



NOTICE OF A PUBLIC MEETING
CONCHO VALLEY TRANSIT DISTRICT

2:35 P.M.

WEDNESDAY, AUGUST 9, 2017

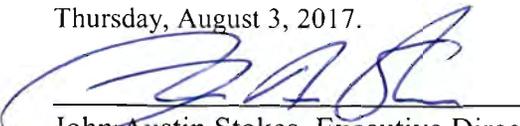
**Concho Valley Regional Conference and Training Center
2801 W. Loop 306, Suite A., San Angelo, TX 76904**

The meeting place is accessible to persons with disabilities. If assistance is needed to observe or comment, please call the Council office at 944-9666 at least 24 hours prior to the meeting.

BUSINESS

- (1) **DETERMINATION OF QUORUM AND CALL TO ORDER**
- (2) **INVOCATION & PLEDGE OF ALLEGIENCE**
- (3) **WELCOME NEW BOARD MEMBERS**
The Honorable Billie DeWitt, COSA Council Member, District 6
The Honorable Lucy Gonzales, COSA Council Member, District 4
- (4) **ACCEPTANCE OF BOARD APPOINTMENTS FOR MEMBER COUNTIES AND CITY OF SAN ANGELO AND ELECTION OF OFFICERS - CHAIR, VICE-CHAIR AND SECRETARY (See Resolution 080917A Attachment A)**
- (5) **APPROVAL OF MINUTES** of July 12, 2017 meeting (See **Attachment B**)
- (6) **APPROVAL OF CHECKS** over \$2,000 written since last meeting (See **Attachment C**)
- (7) **DISCUSSION and APPROVAL** of proposed CVTD Budget for FY 17-18 **Resolution 080917B** (See **Attachment D**)
- (8) **APPROVAL** of the CVTD Ethics and Compliance Policy (See **Attachment E**)
- (9) **REVIEW** Financial Reports/Balance Sheet – June 2017 (See **Attachment F**)
- (10) **CVTD General Manager’s Report**
- (11) **OTHER** Discussion Items or Future Agenda Items
- (12) **ADJOURN**

Posted in accordance with the Texas Government Code, Title V, Chapter 551, Section .053, this Thursday, August 3, 2017.


John Austin Stokes, Executive Director

**Concho Valley Transit District
RESOLUTION 080917A**

WHEREAS, the Concho Valley Transit District (CVTD) was formed in June of 2006 and began operating consolidated rural and small urban public transportation services in the Concho Valley in September 2006, and;

WHEREAS, the CVTD is the Governing Board of the district and choosing to act as an Executive Committee of the district, and

WHEREAS, the by-laws were adopted in June 2006 and provisions for electing and board members and election of officers were provided, and;

WHEREAS, the CVTD board wishes to accept each member governments election of one of its own members to serve on the CVTD Board, and

WHEREAS, the CVTD Board chooses to execute its authority and responsibility to establish and elect officers of the board, and;

Now therefore be it resolved the Board of Directors of the Concho Valley Transit District approve the following:

- 1. Execute its authority and responsibility to establish and elect officers of the board.**

Duly adopted at the meeting of the Board of Directors of the Concho Valley Transit District this 9th day of August 2017.

Chairman

Secretary



Concho Valley Transit District (CVTD)

Minutes of Meeting for July 12, 2017

The Concho Valley Transit District met on Wednesday, July 12, 2017 in the Concho Valley Regional Conference, and Training Center, 2801 W. Loop 306, Suite A, San Angelo, TX.

Board members present:

Steve Floyd, Tom Green County Judge, Chairman
John Nanny, Irion County Commissioner, Vice Chair
Roy Blair, Coke County Judge
Charlie Bradley, Schleicher County Judge
Richard Cordes, Menard County Judge
Fred Deaton, Crockett County Judge
David Dillard, Concho County Judge
Leslie Mackie, Sterling County Judge
Danny Neal, McCulloch County Judge
Delbert Roberts, Kimble County Judge
Harry Thomas, City of San Angelo Council Member, District 3
Miguel Villanueva, Sutton County Commissioner

Board members not present:

Larry Isom, Reagan County Judge

Call to Order

Chairman Steve Floyd announced the presence of a quorum and called the meeting to order at 2:42 p.m.

Invocation and Pledge of Allegiance

Judge Danny Neal gave the invocation and Chairman Steve Floyd led the Pledge of Allegiance.

