board, the board member must disclose that fact in an open meeting and must refrain from voting or participating in the matter.

Applies to Business Entity conflicts

Applies to Real Property conflicts



# Other Issues

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## **Business Entity**

Business entity means sole proprietorships, partnerships, firms, corporations, holding companies, joint stock companies, receiverships, trusts, and any entity recognized by law as a business entity

Substantial interest in a business:

owns 10 percent or more of total voting stock

owning either 10 percent or more, or \$15,000.00 or more of fair market value

receiving more than 10 percent of gross income

having close family member with any of the above (First degree relatives)



# Other Interests

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## **Substantial Interest in Real Property**

A \$2,500.00 or more ownership in the real property

Having close family member with a \$2,500.00 ownership in the property



# Justifying Illegal and Unethical Conduct

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- If it's necessary, it's ethical
- If it's legal and permissible, it's proper
- I'm doing this for you
- I'm just fighting fire with fire
- It doesn't hurt anybody
- It can't be wrong, everybody else does it.
- I've got it coming
- I can still be objective



# Summary

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- The person in a public position must follow the law in their decisions and actions.
- The person in a position that requires decision making -- and that's most of us -- can use the principles of ethics to assist them in making the best decision.



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