

AUSTIN
TRANSIT
PARTNERSHIP

Background

- In the Spring of 2021, the City and CapMetro entered an Interlocal Agreement which created the CAC, which stated:
 - The Committee shall adopt bylaws, to be approved by the Board, which must include ethics standards for members.
- Section 3.2 (*Eligibility*) of the CAC Bylaws states that CAC members “shall abide by the ATP Ethics, Conflicts and Nondisclosure Policy, as amended.”

ATP Ethics, Conflicts, and Nondisclosure Policy

- Overview
- Ethics
- Conflicts
- Nondisclosure
- Complaints and Grievances

Overview

- The Policy defines “ATP persons” to include all ATP board members, officers, committee members, and employees
- The purpose of the Policy is to “promote consistent organizational behavior by providing the following guidelines and assigning responsibility for the development of controls and the conduct of investigations.”
- All ATP Persons must abide by this Policy and may be subject to disciplinary action for violations.

Ethics for each ATP Person:

- Each ATP Person should always conduct themselves professionally on the job, and act in ways that bring credit to themselves, the organization, and the public we serve.
- Compliance with the Ethics, Conflicts, and Nondisclosure Policy is of utmost importance. Unfortunately, even the appearance of wrongdoing by one ATP Person may affect the reputation of the entire organization.

General Ethical Standards of Conduct

Prohibited Conduct:

- **Accepting or soliciting influential gifts, favors, services or benefits**
- **Disclosing confidential or nonpublic information**
- **Negotiating for or accepting other employment that could reasonably impair judgement or impede performance of ATP official duties**

Prohibited Conduct (cont.)

- Making conflicting personal investments or having a personal or financial interest that could impair performance of ATP duties
- Utilizing ATP time, property, facilities, or equipment for non-official business
- Knowingly making false or misleading statements or providing false information in the course of ATP business
- Engaging in political activity while on duty or using ATP resources for political activity

General Ethical Standards of Conduct

Required Conduct:

- **Performing official duties in a lawful, professional, and ethical manner befitting ATP**
- **Protecting ATP's reputation by not making representations on behalf of the organization unless authorized to do so**
- **Reporting any illegal or unethical activity to the Auditor or ATP Legal counsel.**

General Ethical Standards of Conduct

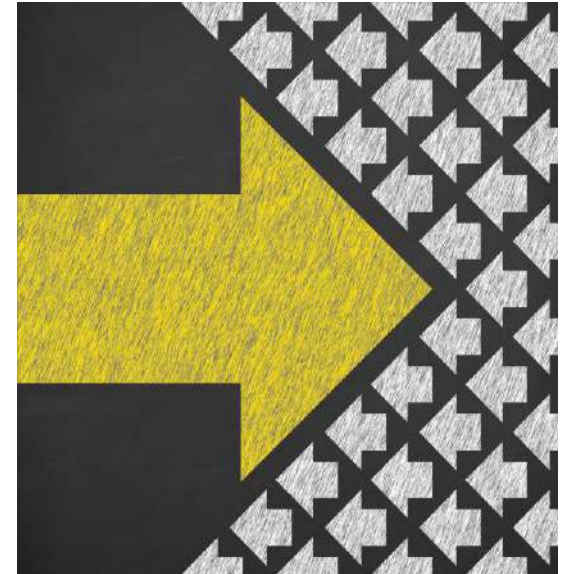
Required Conduct:

- Being fair, impartial, and ethical in ATP business dealings and transactions
- Adhering to the highest standards of personal integrity, fairness, honesty, courtesy, respectfulness, and compliance
- Creating a safe, dignified, and respectful work environment

Conflicts of Interest

In General:

- Each ATP Person shall avoid, neutralize or mitigate actual or potential conflicts of interest to prevent fraud, unfair competitive advantage, or the existence of conflicting roles that might impair the actions of ATP.
- ATP Persons are expected to deal at arms-length in any transaction on behalf of ATP and avoid and disclose actual conflicts of interest under the law or the Policy and any circumstance which could impart the appearance of a conflict of interest.