Approval of Meeting Minutes

Upon a motion by Judge David Dillard, seconded by Commissioner John Nanny, meeting minutes from the June 14, 2017 meeting were unanimously approved.

Approval of Checks over \$2,000 written since last meeting

Upon a motion by Judge Charlie Bradley, seconded by Judge Richard Cordes, checks in excess of \$2,000 written since last meeting was unanimously approved.

Authorization to give one-time Safety/Retention Stipends to all CVTD Employees

This fiscal year CVTD realized over \$300,000 in efficiencies by providing a high level of service with less employees and cutting down on overtime. Three years ago, a Salary Study was conducted which showed the CVTD driver wages to be significantly below the median. With the local economy, it is extremely difficult to retain drivers for CVTD. CVCOG increased the salary rate for all qualified drivers by two dollars an hour. There was still a large balance of money budgeted for Transit Salaries. The Executive Director is recommending awarding all qualified CVTD staff as they are all responsible for

these efficiencies. Full time employees who qualify will receive a \$500 stipend and part time employees who qualify will receive a \$250 stipend. Upon a motion by Judge Fred Deaton, seconded by Judge Leslie Mackie, authorization for the Executive Director to give one-time Safety/Retention Stipends to all CVTD Employees was unanimously approved.

Approval of the CVTD Ethics & Compliance Policy

Upon a motion by Judge Roy Blair, seconded by Judge David Dillard, the CVTD Ethics and Compliance Policy was unanimously approved.

Review Financial Reports/Balance Sheet

The board reviewed Financial Reports for May 2017. No action required.

CVTD General Manager's Report

- Bus Stops
 - I. Higher Visibility Double sided sign
 - II. Public Participation Meeting at CVTD
 - July 20, 2017 @ 7pm
 - July 21, 2017 @ 1:30pm
 - III. Proposed Minor Changes:
 - *Add Ave K, 42nd, Glenna, Market Street*
 - *Move Antonio to Julian, stop to parole office*
 - *Remove Turner St.*
 - VI. Implementation Roll Out Date
 - August 14th

- County Contracts
 - Contracts expire 08/31/2017
 - No contribution increases
 - All Counties will have a copy by next week for review

- FTA Triennial Review
 - 2014 Triennial – 19 Findings
 - 2017 Triennial – 5 Findings (Awaiting further details from the FTA's closing report)

- Ethics & Compliance
 - TxDOT requires grantees to have internal Ethics and Compliance program that satisfies the Texas Administrative

- Advertising
 - Over 1,000,000 miles driven each year
 - 16,000 sq. miles and beyond
 - Over 300,000 passenger trips per year
 - 60+ fleet vehicles
 - \$60 weekly per advertisement

- Goodfellow AFB

- Honorary Commander – Vince Huerta
 - 17th Logistics Readiness Squadron
 - GAFB Initiative
 - Community Program
- Recognition
- *Alfredo Avila, Frankie “Beth” Parker, Frank Villareal*

Future Agenda Items - None

Adjournment

The meeting was adjourned at 3:12 p.m. Duly adopted at the meeting of the Concho Valley Transit District of the Concho Valley Council of Governments this 9th day of August 2017.

Judge Steve Floyd - Chairman

Commissioner John Nanny – Vice Chair

CVTD
Check/Voucher Register
From 6/1/2017 Through 6/30/2017

| <u>Document Nu...</u> | <u>Document Date</u> | <u>Name</u> | <u>Transaction Description</u> | <u>Document Amount</u> |
|-----------------------|----------------------|---------------------------|--|-------------------------|
| 17786 | 6/8/2017 | ANGELO TIRE AND ALIGN... | 1488:4 tires, repl frnt disc pad, & rear right pad & rotor | 2,032.56 |
| 17800 | 6/8/2017 | TML INTERGOVERNMENT... | 06/2017 auto liab, errors & omission, general liability | 7,337.33 |
| 17804 | 6/15/2017 | CITY OF SAN ANGELO-ACC... | Fuel May 2017 | 17,044.61 |
| 17810 | 6/15/2017 | SHELL FLEET NAVIGATOR | Fuel May 2017 | 11,739.70 |
| 17821 | 6/27/2017 | MCDONALD TRANSIT ASS... | June 2017 professional services | <u>11,500.00</u> |
| Report Total | | | | <u><u>49,654.20</u></u> |

**Concho Valley Transit District
RESOLUTION 080917B**

WHEREAS, the Concho Valley Transit District (CVTD) is designated as the principle provider of the public transportation services to the Concho Valley, and

WHEREAS, the CVTD begins a new Fiscal Year on September 1st, 2017, and

WHEREAS, the CVTD has a contract with the Concho Valley Council of Governments (CVCOG) to provide administration, staffing, financial services and the CVTD's annual budget and work plan, and

WHEREAS, the CVCOG Executive Committee reviewed the budget and hereby recommends approval of the budget for FY 17-18.

