

## **11. TPC Ethics Policy Review**

### **Background**

At the November 19, 2021 meeting of the H-GAC Transportation Policy Council, a series of public commentators read an open letter asserting that TPC member had failed to disclose potential conflicts of interest while participating in TPC activities and “breached” multiple codes of ethics as a result of the member’s participation in the TPC’s activities relating to the North Houston Highway Improvement Project (NHHIP). Immediately following the TPC meeting, the TPC Chair requested that MPO staff review the letter and the TPC’s Ethics Policy and present a report to the TPC.

### **Current Situation**

MPO staff, working with H-GAC’s Internal Audit Department and H-GAC’s external counsel, reviewed the letter and the TPC’s Ethics Policy and have prepared the attached report. Staff will present a summary of the report and discuss recommendations to improve compliance with the TPC Ethics Policy and State Statutes.

### **Action Requested**

Information and discussion only.

## **H-GAC Staff Review of Issues Raised Regarding TPC Official's Ethical Conduct**

At the November 19, 2021 meeting of the H-GAC Transportation Policy Council, a series of public commentators read an open letter asserting that Mayor Joe Zimmerman, who represents the City of Sugar Land on the Transportation Policy Council (TPC), failed to disclose potential conflicts of interest while participating in TPC activities and that he "breached" multiple codes of ethics as a result of his participation in the TPC's activities relating to the North Houston Highway Improvement Project (NHHIP).

The letter, called "An Open Letter Regarding Mayor Joe Zimmerman's Ethical Misconduct," included specific examples in support of the assertions, conclusions about those examples, and requested a remedy. Immediately following the TPC meeting, the TPC Chair requested that MPO staff review the letter and present a report to the TPC. MPO staff reviewed the letter and prepared a paragraph-by-paragraph analysis. (Attachment A) As part of the review, staff confirms some statements made in the "Open Letter" to be factually correct, but also notes where comments or conclusions are subjective or incomplete. Staff also received advice from H-GAC's external counsel about conformity with the TPC's and staff's ethics requirements.

This report does not make any determination that the ethical violations alleged in the letter were committed because relevant state statutes and the TPC Ethics Policy do not authorize the Transportation Policy Council or MPO staff to make such a determination regarding a Policy Council member. Further, this report does not recommend any enforcement action since relevant state statutes and the TPC Ethics Policy do not authorize the Transportation Policy Council or MPO staff to take enforcement action against a Policy Council member. In fact, the relevant statutes delineate a remedial process outside of the TPC that can be initiated by any person who believes the alleged ethical violations have occurred.

The staff review further concludes that the current TPC Ethics Policy complies with requirements in the applicable statutes:

- Texas Local Government Code, Chapter 171: requires public officials to declare conflicts of interest and abstain from participating when matters involving business entities or real estate with which the official has a substantial interest come before the government body;
- Texas Local Government Code, Chapter 176: requires public officials to declare conflicts of interest if the government body is entering or considering entering into some type of contract with a vendor with which the public official has a relationship that meets certain criteria; and
- Texas Transportation Code Section 472.033 applies Chapter 171 of Texas Local Government Code to MPO Policy Board members, and Section 472.034 establishes ethics-related standards of conduct for MPO Policy Board members and MPO staff that generally ban certain activities (receiving payments, gifts, employment, or other

benefits) that could reasonably be expected to influence the MPO official's or employee's conduct or decision-making.

These elements are each addressed in the TPC Ethics Policy – in many instances copied verbatim from the state code. Although this report does not identify specific changes to TPC's Ethics Policy that should be made, the review did suggest three changes to the MPO's ethics-related practices that should be (or already have been) implemented to improve compliance with the requirements in in the Transportation Code:

1. Provide an opportunity near the beginning of each TPC meeting for TPC members to declare a conflict of interest on any agenda items. [This change has been implemented.]
2. Provide regular review and training to TPC members (and MPO staff) related to the TPC Ethics Policy and the applicable state statutes. This type of training is frequently provided for governing bodies. [MPO staff have initiated this training. The February 25, 2022 TPC meeting included a basic review of the elements and requirements of conflicts of interest; future meetings will review other ethics requirements.]
3. Change annual ethics form. Make a change that is consistent with both the TPC policy and state statutes to specifically require members to respond to the situations listed in Chapter 472.034. This updated annual statement will provide a specific entry for each Policy Council member to affirm that they are in compliance with each situation specified in Chapter 472.034 and acknowledge the applicability of Chapters 171 and 176, Local Government Code. This more comprehensive ethics policy acknowledgement will enhance the TPC's ethics practices and increase awareness of each potential ethics situation. MPO staff will also be required to annually affirm compliance with the TPC Ethics Policy. [Staff anticipates sharing the updated ethics policy acknowledgement with TPC members at the March 2022 TPC meeting.]