When does a Conflict of Interest exist?

- ❖ When an ATP Person is in a position where an action taken by them is, may be, or appears to be, influenced by considerations of personal gains rather than the general public trust.



Conflicts of Interest

Prohibited Conduct:

- **Accepting or soliciting gratuities, favors, or anything of monetary value from contractors or potential contractors, firms or third parties** *Nominal (<\$50), unsolicited gifts, may be okay on a case-by-case basis.
- **Engaging in personal or business activities, relationships, and other interests that conflict with the interests of ATP.**
- **Participation in a matter in which the ATP Person has a substantial interest.**

What is a Substantial Interest?

A person has a Substantial Interest in:

(1) A business entity if the person owns ten percent (10%) or more of the voting stock or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity OR funds received by the person from the business entity exceed 10% of the person's gross income for the previous year; or

(2) Real property if the interest is an equitable or legal ownership with a fair market value of \geq \$2,500

- Texas Local Govt. Code, § 171.002

Note

- ❖ **Section 3.2 of the CAC Bylaws also states that CAC Members must not:**
 - ❖ Be a registered lobbyist or be employed by a registered lobbyist (under City Code Chapter 4-8)
 - ❖ Be an employee of the City of Austin, CapMetro, or ATP; or
 - ❖ Have a contract for real property, goods, or services with the City of Austin, CapMetro or ATP, or be employed by such a contractor.

Reporting Conflicts of Interest

- ❖ **If you feel you have a conflict of interest, you should:**
 1. provide the ATP General Counsel (with copy to the CAC ATP liaison) with a written notice of the conflict;
 2. recuse yourself on the record
 3. refrain from debating the topic on which you have a conflict.

Nondisclosure of Confidential Information

- An ATP Person should not disclose confidential information in any manner other than in the exercise of their ATP responsibilities.
- An ATP Person should not give out confidential information obtained through affiliation with ATP or use such information for one's own personal gain.

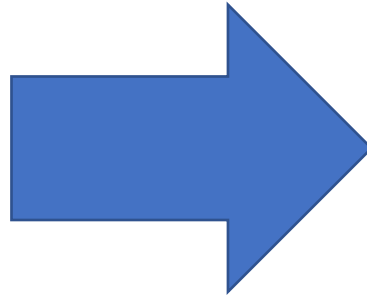
Media and Public Information Requests

- **Specific individuals within the organization are responsible for public communication about official ATP business.**
 - **If you are unsure whether you are permitted to speak publicly on an ATP business topic, please speak to the CAC ATP Liaison.**
- **All Public Information Requests should be directed to the ATP Public Information Coordinator - PIR@atptx.org or the [Public Records Center](#) on the ATP website (alternatively, scroll to bottom of ATP website).**

Complaints and Grievances

If you have concerns about a potential ethical violation, the following is the complaint procedure:

File written complaint
or grievance to the
ATP General Counsel
or the Internal Auditor



ATP General Counsel
or Internal Audit
Investigation

- ❖ *The reporting party shall not attempt to personally conduct investigations or interviews related to any suspected fraudulent act.*

Confidentiality of Investigation

- ❖ Any person reporting or investigating reports is required to keep reports and all information relating to the investigation confidential.
- ❖ Any person who learns of any investigation shall keep all matters relating to the investigation strictly confidential.



Non-Retaliation

- ❖ No person who reports a violation of ATP's Policy in good faith shall suffer harassment, retaliation or employment consequence.
- ❖ Retaliation in any form will not be tolerated.
- ❖ Any act of alleged retaliation should be reported immediately and will be promptly investigated.

Final Thoughts...

❖ Resources:

- ❖ <https://www.atptx.org/wp-content/uploads/2023/09/ATP-Ethics-Conflict-and-Nondisclosure-Policy.pdf>
- ❖ Within 10 days of this presentation, we ask that you sign the Acknowledgment and Acceptance form.