Now therefore be it resolved the Board of Directors of the Concho Valley Transit District approve the following:

- 1. The Concho Valley Transit District budget for the fiscal year beginning September 1, 2017.**

Duly adopted at the meeting of the Board of Directors of the Concho Valley Transit District this 9th day of August 2017.

Chairman

Secretary

Established July 12, 2017

REVISED AUGUST 9, 2017

**CONCHO
VALLEY
TRANSIT
DISTRICT**

ETHICS AND COMPLIANCE POLICY

Concho Valley Transit District

This Ethics and Compliance Policy is created to maintain a standard of ethical conduct expected from all agency employees and members. This policy does not take the place of, but shall be used in conjunction with, the Concho Valley Council of Governments Employee Handbook, to provide policies and guidelines of behavior expected of CVTD employees at all times.

All Concho Valley Transit District employees shall perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources; and report any conduct or activity that they believe to be in violation of this policy. Employees shall not knowingly make false or misleading statements, either oral or written, in the course of conducting the business of CVTD. Employees shall not disclose confidential or sensitive agency business information without prior written authorization.

All CVTD employees must familiarize themselves with this policy. All employees must abide by applicable federal and state laws, administrative rules, and this Ethics Policy. Employees will be effectively monitored and observed by their direct supervisors, as well as, the Human resources Director and Director of Administration, to reasonably detect ethical noncompliance. Any observations by peers are encouraged to be reported to the Human Resources Director without fear of discrimination or retaliation. **Monitoring activities will be conducted quarterly to ensure compliance. These activities include, vehicle operator spot checks, staff survey for requirement comprehension, and policy review for compliance and updates.** An employee who violates any provision of this conduct policy is subject to disciplinary action, up to and including termination. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties, in addition to any disciplinary action.

Although this manual identifies specific policies, it cannot address every conceivable situation. Ethical conduct, good judgment, common sense, and sound business practices and principles must prevail in any situation not covered by this manual.

This manual is not an employment contract or part of such a contract. The Board of Directors of CVTD reserves, unto itself, the right to suspend, vary from, modify, or eliminate any matter to which this manual relates, and may do so temporarily or permanently, in whole or in part, generally or in particular cases, and with or without prior notice as deemed appropriate.

TABLE OF CONTENTS

| | |
|--|-----------|
| FOREWORD | i |
| I. RECORD RETENTION | 1 |
| A GENERAL POLICY | 1 |
| B WRONGFUL DESTRUCTION OF RECORDS..... | 1 |
| C TERMINATION..... | 1 |
| D ADMINISTRATION..... | 1 |
| II. FRAUD | 2 |
| A PURPOSE..... | 2 |
| B SCOPE OF WORK..... | 2 |
| C POLICY | 2 |
| D ACTIONS CONSTITUTING FRAUD | 2 |
| E OTHER IRREGULARITIES | 3 |
| F INVESTIGATION RESPONSIBILITIES..... | 3 |
| G CONFIDENTIALITY..... | 3 |
| H AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD | 3 |
| I REPORTING PROCEDURES..... | 4 |
| J TERMINATION | 4 |
| K ADMINISTRATION..... | 4 |
| III. EQUAL OPPORTUNITY EMPLOYMENT. | 5 |
| A PURPOSE..... | 5 |
| B POLICY | 5 |
| C AFFIRMATIVE ACTION..... | 6 |
| D COMPLIANCE AND ADMINISTRATION | 6 |
| E PERSONS WITH DISABILITIES | 6 |
| F WHISTLEBLOWERS PROTECTION..... | 6 |
| G ADMINISTRATION..... | 7 |
| IV. SEXUAL HARASSMENT AND SEXUAL MISCONDUCT | 8 |
| A GENERAL POLICY | 8 |
| B SEXUAL HARASSMENT..... | 8 |
| C SEXUAL MISCONDUCT..... | 8 |
| D BULLYING..... | 8 |
| E CONDUCT EXPECTATIONS | 8 |
| F REPORTING PROCEDURES..... | 9 |
| G PROTECTION FROM RETALITATION | 9 |
| H TERMINATION..... | 9 |
| I ADMINISTRATION | 9 |
| V. CONFLICTS OF INTEREST | 10 |
| A GENERAL POLICY | 10 |
| B EMPLOYEES | 10 |
| C PUBLIC OFFICIALS | 10 |
| D CONTRACTS..... | 11 |
| E ADMINISTRATION | 11 |