### **Summary**

This report is a review of the "Open Letter Regarding Mayor Joe Zimmerman's Ethical Misconduct" that was read during public comments at the November 19, 2021 meeting of the Houston-Galveston area's Transportation Policy Council. The report includes an analysis of the "Open Letter," but does not make any determinations about ethics violations alleged in the letter or recommend enforcement actions because relevant state statutes and the TPC Ethics Policy do not provide for the Transportation Policy Council or MPO staff to make a determination that a Policy Council member committed an ethical violation or to attempt enforcement action against a Policy Council member. It concludes that no changes to the TPC Ethics Policy are necessary; however it does contain recommendations to enhance the TPC's compliance with its Ethics Policy and with ethics-related state statutes. MPO staff have started implementing those recommendations.

## H-GAC Staff Review and Comments on “2021-11-19 Zimmerman Open Letter”

Note:

1. This staff review is conducted to provide a paragraph-level review of the “Open Letter,” but does not constitute an investigation or conclusion relating to any specific violations of the TPC Ethics Policy or applicable ethics-related elements of state code. Under those policies or codes, the MPO staff is not authorized to conduct investigations or make determinations about ethics violations.
2. Under the “H-GAC Staff Review” column, items that are non-bulleted text are staff comments, assessments, or determinations; items that are bulleted are staff confirming factual statements made in the “Open Letter.”

