Open Government 102
Conflicts of Interest, Nepotism and Ethics

Texas Association of Counties
PREPARING TO TAKE OFFICE
All the tools you need to succeed

Welcome to office.
Questions? Give us a ring!

(888) 275-8224

TAC HELPLINE
Conflicts
Who you can and can’t do business with.

Nepotism
Who you can and can’t hire.

Ethics
Other ways you can get in trouble.

Why are we here?
CONFLICTS – THE BASICS
WHAT IS A “SUBSTANTIAL INTEREST”? 

- 10% voting stock or shares
- 10% annual gross income
- 1st Degree
- 10% or $15,000
- $2,500 real property
CONFLICT OF INTEREST TEST

substantial interest

special economic effect

conflict
CONFLICTS & OATH OF OFFICE

“no direct or indirect interest in contract with the county”
CERTAIN BUSINESS RELATIONSHIPS

Local Government Code
Chapter 176
WHAT IF YOU HAVE A CONFLICT?
EXCEPTION

CONFLICTS AFFIDAVIT

CONFLICTS AFFIDAVIT

CONFLICTS AFFIDAVIT
OFFICIAL MISCONDUCT
Nepotism

Who you can and can’t hire.
NEPOTISM TERMS

consanguinity

affinity
CONSANGUINITY
(RELATIONSHIP BY BLOOD)

Officer

1st Degree
- Father/Mother
- Daughter/Son

2nd Degree
- Brother/Sister
- Grand Son/Daughter
- Grand Father/Mother

3rd Degree
- Uncle/Aunt
- Nephew/Niece
- Great Grandson/Daughter
- Great Grand Father/Mother
AFFINITY
(RELATIONSHIP BY MARRIAGE)

1st Degree
- Officer's Spouse
- Father/Mother In Law
- Daughter/Son In Law
- Spouse's Son/Daughter

2nd Degree
- Spouse's Brother/Sister
- Sister/Brother's Spouse
- Spouse's Grand Father/Mother
- Spouse's Grand Daughter/Son
EXCEPTIONS

- cousins ok
- already on the job
- employment changes
- salary increases
OFFICIAL MISCONDUCT
Ethics

Other ways you can get in trouble.
CHARACTERIZE THE BENEFIT

- Personal Benefit
- County Contribution
- Officeholder Contribution
- Campaign Contribution

Diagram arrows indicate relationships between these contributions and the benefit.
CHAPTER 36 – BRIBERY
CHAPTER 36 – OTHER ISSUES
PERSONAL BENEFIT – EXCEPTIONS

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TITLE 15 – CONTRIBUTIONS
CHAPTER 37 –
FALSIFICATION OF RECORDS
CHAPTER 39 - ABUSE OF OFFICE
CHAPTER 39 – OFFICIAL OPPRESSION
CHAPTER 39 –
MISUSE OF INFORMATION
OFFICIAL MISCONDUCT
AFFIRMATIVE DEFENSE
OFFICIAL IMMUNITY
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