| | |
|--|-----------|
| VI. PERSONAL USE OF CVTD PROPERTY | 12 |
| A GENERAL POLICY | 12 |
| B USE OF TOOLS, EQUIPMENT AND PROPERTY | 12 |
| C USE OF INFORMATION SYSTEMS RESOURCES | 12 |
| D USE OF BUILDING AND PREMISES | 12 |
| E USE OF CVTD CREDIT CARD | 12 |
| F MISUSE OF CVTD PROPERTY | 12 |
| | |
| VII. GIFTS AND HONORARIA | 13 |
| A GENERAL POLICY | 13 |
| B GIFTS TO EMPLOYEES | 13 |
| C GIFTS TO OFFICERS | 13 |
| D GIFTS TO STATE EMPLOYEES | 13 |
| E ADMINISTRATION | 14 |
| | |
| VIII. ETHICS MEMORANDUM | 15 |

I. RECORD RETENTION

A. GENERAL POLICY

Concho Valley Transit District (CVTD) is committed to proper maintenance and retention of records. Records are defined broadly to include almost any type of business information, and the required retention period varies with the type of record. Falsifying records, deliberately concealing records, destroying records in bad faith, exploiting confidential information, or otherwise mishandling records is not acceptable.

B. WRONGFUL DESTRUCTION OF RECORDS

When a lawsuit is filed or is reasonably anticipated to be filed against this agency, or when an internal or governmental investigation is initiated, CVTD must ensure that all information potentially relevant to the suit or investigation is preserved. Employees may not alter, conceal, or in any way destroy information potentially relevant to a suit or investigation.

CVTD will take every step possible to ensure potentially relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of e-mails.

C. TERMINATION

Any employee who violates this policy and destroys information, either through willful or unintentional act, will be subject to disciplinary action, up to and including termination. Engaging in unlawful destruction of records may also result in civil or criminal liability to any employee of CVTD committing such acts.

D. ADMINISTRATION

The Executive Director and the Director of Administration are responsible for the administration and application of this Policy. Any improper destruction of records will be considered fraud and will be investigated as such (See II. Fraud).

II. FRAUD

A. PURPOSE

This fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the Concho Valley Council of Governments (CVCOG). It is the intent CVCOG to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of employees and the CVCOG concerning investigations of fraud allegations and criminal acts. It is not the intent of CVCOG to restrict when and how fraud is reported. Employees are encouraged to report fraud as soon as possible to whomever they feel most comfortable with, whether Administrative Management, CVCOG Board, local law enforcement, or the Texas State Auditor's Office.

B. SCOPE OF WORK

This policy applies to any irregularity, or suspected irregularity, involving employees, board members, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with CVCOG.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with CVCOG.

C. POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud includes the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her benefit. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for reimbursement from CVTD.

Each member of management should be familiar with the types of improprieties that might occur within his or her area of responsibility and should be alert for any indication of irregularity. Any irregularity that is detected or suspected must be reported immediately to the Executive Director, the Director of Administration, or the Human Resources Office, who coordinates all investigations with the appropriate authorities, both internal and external.

D. ACTIONS CONSTITUTING FRAUD

Fraud is defined as: A false representation of a matter of fact, whether by word or by conduct, by false or misleading allegations, or by concealment, intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right. The terms of defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act,

- Misappropriation or theft of funds, securities, supplies, or other assets,
- Impropriety in handling or reporting of money or financial transactions,
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to CVCOG. Exception: Gifts which are less than \$50.00 in value that can be used/enjoyed by all employees, i.e., cookies at Christmas.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment, and/or
- Any similar or related irregularity

E. OTHER IRREGULARITIES

Irregularities concerning an employee’s moral, ethical, or behavioral conduct should be resolved by departmental management and the Administrative Management.