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>Friday, November 19, 2021</p> <p><b>An Open Letter Regarding Mayor Joe Zimmerman’s Ethical Misconduct</b></p> <p>To the Houston-Galveston Area Council (H-GAC) Transportation Policy Council, Mayor Joe Zimmerman, and all interested parties,</p>	<p>No staff comments</p>
<p>A federal policy board like the Transportation Policy Council (TPC) is responsible for providing policy guidance, distribution of infrastructure funds, and overall coordination of the transportation planning activities within the region. We expect that the elected officials on this board would hold themselves to a high ethical standard, including sharing conflicts of interest.</p>	<p>No staff comments</p>
<p>It is with this expectation in mind that we present the following information.</p> <p><b>Through his connections to his private employer, Halff Associates, Inc., Mayor Joe Zimmerman of Sugar Land has maintained conflicts of interest that violate multiple codes of ethics and undermine the TPC’s necessary impartiality in managing federal transportation funds.</b> For these reasons, we call on Mayor Zimmerman to resign from his position on the Transportation Policy Council and ask H-GAC staff to conduct a review of Mayor Zimmerman’s conduct during his time serving as a TPC member.</p>	<p>This paragraph summarizes the primary allegation of the letter and the primary remedy that the letter identifies.</p> <p>Staff was able to review and report on factual statements and make recommendations related to the TPC’s Ethics Policy, but is not empowered by the TPC Ethics Policy or state code to conduct an investigation or to determine whether conflicts of interest or other ethical violations occurred, or to propose any remedies for violations.</p>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>Following being elected Mayor of Sugar Land in 2016, Zimmerman began his employment with Halff in 2017 and continues to represent them in an official capacity.<sup>1,2,3,4</sup> Maintaining these two concurrent jobs may not constitute any sort of conflict of interest, and we are not commenting on this dual role today (although, it is worth noting that Halff has contracted on a number of infrastructure projects in the City of Sugar Land and Fort Bend County since 2016). Where this crosses a deeply unethical line is in Zimmerman’s third role as voting member of the Houston-Galveston Area Council’s Transportation Policy Council.</p>	<ul style="list-style-type: none"> <li>• Mayor Zimmerman was elected Mayor of Sugar Land in 2016.</li> <li>• Mayor Zimmerman confirmed to H-GAC staff that he began employment with Halff Associates in November 2017.</li> </ul> <p>Staff provides no comment or conclusion on other comments in this paragraph.</p>
<p>Zimmerman has been a primary, voting member on the TPC since 2016, having served prior as an alternate member. It is disconcerting that until now no parties have taken issue with the fact that Mayor Zimmerman, only able to serve on the TPC by virtue of his elected office, can personally affect and vote on funding for massive infrastructure projects which directly create profits for organizations such as his private employer, Halff. Zimmerman’s presence and participation on the TPC is a clear violation of multiple codes of ethics, including those within H-GAC’s TPC Bylaws.</p>	<ul style="list-style-type: none"> <li>• Mayor Zimmerman has been an appointment primary member of the TPC since 2016 and was an alternate prior to then. There are a total of 26 primary members of the TPC.</li> </ul> <p>Staff assesses that the remainder of this paragraph provides commentary and makes a subjective conclusion. H-GAC staff is unable to objectively reach the same conclusion. In addition, staff is not authorized to determine whether actions were a “violation of multiple codes of ethics.”</p>
<p>Notably, Zimmerman has used his power and influence on this committee to advance one of the most controversial infrastructure projects in our city’s history: the North Houston Highway Improvement Project (NHHIP). Since 2018, Halff has contracted for several million dollars on this project and may continue profiting from it if it were to move forward.</p>	<p>The assertion of “power and influence” is subjective and cannot be effectively evaluated in a policy-making body where each member has the same voting authority. Even if “power and influence” were used, staff assesses that the impact of the Mayor’s influence cannot be determined in a meaningful manner.</p> <ul style="list-style-type: none"> <li>• Since 2018, Halff Associates has contracted with TxDOT for several million dollars on projects related to the NHHIP.</li> </ul>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>Zimmerman’s role in advocating for and advancing the NHHIP constitutes a gross misuse of his position on the TPC. At the bare minimum, Zimmerman should have repeatedly made known his potential conflicts of interest every time the NHHIP was discussed in his presence and recused himself from any vote on a project that his employer might bid on. Not only did he fail to do that, he has commanded an outsized role in advocating for the project.</p>	<p>Staff assesses that most assertions in this paragraph are subjective and draw conclusions that beyond the authority of staff to determine.</p> <ul style="list-style-type: none"> <li>• If a potential conflict of interest is present, Chapter 171 of Texas’ Local Government Code and TPC’s Ethics Policy require that the public official declares the conflict and abstain from additional action or votes on the matter.</li> </ul>
<p><b>In addition to the ethical quandary of his role on the TPC, his actions constitute multiple violations of the National Society of Professional Engineers’ Code of Ethics.</b> We have outlined Mayor Zimmerman’s explicit violations of multiple codes of ethics below. According to the National Society of Professional Engineers’ Code of Ethics<sup>5</sup>:</p> <p><i>Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.</i></p> <p>...</p> <p><i>Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.</i></p>	<p>Staff determines that the content of this paragraph is related to ethics standards not under the purview of the TPC. Review or commentary related to such assessments would be inappropriate for a report to the TPC.</p>
<p>Zimmerman appears to be in violation of these clauses. In addition to voting on NHHIP-specific items (see: <i>Approval of Resolution Affirming Funding Partnership for Segment 2 of North Houston Highway Improvement Program (NHHIP) and the Mitigation of Adverse Community Impacts</i> - July 26, 2019; <i>Approval of Resolution 2021-17</i> - May 21, 2021), every Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) update that included funding for the NHHIP would constitute a breach.</p>	<p>Staff determines that the content of this paragraph is related to ethics standards not under the purview of the TPC Ethics Policy. Review or commentary related to such assessments would be inappropriate for a report to the TPC.</p>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>The Texas Board of Professional Engineers’ Practice and Rules manual also addresses potential conflicts of interest<sup>6</sup>:</p> <p>§137.57</p> <p><i>(c) The engineer shall disclose a potential conflict of interest to a potential or current client or employer upon discovery of the possible conflict.</i></p> <p><i>(d) A potential conflict of interest exists when an engineer accepts employment when a reasonable probability exists that the engineer's own financial, business, property, or personal interests may affect any professional judgment, decisions, or practices exercised on behalf of the client or employer. An engineer may accept such an employment only if all parties involved in the potential conflict of interest are fully informed in writing and the client or employer confirms the knowledge of the potential conflict in writing. An engineer in a potential conflict of interest employment shall maintain the interests of the client and other parties as provided by §137.61 of this title (relating to Engineers Shall Maintain Confidentiality of Clients) and other rules and statutes.”</i></p>	<p>Staff determines that the content of this paragraph is related to ethics standards not under the purview of the TPC Ethics Policy. Review or commentary related to such assessments would be inappropriate for a report to the TPC.</p>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>It’s possible that both Halff Associates, Inc. and the H-GAC knew of and acknowledged Zimmerman’s potential conflict of interest. <b>If this were the case, this highly relevant piece of information should have been disclosed to the public explicitly and repeatedly, anytime Zimmerman took a vote on a project or policy that his employer might profit from.</b></p>	<p>This paragraph presents a possible situation and makes a potential conclusion based on that hypothetical situation. Staff is not authorized to make determinations related to specific ethics violations.</p> <ul style="list-style-type: none"> <li>• Mayor Zimmerman has not declared potential conflicts of interest during any TPC meetings, although prior to this letter being submitted, there was not a clearly-stated opportunity for TPC members to declare a potential conflict of interest on an agenda item. (That opportunity is now provide during every TPC meeting.)</li> </ul> <p>MPOs such as H-GAC do not track project sponsor contracts awarded to implement projects included in the TIP. Under federal transportation policy, the state DOT (and other project sponsors) are responsible for conducting procurements for such projects following their adopted policies.</p> <p>H-GAC staff is not empowered under the TPC Ethics Policy or state code to preemptively or regularly review or investigate potential conflicts of interest related to TPC members.</p>



Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>H-GAC’s Bylaws and Operating Procedures also clearly address Mayor Zimmerman’s situation<sup>7</sup>:</p> <p><i>H. Ethics: Members of the Transportation Policy Council and employees of the MPO shall not accept or solicit gifts or favors that might reasonably tend to influence them in the discharge of their official duties. Additionally, members of the Transportation Policy Council and employees of the MPO shall not accept other employment or compensation that could reasonably be expected to impair their independence of judgment in the performance of their official duties. Neither a member of the Transportation Policy Council nor an employee of the MPO shall make personal investments that could reasonably be expected to create a conflict between the member’s or employee’s private interest and the public interest.</i></p>	<p>This is an accurate excerpt from the TPC’s Ethics Statement within the TPC’s Bylaws. The language is also essentially the same language from Texas Transportation Code, Chapter 472.034, which applies to all MPO Policy Boards such as the TPC. As a point of clarification, the paragraph’s reference to this language as part of the “H-GAC’s Bylaws and Operating Procedures” is inaccurate. The excerpt is from the “Transportation Policy Council Bylaws and Operating Procedures.” The H-GAC is the host agency and fiscal agent for the TPC; H-GAC’s Bylaws and any H-GAC ethics requirements in those do not directly apply to TPC members.</p>
<p>The “Ethics Policy” document, which each TPC member must sign to maintain membership on the TPC, states:</p> <p><i>No policy board member or employee of the MPO may accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position...No policy board member or employee of the MPO may accept other employment or compensation that could reasonably be expected to impair the member’s or employee’s independence of judgment in the performance of official duties.</i></p>	<p>This is an accurate excerpt from the TPC’s Ethics Policy, and is also essentially the same language from Texas Transportation Code, Chapter 472.034, which applies to all MPO Policy Boards such as the TPC.</p>

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<p>Mayor Zimmerman’s employer Halff Associates, Inc. has contracted, either as prime or sub, for \$17 million on Houston district TxDOT projects alone since 2017. Halff offers services on construction, transportation, structural engineering, surveying, Right of Way, and intelligent transportation systems (ITS), to name a few; nearly every funded project that the TPC approves needs these services, and Halff is active on such projects. Work authorizations show that Halff Associates has been paid just over \$559,000 for work on eight separate projects approved in the H-GAC’s 2021-2024 TIP (see: work authorizations under contract No. 10228; 2021-2024 TIP). Mayor Zimmerman has voted to approve the 2021-2024 TIP twice (see: June 2020 TPC meeting minutes, January 2021 TPC minutes).</p>	<p>Staff review of documents identified in the letter support most assertions in this paragraph.</p> <ul style="list-style-type: none"> <li>• Mayor Zimmerman is employed by Halff Associates;</li> <li>• Halff Associates has contracted with TxDOT’s Houston District as either a subcontractor or lead contractor on about \$17M in work since 2017;</li> <li>• TxDOT work authorizations support the letter’s assertion that Halff Associates has been paid over \$559,000 for work related to eight separate projects that are included in the H-GAC’s 2021-2024 TIP;</li> <li>• Mayor Zimmerman voted to approve the 2021-2024 TIP at the June 2020 TPC meeting, and approve a significant amendment to the TIP at the January 2021 TPC meeting.</li> </ul>
<p><b>This brings us to our next concern: why has Mayor Zimmerman shown such ardent desire to move TxDOT’s NHHIP forward over the past several years, a project so far from his constituency in Sugar Land?</b> In addition to voting to move forward aspects of this project several times over the past years, Zimmerman has repeatedly gone on record vocally supporting the project. The Houston Chronicle’s Dug Begley has quoted Zimmerman on his support at least four times over the past two years. Zimmerman also traveled to Austin this past August to provide testimony to the Texas Transportation Commission, urging them to move the project forward despite an ongoing civil rights investigation. Zimmerman did not disclose his connections to Halff at this time.</p>	<p>Staff determines that most of the content in this paragraph is either subjective or that it is not relevant to any potential conflicts of interest in the TPC Ethics Policy or under applicable state codes. For example, statements in support of a transportation project made outside of involvement in a TPC vote or decision-making process (i.e., instances that would require an official to abstain from the vote under Texas Local Government Code Chapter 171.004) would not themselves constitute a potential conflict of interest.</p>

