

Conflicts of Interest for Public Officials

A County Judge and the County Commissioners are considered local public officials governed by the requirements of the Texas Local Government Code (“the Code”), which regulates conflicts of interests of officers of county and other local governmental bodies. If a local public official has a substantial interest in a business entity or in real property, before a vote or decision on any matter involving the entity or property, the official must file (with the official record keeper of the governmental body) an affidavit stating the nature and extent of the interest and abstain from further participation in the matter in the following circumstances:

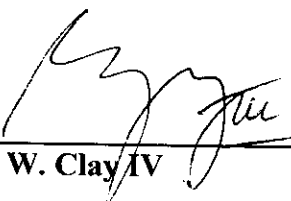
- 1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- 2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

A local public official is considered to have a substantial interest under the Code if a person related to the official in the first degree by consanguinity or affinity, as determined under the Code, has a substantial interest in a business entity or real property.

A local public official who knowingly violates the statutory requirements governing the filing of a financial disclosure affidavit and abstention from voting commits a Class A misdemeanor, which in Texas will carry a punishment of up to a year in the county jail, and a fine of up to \$4,000.

It has come to our attention that there may be members of the Clay County Commissioner’s Court who have signed a Wind Farm Lease, are planning on signing a Wind Farm Lease or will probably end up signing a Wind Farm Lease and could have a conflict of interest under the Code if they participate and/or vote in any discussions involving Wind Farms before the Clay County Commissioner’s Court for consideration.

Delivered in person to the Clay County Commssioner’s Court, this 29th day of October, 2018 during the Open Forum before the regularly scheduled Clay County Commissioner’s Court meeting.



George W. Clay IV

Date: 10-29-18