If there is any question as to whether an action constitutes fraud, contact the Administrative Management for guidance.

F. INVESTIGATION RESPONSIBILITIES

The Administrative Management has the primary responsibility for the detection of all suspected fraudulent acts as defined in the policy. When fraudulent acts are suspected by or reported to the Administrative Management, the Administrative Management shall contact local law enforcement or the appropriate person or entity outside of CVCOG so that an independent investigation can be conducted. Administrative Management shall fully cooperate with the investigation and prosecution of all criminal activity.

G. CONFIDENTIALITY

The Administrative Management will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify Administrative Management immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act. (See Reporting Procedure section below.)

Investigation results will not be disclosed or discussed with anyone other than those who have legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect CVCOG from potential civil liability.

H. AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

The Administrative Management will have:

- Free and unrestricted access to all company records and premises, whether owned or rented; and

- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

I. REPORTING PROCEDURES

Great care must be taken concerning allegations of suspected improprieties, irregularities, or criminal activity so as to avoid mistaken accusations or alerting suspected individuals that an investigation is necessary.

An employee who discovers or suspects fraudulent activity shall contact the Administrative Management immediately or Chairman of the Board. The employee or other complainant may remain anonymous (except when necessary to cooperate with a law enforcement investigation). All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Executive Director or if necessary, the Chairman of the Board. No information concerning the status of an investigation will be provided.

Upon learning of an allegation of fraudulent activity, Administrative Management or the Chairman of the Board shall immediately notify the appropriate investigative agency or local law enforcement and shall not conduct an independent investigation of any allegations of suspected criminal activity. The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Executive Director or if necessary, the Chairman of the Board.

J. TERMINATION

If an investigation results in substantiated allegations of criminal acts or other fraudulent behavior, termination may be recommended. The recommendation will be reviewed for approval by the Executive Director or if necessary, the Chairman of the Board, and if necessary, outside counsel before any action is taken.

K. ADMINISTRATION

The Administrative Management is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

III. EQUAL OPPORTUNITY EMPLOYMENT

A. PURPOSE

The purpose of the plan is to ensure that CVCOG will recruit, employ and promote persons most qualified to render CVTD's business. To attract such people, employment and promotional opportunities will be given to the best qualified individuals on the basis of ability and dedication. Race, color, religion national origin, age, sex, pregnancy, citizenship, familial status, disability status, veteran status, genetic information or other protected group status will not be considered in determining the people best qualified for such employment and promotion.

B. POLICY

CVCOG shall recruit, hire, train and promote in all job titles without regard to race, color, religion, national origin, age, sex, pregnancy, citizenship, familial status, disability status, veteran status, genetic information or other protected group status, except where otherwise required by law or regulation.

The Executive Director shall ensure that all other personnel actions such as compensation, benefits, training, education tuition assistance, transfer, demotion, termination, layoff, and return from layoff shall be administered without regard to race, color, religion, national origin, age, sex, pregnancy, citizenship, familial status, disability status, veteran status, genetic information or other protected group status, except where otherwise required by law or regulation.

CVCOG shall base employment decisions on the principles of equal employment opportunity and with the intent to further CVTD's affirmative action goals.

C. AFFIRMATIVE ACTION

The CVTD is committed to maintaining and promoting equal opportunities for all qualified employees, applicants for employment, and program services for clients without regard to their race, creed, color, religion, genetic information, national origin, sex, age, disability or any other protected characteristic. CVTD's commitment, in this regard, creates a positive obligation on the part of all management and participants for the adoption of and compliance with this affirmative action policy. Affirmative action includes, but is not limited to, hiring, placement, employment upgrading, promotions or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and services provided to clients. In addition, CVTD will actively seek qualified members of minority groups and other protected classes in its services to clients and application and hiring processes.

D. COMPLIANCE AND ADMINISTRATION

It is the responsibility of each and every employee to insure compliance with the Equal Employment Opportunity; however, the Executive Director shall have the ultimate responsibility to insure compliance with all phases of this policy.

1. The Human Resources Manager is the Equal Employment Opportunity (EEO) Officer and, as such, is responsible to administer the CVTD's Equal Employment Opportunity Policy.
2. The EEO Officer will be responsible for:
 - a. Developing and implementing an Affirmative Action Plan.
 - b. Assuring compliance by all employees and reporting any deviation to the Executive Director.
 - c. Maintaining records and preparing status reports as necessary.
 - d. Receiving, investigating, and responding to complaints in accordance with established procedures.
 - e. Insuring that this policy is disseminated to all employees.