On its own, Zimmerman’s sustained interest in the NHHIP is curious; contextualized with his employer’s current work on the project and express interest in bidding on future related contracts, it becomes suspect. In 2018, Halff Associates, Inc. contracted with TxDOT for \$5 million to perform utility coordination work on the NHHIP (see: TxDOT contract #8315; IH45 Subsurface Utility Data reports). According to Requests for Qualifications documents related to the NHHIP, Halff has requested a determination from TxDOT to be approved to bid on the project in the future. Earlier this year, Halff Associates Vice President Tony Sartori signed onto a letter from highway interest group North Houston Association, urging the H-GAC to advance NHHIP funds into the 2045 RTP (see: NHA comments on 2045 RTP). A few days after Sartori signed onto this letter of support, Zimmerman voted to advance the NHHIP funds; Zimmerman did not disclose that his company was actively supporting this vote. In May of this year, Halff employees attended a NHHIP Segment 3 Pre-Request for Proposals meeting.<sup>8</sup> Put simply, Halff Associates has already profited substantially from work on the NHHIP and has shown clear intent to continue working on it. Since Halff took on their NHHIP contract in May 2018, their employee Mayor Zimmerman has voted to advance the NHHIP several times and has zealously advocated for this project.

Staff concludes that any determinations about Mayor Zimmerman’s actions relating to NHHIP are “suspicious” are subjective statements. The following specific assessments can be made:

- Records reviewed by staff appear to confirm that in 2018, Halff Associates entered a contract for up to \$5 million with TxDOT to perform utility coordination work on the NHHIP. (Note, Exhibit H-1 of the contract states that subcontractors would receive 39% of the work, indicating that Halff Associates would receive 61%, or approximately \$3.05 million.)
- Staff is unable to confirm the assertion that Halff Associates requested a determination from TxDOT relating to future NHHIP project bids.
- North Houston Alliance submitted a letter dated April 27, 2021 to H-GAC that included a statement of support for an RTP amendment that included an NHHIP-related project. Tony Sartori did not sign the letter, but is identified on the letterhead as an officer of NHA.
- Mayor Zimmerman voted in June 2021 to approve an amendment to the RTP that included adding one project that was related to the NHHIP.
- The attendance record for a TxDOT Pre-Request for Proposals related to NHHIP Segment 3 show at least two Halff Associates employees in attendance.

The final sentence of this paragraph includes a subjective assertion of “zealous advocacy”, although the sequence of events identified in the sentence is generally accurate: Halff Associates received a contract related to the NHHIP in May 2018 and Mayor Zimmerman, who is an employee of Halff Associates, has voted several times to advance the NHHIP since then. Staff notes, however, that a determination of an

