



**Wichita Falls Metropolitan Planning Organization
Internal Ethics and Compliance Program
of the
TRANSPORTATION POLICY COMMITTEE**

Adopted by Policy Board on: January 27, 2016

In Cooperation with:

**U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration**

I. PURPOSE

This policy provides guidance to all members of the Transportation Policy Committee (TPC), also known as the Policy Board, for the Wichita Falls Metropolitan Planning Organization (WFMPO). It provides board members with general instructions on fulfilling their fiduciary duties and ethical responsibilities. Ethical conduct includes, but is not limited to, behavior that complies with applicable local, state, and federal laws. The motivation for ethical conduct can come from many sources, both inside and outside the law. The Policy Board encourages all of its members to maintain the highest personal values and standards. No policy can establish specific and exhaustive standards for all situations. However, this policy endeavors to set minimum standards of conduct for all Policy Board members.

II. DEFINITIONS

For purposes of this Ethics Policy, the following definitions shall apply. Terms not defined in this policy, but defined in the Texas Local Government Code and the Texas Transportation Code shall have the meanings assigned to them in those statutes.

- a. "Benefit" means anything reasonably regarded as economic gain or economic advantage to a member of the TPC, or to a relative of a member of the TPC. "Benefit" does not include:
 - i. Political contributions made or received and reported in accordance with law;
 - ii. Awards, such as plaques, certificates, trophies or similar mementos, publicly presented in recognition of public service;
 - iii. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient as a member of the TPC;
 - iv. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;
 - v. Commercially reasonable loans made to a member of the TPC in the ordinary course of the lender's business;
 - vi. Complimentary copies of trade publications;
 - vii. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official TPC or WFMPO business, if furnished by the

sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity;

viii. Any economic gain or economic advantage, excluding cash or a negotiable instrument as described by Section 3.104, Texas Business and Commerce Code, conferred by any one person or organization if the economic value totals less than fifty dollars per calendar year; or

ix. An honorarium, transportation, or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code.

- b. "Policy Board" means the Transportation Policy Committee
- c. "Committee" means any committee established or created by the TPC
- d. "Business days" means the weekdays excluding city holidays
- e. "Confidential information" means any written information that could be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized
- f. "Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit. The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code
- g. "Contributor" means a person making a contribution and the person's spouse
- h. "Executive Director" means the Executive Director of the Wichita Falls Metropolitan Planning Organization
- i. "In-kind expenses" means the value of personal services provided without compensation by any person on behalf of a member of the TPC and includes incidental vehicular travel expenses incurred in conjunction with the provision of the personal services
- j. "Official business" means a purpose or function related to the duties or activities of the TPC or WFMPO

- k. "Person" means an individual, corporation, partnership, labor union or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons, excluding a political committee organized pursuant to the Texas Election Code
- l. "Public event, appearances or ceremonies" means those functions, activities and ceremonies conducted by or for the benefit of any governmental entity; a function, activity or ceremony conducted by a non-profit corporation or similar organization formed for educational, scientific, community-betterment or economic development purposes which relates to the purpose for which the non-profit corporation or organization was formed; or a function, activity or ceremony which honors or recognizes the accomplishments of a political, prominent or public figure
- m. "Quasi-judicial proceeding" means a hearing or proceeding held by a public administrative officer, to include but not be limited to a hearing officer, arbitrator or administrative law judge, who is required to hear or investigate facts and to draw conclusions from them as a basis for his or her official action and to exercise discretion of a judicial nature
- n. "Relative" means a person who is related to a TPB member as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law

III. Standards of Conduct

- a. Any Member or employee representing the Transportation Policy Committee may not engage in the following activities:
 - i. accept or solicit any gift, favor or service that might reasonably tend to influence the Member or employee in the discharge of official duties or that the Member or employee knows or should know is being offered with the intent to influence the Member's or employee's official conduct;
 - ii. accept 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 duties;

- iii. accept employment or compensation that could reasonably be expected impair the Member's or employee's judgment in the performance of the Member's or employee's official duties;
 - iv. make personal investments that could reasonably be expected to create a substantial conflict between the Member's or employee's private interest and the public interest; or
 - v. intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised the Member's or employee's official powers or performing the Member's or employee's official duties in favor of another
- b. An employee of the Transportation Planning Committee who violates this Policy is subject to termination of the employee's employment or another employment-related sanction. Additionally, a Member or employee of the Transportation Planning Committee who violates this Policy may also be subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.
- c. Each new employee of the Transportation Planning Committee shall receive a copy of this Policy no later than the third business day after the date the person begins employment with the Transportation Planning Committee. Likewise, each new Member of the Transportation Planning Committee shall receive a copy of this Policy no later than the third business day after the date the person qualifies for office.
- d. To the extent an employee representing the Transportation Planning Committee is subject to the ethics policy of another governmental entity and to the extent that policy conflicts with this Policy, the ethics policy of the other governmental entity prevails.
- e. Members of the Transportation Planning Committee will abstain from voting in or engaging in the discussion of any matter of business before the Transportation Planning Committee that will have a special economic effect on either a business or real property in which the Member has a substantial interest that is distinguishable from the effect on the public.
- i. For purposes of this subsection (5), a substantial interest is defined as any of the following: (i) owning 10 percent or more of the voting stock or shares of the business entity or either 10 percent or more of the fair market value of the business entity; (ii) receiving funds from the business entity exceeding 10 percent of the Member's gross income for the previous year; (iii) having a substantial interest in real property defined as an equitable or legal ownership with a fair market value of \$5,000 or more; OR (iv) having a family member

related to the Member in the first degree by consanguinity or affinity with a substantial interest in a business entity or real property as defined above

- ii. A Member will notify the Wichita Falls Urban Transportation Study (WFUTS) - MPO Director in writing of any conflict of interest as defined above prior to any vote or discussion of any matter of business which has created the conflict of interest or as soon as practical once the conflict is discovered
- f. Any violation of this Policy may subject Members to removal from the Transportation Planning Committee, in addition to any applicable civil or criminal penalties noted above in subsection (2)
- g. Following adoption of this Policy, the Wichita Falls Urban Transportation Study (WFUTS) - MPO Director shall provide a copy of this Policy to existing and future Voting Members of the Committee. Upon receipt thereof, each Voting Member shall sign an Ethical Standard Policy Affidavit attached hereto as Exhibit "A".

IV. EXHIBIT "A" – ETHICAL STANDARDS POLICY AFFIDAVIT

I acknowledge having received a copy of the Ethical Standards Policy (the "Policy") of the Transportation Planning Committee, Wichita Falls Multimodal Transportation and Urban Planning Region ("Transportation Planning Committee").

I further understand that SB 585 requires me to notify the Wichita County District Attorney's Office and Wichita Falls Urban Transportation Study (WFUTS) - Metropolitan Planning Organization (MPO) Director in a timely manner should I have personal knowledge of any violations of the Policy by any Member or employee of the Transportation Planning Committee.

I also understand that failure to report violations of these standards by a Member or employee of the Transportation Planning Committee may subject me to possible removal/termination from the Transportation Planning Committee and possible prosecution by a County District Attorney having jurisdiction over such matter.

I swear or affirm that I have read the entire Policy and that I understand and agree to its contents.

Printed Name

Signature

Title

Representing (if member)

Sworn and subscribed before me by _____ on this _____ day of _____, 20____.

Notary Public, State of Texas

Notary's Printed Name: _____

My Commission Expires: _____