E. PERSONS WITH DISABILITIES

1. It is the policy of CVTD to fully comply with the Americans With Disabilities Act of 1990, as amended, and prohibit discrimination against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
2. In compliance with the Americans with Disabilities Act of 1990, as amended, CVTD will insure all programs and services administered by CVTD are accessible to qualified persons with disabilities. CVTD will further provide appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and to enjoy the benefits of its programs and services.

F. WHISTLEBLOWERS PROTECTION

CVTD encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

1. **EMPLOYEE RIGHTS:** Employees have the right to report, without suffering retaliation, any activity by CVTD or an employee of CVTD that the reporting employee reasonably believes:
 - a. Violates any state or federal law;

- b. Violates or amounts to noncompliance with a state or federal rule or regulation; or
- c. Violates fiduciary responsibilities to its employees.

In addition, employees can refuse to participate in an activity that would result in a violation of state or federal statutes, or a violation or noncompliance with a state or federal rule or regulation.

Employees are also protected from retaliation for having exercised any of these rights in any former employment.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of CVTD (such as the attorney-client privilege) or improperly disclose trade-secret information.

- 2. **WHERE TO REPORT:** Employees have the duty to comply with all applicable laws and to assist CVTD to ensure legal compliance. An employee who suspects a problem with legal compliance is required to report the situation(s) to their supervisor or other appropriate member of management, to include the Executive Director.
- 3. **PROTECTION FROM RETALIATION:** Any employee who believes they have been retaliated against for whistleblowing may file a complaint with CVCOG's Equal Employment Opportunity (EEO) Officer. The EEO Officer, appointed by the Executive Director, shall be responsible for receipt, documentation, investigation and report of all such complaints in accordance with established procedures.

G. ADMINISTRATION

The Human Resources Manager as the Equal Employment Opportunity (EEO) Officer shall be responsible for receipt, documentation, investigation, and report of all such complaints of violations of the Equal Opportunity Employment Policy in accordance with established procedures.

**IV. SEXUAL HARRASSMENT,
SEXUAL MISCONDUCT AND BULLYING**

A. GENERAL POLICY

It is the policy of Concho Valley Transit District (CVTD) to provide an employment environment free of sexual harassment, sexual misconduct or bullying. Any and all forms of sexual harassment, sexual misconduct and/or bullying are strictly prohibited and CVTD will not tolerate any such form(s) of harassment, misconduct or bullying in the workplace.

B. SEXUAL HARASSMENT

Sexual harassment may include sexual advances, sexual solicitation, requests for sexual favors, or other verbal or physical conduct of a sexual nature where any of the three criteria exist:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or continued employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

C. SEXUAL MISCONDUCT

Sexual misconduct includes behavior that is short of sexual harassment, but may include offensive language, offensive jokes, offensive bantering or any other behavior of a sexual nature deemed to be offensive and unwelcomed by the employee who is offended. This sexual misconduct is unprofessional and inappropriate and it will not be tolerated at CVTD.

D. BULLYING

Any and all forms of bullying are strictly prohibited. Bullying is defined as any form of intimidation or aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions or attacks.

E. CONDUCT EXPECTATIONS

It is the expectation of CVTD that all employees will treat each other and the general public with professionalism, respect and fairness. Employees must conduct themselves with courtesy and restraint at all times on the job and at all times when they may be perceived in any manner as representing CVTD.

F. REPORTING PROCEDURES

Any employee who feels he/she is being subjected to sexual harassment, sexual misconduct or bullying by any person in the workplace must report the incident to the appropriate supervisor or manager immediately. Likewise, any employee who witnesses any incident that appears to be a violation of sexual harassment, sexual misconduct or bullying policies is also required to report the incident immediately. If the subject of a complaint is the employee's supervisor or manager, the employee must report the complaint directly to the Human Resources Office, the Director of Administration or the Executive Director.

Supervisors or managers who receive reports of sexual harassment, sexual misconduct or bullying must report the complaint(s) to the Human Resources Office, the Director of Administration or to the Executive Director, regardless of the form of the complaint (formal or informal) or whether it precisely follows CVTD's complaint procedures. Ignoring a report of sexual harassment, sexual misconduct or bullying is unacceptable.