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
	ethics violation would require additional information and could not be made by staff.
<p>In early 2020, the City of Houston concluded a year-long public engagement process on the NHHIP. Feedback they received from residents, stakeholders, and elected officials indicated overwhelming support for a redesign of TxDOT’s original proposal, drastically altering major aspects of the project including reducing ROW usage and shifting the focus to transit. Based on this public engagement, Mayor Sylvester Turner requested TxDOT work with the City of Houston to implement this redesign, or else lose the City’s support for the project.</p>	No staff comments
<p>Immediately following this request, Zimmerman escalated his advocacy, using his position on the TPC to propose the creation of an H-GAC working group to broker a Memorandum of Understanding (MOU) between the two sides. He accepted a vice-chair position in this working group. Zimmerman and TPC Chair Ken Clark were <a href="#">heavily criticized for stacking the group with suburban and rural members</a>, giving TxDOT allies a voting majority. TPC members will recall that these negotiations broke down after TxDOT’s legal team gutted agreed-upon language, arguing TxDOT would not alter project design outside of what was presented in the Final Environmental Impact Statement (FEIS).</p>	<p>Mayor Zimmerman was named (and served) as a vice-chair of the TPC working group that was established to develop a Memorandum of Understanding (MOU) between parties with an interest in the NHHIP. The effort to develop an MOU was ultimately unsuccessful. The paragraph asserts that responsibility for the failure to reach an agreement was with TxDOT, and does not suggest that any improper or unethical actions by Mayor Zimmerman during the Working Group meetings led to the eventual failure of the negotiations.</p>
<p>During the MOU negotiations referenced above, Mayor Zimmerman was quoted in the Houston Chronicle blaming City of Houston officials for not portraying the NHHIP “in a positive light” and lamenting, “The intent was to keep politics out of this.” According to TxDOT’s FEIS, the NHHIP as designed will displace over 1000 homes and over 300 businesses. The project corridor stretches from downtown Houston north to Greenspoint for 24 miles. The project does not impact the Sugar Land suburb.</p>	<p>The assertions in this paragraph do not appear to meet criteria that might require any disclosures by Mayor Zimmerman. Potential conclusions about the actions of Mayor Zimmerman described in this paragraph would be subjective. Other comments in the paragraph about the impacts of the NHHIP are not relevant to a review of potential conflicts of interest.</p>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
<p>Considering his significant conflicts of interest and breach of multiple codes of ethics, we call on Mayor Joe Zimmerman to immediately resign from the H-GAC’s Transportation Policy Council. We ask H-GAC staff to conduct an internal review of Zimmerman’s actions while serving on the TPC, and request that H-GAC staff review and update its bylaws on conflicts of interest to ensure the utmost transparency in its operations. Finally, for the sake of transparency, we would like to pose the following questions to Mayor Zimmerman. He may answer at his discretion.</p> <ul style="list-style-type: none"> <li>○ Do you own any stock in Halff Associates, Inc?</li> <li>○ Is your compensation package from Halff based on the company’s financial performance in any way?</li> <li>○ Will you disclose your salary from Halff?</li> <li>○ Have you ever discussed the NHHIP with your bosses at Halff?</li> <li>○ While serving on the TPC, have you ever recused yourself from a vote to avoid a potential conflict of interest? If so, which vote(s)?</li> <li>○ Will you release your Personal Financial Statements (PFS) filed either with the Texas Ethics Commission or the City of Sugar Land?</li> </ul>	<p>The proposed remedy is beyond the scope of what the staff’s review of the statements raised in this letter can conclude or recommend.</p> <p>This review is being conducted at the request of the TPC Chair made immediately following the November 2021 TPC meeting where this letter was read during the public comments section of the meeting. A portion of this review was conducted by the H-GAC’s Internal Audit department, and that portion of the review included a review of the TPC ethics policy and made recommendations relating to TPC meetings and ethics-related practices or policies.</p> <p>This is a review of the issues raised in the letter; it did not collect responses from Mayor Zimmerman to the questions directed to him. MPO staff are not specifically empowered or authorized by the TPC’s Ethics Policy, Texas Transportation Code Chapter 472.034, or Texas Local Government Code Chapters 171 and 176 to conduct ethics-related investigations of TPC members.</p>
<p>Thank you for your time and consideration.</p> <p>Signed,</p> <p>Stop TxDOT I-45</p>	<p>No staff comments</p>
<p>Exhibit A Code of Ethics for Engineers (National Society of Professional Engineers)</p>	<p>No staff comments</p>

Content from “2021-11-19 Zimmerman Open Letter”	H-GAC Staff Review
Exhibit B: Unidentified excerpt titled “SS 137.55 ENGINEERS SHALL PROTECT THE PUBLIC” “SS 137.57 ENGINEERS SHALL BE OBJECTIVE AND TRUTHFUL”	No staff comments
Exhibit C: Transportation Policy Council’s Bylaws “Ethics Policy” section	No staff comments