



113th Annual Conference and Exhibition
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• FORT WORTH •

Building an Effective Ethics Policy

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Ethics: Because Orange is Not Our Color

Recent headlines:

- *“Texas mayor sentenced to prison for bribery”*
- *“City councilman resigns amid misuse of public funds allegation”*
- *“Audit reveals conflicts of interest in city contracts”*
- *“Council infighting leads to stalled infrastructure projects”*



Ethics Definition

ethics

- eth·ics 'e-thiks

: A set of principles of right or good behavior; a theory or a system of moral values; the rules or standards of a person or the members of a profession.



Ethics vs. Law

- Ethics = Standards of right conduct (higher bar)
- Law = Minimum legal requirements
- Good policy bridges both compliance and culture



Sources of Ethics Regulation

- Federal Law (e.g. federal agency funding regulations, grant requirements)
- State Law
- City Charter in Home-Rule Cities
- City Ordinances
- City Policies (e.g. Personnel Policies Governing Employee Conduct)
- Professional and Occupational Codes/Rules of Ethics



State Law

- Conflicts of Interest (e.g. Chapter 171, TLGC)
- Conflicts Disclosure Requirements (Chapter 176, TLGC)
- Disclosure of Interest - Property Acquired with Public Funds (Chapter 553, TGC)
- Dual Office Holding, Incompatibility
- Nepotism
- Plat Approval
- Selection of City Depository
- Prohibition Against Acting as a Surety
- Abuse of Office, Misuse of Government Property, Misuse of Official Information
- Bribery
- Honoraria/Prohibitions on Gifts
- Other state laws (this list is not exhaustive)

City Charter and City Ordinances/Policies

- City Charters may contain provisions concerning conflicts of interest and prohibitions against city officials contracting with the city
- Charter provisions are often more restrictive than state law (e.g. Ch. 171, TLGC)
- City Council can enact ethics policy (adoption by ordinance is recommended so it has the force of local law)
- Employee personnel policies commonly include provisions regulating conduct of city employees

Why Have an Ethics Policy?

For society as a whole to be well off, each member must practice integrity, and that is especially true for its leaders - Proverbs 28:2-12

- Protects public trust
- Helps prevent conflicts before they arise
- Promotes leadership effectiveness
- Provides clear rules for conduct
- Accountability/Transparency
- Supports effective governance & teamwork
- Fairness



Framework of Ethics Policy

- Purpose Statement
- Definitions
- Applicability/Scope
- Required Ethics Training/Periodic Review of Policy
- Standards of Conduct
- Creation of Ethics Review Commission – Composition, Terms, Authority
- Role of Legal Counsel in Advising Ethics Review Commission
- Complaint Requirements and Procedures
- Review of Complaint
- Hearing Process
- Sanctions/Penalties



Framework of Ethics Policy

Purpose Statement

- Describe rationale, intent and goals of ethics policy



Framework of Ethics Policy

Definitions

- Definitions need to be accurate, precise and unambiguous



Framework of Ethics Policy

Applicability/Scope

- Who Does the Policy Apply To?
- Mayor and City Council only?
- Appointed positions?
- Employees?
- Boards and Commissions?
- Lobbyists?
- Vendors/Contractors?



Framework of Ethics Policy

Required Ethics Training/Periodic Review of Policy

- Who is required to attend training sessions
- When is training required
- Frequency of training
- Scope of subjects covered in training



Framework of Ethics Policy

Standards of Conduct

- Conflicts of Interest – adopt standards more restrictive than state law?
- Representation of others before city council, boards, commissions, municipal court, development project
- Contracting with the city
- Restrictions on former officials/employees
- Financial disclosure requirements
- Campaign finances



Framework of Ethics Policy

Creation of Ethics Review Commission

- Number
- Qualifications
- Terms
- Authority
- Advisory opinions



Framework of Ethics Policy

Role of Legal Counsel in Advising Ethics Review Commission

- City Attorney
- Independent legal counsel
- Advisory opinions



Framework of Ethics Policy

Complaint Requirements and Procedures

- Complaint procedures
- Forms
- Limitations



Framework of Ethics Policy

Review of Complaints

- Who conducts
- Standards for review
- Preliminary determination



Framework of Ethics Policy

Hearing Process

- Timelines
- Due process
- Evidence
- Ex parte communications



Framework of Ethics Policy

Sanctions/Penalties

- Verbal warning
- Formal written notification, admonishment or reprimand
- Recommendation for suspension from office or employment
- Recommendation for recall or removal from office or employment
- Referral to authorities for prosecution
- Ethics ordinance may include fines for penalties for violating



Pitfalls to Avoid

- Vague rules (unenforceable)
- No enforcement process (policy without teeth)
- Inconsistency (erodes trust)
- Overreach (conflicts with Charter or law)



Why It Helps (City Manager)

- Creates consistency in council actions
- Protects staff from political pressure
- Builds confidence with employees & community
- Provides roadmap in tense situations
- Strengthens council–manager relations



Why It Helps (Mayor)

- Avoids personal conflicts becoming public battles
- Supports civil debate and respect among colleagues
- Demonstrates transparency to citizens
- Shows council serves the whole city, not special interests



Common Challenges

- Conflicts of interest in small communities
- Balancing free speech vs. civility
- Handling violations consistently
- Keeping policy relevant over time



Practical Tips and Observations

- Ethics is about culture, not just compliance
- Create independent ethics commission free from influence of City officials/employees
- Ethics policy can be used as a weapon, so authorize independent ethics commission to act as gate-keeper to weed out invalid or improper ethics complaints (e.g. no violation stated, not timely filed)
- Hire independent legal counsel (not city attorney) to advise ethics review commission
- Be careful with including state laws in local ethics policy because state laws are amended, added, repealed, affected by court opinions, city charter may be more restrictive – must monitor changes and review periodically so ethics policy is kept up to date



Practical Tips and Observations (Cont'd)

- Home-Rule cities – check to see if the city charter is more restrictive than state law (e.g. conflicts of interest, nepotism)
- Watch for “drift” from enforcement of or compliance with ethics policy (tendency of some people to be lax rather than do the difficult or right thing)
- Conduct regular training for those subject to the ethics policy
- Review ethics policy periodically to evaluate whether it is effective and functional, or if changes need to be made to improve the policy



Practical Tips and Observations (Cont'd)

- City Council can adopt ethics regulations applicable to governing body, boards and commissions, employees – the sanctions available/applicable to each group will be different, for example:
 - Home-rule city - Mayor and City Councilmembers can only be removed as provided by city charter/state law
 - General-law city: Mayor and City Councilmembers can only be removed as provided by state law (Ch. 21, TLGC)



Audience Discussion

- Does your city have an ethics policy?
- Has it helped resolve conflicts?
- What changes would make it stronger?



Key Takeaways

- Clear expectations prevent conflict
- Ethics supports teamwork and transparency
- Consistent enforcement builds trust
 - TRUST is our currency
 - Without trust, even good decisions are doubted
 - With trust, even tough decisions are accepted
 - Ethics policies are how we protect that trust



Thank You



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