Accurate records of all complaints must be kept. Supervisors or managers will work with the Human Resources Office, the Director of Administration and the Executive Director to ensure appropriate action that actually stops the harassment, misconduct or bullying is taken.

G. PROTECTION FROM RETALIATION

CVTD encourages its employees to report any sexual harassment, sexual misconduct or bullying in the workplace. Employees who report any form of sexual harassment, sexual misconduct or bullying are protected against retaliation by state and federal laws. (See III. Equal Opportunity Employment, E. Whistleblowers Protection)

H. TERMINATION

Sexual harassment, sexual misconduct and/or bullying will not be tolerated. Disciplinary action will be taken against any employee who is proven through investigation to have engaged in such activity, up to and including termination.

I. ADMINISTRATION

The Human Resources Manager, the Director of Administration and the Executive Director are responsible for the receipt, documentation, investigation and report of all such complaints of sexual harassment, sexual misconduct or bullying.

V. CONFLICTS OF INTEREST

A. GENERAL POLICY

Conflict of interest is a situation in which the private interest of an employee or officer of Concho Valley Transit District (CVTD) conflicts with or raises a reasonable question of conflict with job-related duties or responsibilities of that employee or officer. This is usually financial or economic in nature.

B. EMPLOYEES

An employee shall not engage in any activity that would create a conflict of interest or even the appearance of a conflict, to include:

1. Make a personal investment in any enterprise that would create a substantial conflict between the employee's private interest and CVTD.
2. Engage in outside business or professional activities or accept employment if the activities create a conflict between the employee's private interests and CVTD.
3. Use or appear to use information obtained in connection with the employee's duties for CVTD or that could be expected to impair the employee's independence of judgment in the performance of the employee's duties for CVTD.

C. PUBLIC OFFICIALS

Local public officials, including a member of the CVTD governing body or another officer, whether elected, appointed, paid or unpaid, are subject to the Conflict of Interest provisions in Chapter 171 of the Texas Local Government Code. Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item.

1. Officers of CVTD will neither have financial interests in the profits of any contract, service, or other work performed for CVTD nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the CVTD and any person or company.
2. An officer shall not:
 - a. Participate in the selection, award, or administration of a contract in which public funds are used where, to their knowledge, they or their immediate families or partners or organizations in which their immediate families or partners have a financial interest or with whom they are negotiating or have any arrangement concerning prospective employment.

- b. Solicit or accept gratuities, favors or anything of monetary value from potential or existing contractors, vendors or providers.
 - c. Solicit or accept or agree to accept a financial benefit, other than from CVTD, that might reasonably tend to influence his or her performance of duties for CVTD or that he knows or should know is offered with intent to influence the officer's performance;
 - d. Accept employment or compensation that might reasonably induce him to disclose confidential information acquired in the performance of official CVTD duties or that might reasonably tend to impair independence of judgment in performance of official CVTD duties;
 - e. Make any personal investment that might reasonably be expected to create a substantial conflict between the officer's private interest and responsibilities for CVTD; or
 - f. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as an CVTD officer in favor of that person.
3. In order to reduce unethical or noncompliant behaviors, CVTD ensures that all employees and board members are to be educated regarding the entity rules and regulations surrounding ethics, including changes that may occur. CVTD administration will conduct *annual* training on ethics and fraud prevention/detection for the Concho Valley Transit District staff members, board members, as well as any departments providing support functions.

D. CONTRACTS

With reference to contracts, no officer or employee of CVTD who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of the CVTD's contracts shall participate in any decision relating to that contract if the decision affects his personal pecuniary interest.

Officers and other members of the CVTD governing body must file a conflicts disclosure statement relating to any person that CVTD has contracted with or is considering contracting with if that officer or member of the governing body or any of their family members has certain business relationships with that person.

E. ADMINISTRATION

The Executive Director and the Director of Administration are responsible for the administration, interpretation, and application of this Conflicts of Interest Policy. Legal counsel will be consulted as necessary in order to ensure all provisions of this Policy are strictly adhered to.

VI. PERSONAL USE OF CVTD PROPERTY

A. GENERAL POLICY

It is the policy of Concho Valley Transit District (CVTD) to provide each employee with all reasonable and necessary tools, equipment, and property to adequately perform their job. All such tools, equipment and property owned by, leased by or provided to CVTD may only be used for official purposes.

B. USE OF TOOLS, EQUIPMENT AND PROPERTY

Employees who are assigned tools, equipment, or any other CVTD property are responsible for them and for their proper use and maintenance.

CVTD tools, equipment, materials, supplies, or property may not be used for personal or political use.

C. USE OF INFORMATION SYSTEMS RESOURCES

Employees who are assigned information system resources, including personal phones, computers and peripheral devices, are responsible for them and for their proper use and maintenance.

CVTD information system resources may not be used for personal or political use.

D. USE OF BUILDINGS AND PREMISES

Use of CVTD buildings and premises by employees shall be in compliance with law and with CVTD policies regarding authorized uses and may not be used for personal or political use.

E. USE OF CVTD CREDIT CARD

It is the policy of CVTD to maintain credit cards to be used specifically and exclusively for the purpose of conducting essential CVTD business. The designated custodian of all CVTD credit cards is the Finance Manager, as directed by the Executive Director. The Finance staff will monitor the use of credit cards through payment of monthly invoices. Receipts for purchases will be given to the Finance staff to help reconcile the invoices prior to payment. CVTD credit cards may not be used for personal or political use.

F. MISUSE OF CVTD PROPERTY

Any misuse or unauthorized use of CVTD's property, including information system resources, is subject to disciplinary action. Misuse of official property may also result in criminal prosecution.

VII. GIFTS AND HONORARIA

A. GENERAL POLICY

Employees and officers of Concho Valley Transit District (CVTD) are prohibited from accepting any favor or gift from a person who wants, or may want, or may be seen to want, an official favor within the authority of that employee or officer.

B. GIFTS TO EMPLOYEES

It is unethical for any CVTD employee to accept or give a gift that is meant to sway a decision in favor of the gift-giver. Employees may not:

1. Solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, or any other thing of monetary value, from a person who has, or is seeking to obtain, contractual or other business or financial relations with CVTD.
2. Solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than the employee. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.
3. Any such gift or gratuity, the receipt of which is prohibited by this policy, shall be returned to the donor with a written explanation as to why the return is necessary.

C. GIFTS TO OFFICERS

Officers or other members of the governing body are prohibited from accepting any gift that would sway a decision in favor of the gift-giver.

1. Officers and members of the governing body must disclose a vendor's or provider's offer of gifts worth a value of \$250 or more to them or to any family member using the Conflict of Interest Form approved by the Texas Ethics Commission.
2. Local Government Code Chapter 176 requires that the officer or member of the governing body disclose this offer of a gift even if the offer is refused.
3. An officer or member of the governing body who knowingly violates the disclosure requirements and violates Local Government Code Chapter 176 commits a Class C misdemeanor.

D. GIFTS TO STATE EMPLOYEES

State employees are legally and ethically prohibited from accepting gifts and honoraria, except in very limited situations.

1. CVTD employees are prohibited from offering or conferring any benefit to a state employee in exchange for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant that would benefit either CVTD or the employee.
2. "Benefit" is defined as anything reasonably regarded as financial gain or financial advantage, including a benefit to any other person in whose welfare the beneficiary has an interest. Benefit does not include an item with a value of less than \$50 or a small gift or other benefit conferred on account of kinship or an independent relationship.
3. CVTD employees may be held criminally liable for violation of this Policy.

E. ADMINISTRATION

The Executive Director and Director of Administration are responsible for administration and interpretation of this Policy and will investigate any report of wrongdoing.

ATTEST:

John Austin Stokes, Executive Director
Concho Valley Council of Governments

ETHICS MEMORANDUM

To: Concho Valley Transit District Board
From: Felicitee Jones, Human Resource Manager
Date: June 2, 2017
Subject: Annual Ethics & Fraud Prevention/Detection
Ensure compliance with Title 43 of the Texas Administrative Code

This memo is to certify that the Concho Valley Council of Governments will conduct *annual* training on ethics and fraud prevention/detection for the Concho Valley Transit District staff members, board members, as well as any departments providing support functions.

I certify that I have been provided all compliance documentation related to Title 43 of the Texas Administrative Code which were included in the following:

Concho Valley Transit District Agendas:

| | |
|------------------------|--------------------|
| Annual Financial Audit | March 8, 2017 |
| Employee Handbook | September 21, 2016 |
| Procurement Policy | April 8, 2015 |

Signed by:

Printed Name

Signature

Title

Date