

**CAMINO REAL REGIONAL MOBILITY AUTHORITY
BOARD RESOLUTION**

WHEREAS, all entities that receive financial assistance from the Texas Department of Transportation (TxDOT) pursuant to 43 Tex. Admin. Code §27.50 *et. seq.* (the “Toll Equity Rules”) are required to adopt and enforce an ethics and compliance program that meets certain requirements set forth in 43 Tex. Admin. Code §1.8;

WHEREAS, the Camino Real Regional Mobility Authority (CRRMA) is permitted to seek funding pursuant to the Toll Equity Rules and the CRRMA recognizes the importance of adopting and implementing an ethics and compliance program that addresses standards of conduct for CRRMA officers and employees and ensures that such standards are effectively communicated and enforced;

WHEREAS, the CRRMA had previously adopted an Ethics and Compliance Policy describing ethical obligations and duties of CRRMA officers and employees, setting forth an employee code of conduct and providing for appropriate oversight and enforcement of the CRRMA’s ethics and compliance standards and procedures; and

WHEREAS, the CRRMA now desires to adopt an updated Ethics and Compliance Policy, which is attached as **EXHIBIT “A”** to this Board Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CAMINO REAL REGIONAL MOBILITY AUTHORITY:

THAT the CRRMA hereby approves and adopts the updated CRRMA Ethics and Compliance Policy, attached hereto as **EXHIBIT “A”**; and **THAT** the Chair is directed to take such steps as may be necessary to effectively communicate the CRRMA’s ethics and compliance program to CRRMA employees and agents and to enforce the requirements of the program; and **THAT** CRRMA staff and consultants shall develop and implement a program to provide information on ethics and internal compliance issues to members of the CRRMA Board.

PASSED AND APPROVED THIS 6TH DAY OF JUNE 2017.

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

ATTEST:

Joe D. Wardy, Vice Chair

Joe R. Fernandez, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles
Executive Director

CAMINO REAL REGIONAL MOBILITY AUTHORITY
ETHICS & COMPLIANCE POLICY

I. General Statement of Policy

The Camino Real Regional Mobility Authority (“CRRMA”) is committed to conducting its business in an ethical, honest, and open manner and to maintaining high ethical standards among its officers and employees. In furtherance of that commitment, the CRRMA adopts the following Ethics & Compliance Policy.

In addition to complying with the requirements of this Policy, CRRMA officers and employees must at all times abide by applicable federal and state laws and rules, the CRRMA bylaws, and CRRMA policies.

II. Employee Code of Conduct

Employees of the CRRMA and/or employees of the City of El Paso who are assigned to spend more than 20 hours per week working on behalf of the CRRMA and are subject to supervision or direction by the Executive Director or the CRRMA Board of Directors (collectively, “Employees”) must at all times comply with the City of El Paso Employee Handbook, a copy of which is attached as Attachment “A”, including, without limitation, the City of El Paso’s policies on Equal Employment Opportunity, Sexual Harassment, and Reporting of Fraud and Illegal Activity discussed therein. Additionally, Employees must comply with the standards of conduct set forth below.

Conflicts of Interest, etc.

Employees are prohibited from engaging in any activity that could create a conflict of interest or even the appearance of a conflict of interest with the employee’s duties and responsibilities to the CRRMA. Activities that could create a conflict of interest include, but are not limited to:

1. Transaction of CRRMA business with any entity in which the Employee is an officer, agent, member, or owner of a controlling interest;
2. Participation in a CRRMA project in which the Employee has a direct or indirect monetary interest;
3. Outside business or professional activities that could interfere with the Employee’s performance of duties on behalf of the CRRMA or impair the Employee’s independence of judgment with respect to the Employee’s performance of CRRMA duties;
4. Personal investments that are likely to create a substantial conflict between the Employee’s private interest and the interest of the CRRMA; and

5. Any activity that could result in the disclosure of confidential or sensitive information that the Employee has access to as a result of the Employee's position with the CRRMA.

Additionally, Employees of the CRRMA are subject to the conflict of interest provisions contained in Section 2.1 of the CRRMA's Policies and Procedures Governing the Procurement of Goods and Services.

If an Employee is uncertain as to whether a particular activity could create a conflict of interest, the Employee should consult the CRRMA's Executive Director or Outside Counsel prior to engaging in the activity.

Gifts and Honoraria

Employees are prohibited from accepting gifts, favors, benefits, or other compensation, whether in the form of money or other thing of value, which could influence them or even have the appearance of influencing them in the performance of their official duties. Additionally, as provided by Section 2.1 of the CRRMA's Policies and Procedures Governing the Procurement of Goods and Services, Employees may not accept or solicit any gift, favor, or service that might reasonably tend to influence them in the making of procurement decisions or that the Employee knows or should have known is being offered with the intent to influence the Employee's making of procurement decisions. Employees may accept meals offered in the course of normal business relationships and promotional items that do not exceed an estimated \$25 in value and are distributed as a normal means of advertising; provided, however, that Employees are explicitly prohibited from accepting any meals, gifts, or other items of value from potential vendors during pending procurements of the CRRMA involving such potential vendors or from individuals or firms reasonably expected to become a potential vendor to the CRRMA.

Employees may not accept an honorarium for appearing at a conference, workshop seminar, or symposium as a representative of the CRRMA other than reimbursement for food, transportation, or lodging.

If an Employee is uncertain as to whether he or she may accept a gift, favor, or benefit, the Employee should consult the CRRMA's Executive Director or Outside Counsel prior to acceptance.

Use of CRRMA and City of El Paso Property

Computers, including all software, hardware, internet, and email systems; modems; printers; telephones; cellular phones; fax machines; copy machines; and other electronic and communications equipment owned or leased by the CRRMA or provided by the City of El Paso for use by the CRRMA may be used for official CRRMA purposes only. Employees may, however, make brief personal telephone calls for which neither the CRRMA nor the City of El Paso incurs any additional charges. Employees do not have an expectation of privacy when using CRRMA or City of El Paso electronic and communications equipment, and all emails, computer files, and telephone records are the property of the CRRMA and are subject to disclosure under the Texas Public Information Act, discovery in litigation, and/or examination by managers or supervisors.

Employees must immediately report lost or stolen CRRMA or City of El Paso property to the Executive Director or to the Chairman of the CRRMA. Misuse or theft of CRRMA or City of El Paso property may result in disciplinary action, including criminal prosecution.

Criminal Activity

The CRRMA will perform criminal background checks on all final applicants for any position involving the disbursement of CRRMA funds or the handling of cash, checks or credit cards; negotiable documents and materials; or highly confidential or sensitive information. All applicants admitting a felony conviction on their application materials will also be subject to a criminal background check. Additionally, the CRRMA may at its discretion perform criminal background checks on applicants for any other position.

If an Employee is charged with a felony or a misdemeanor other than a traffic violation, the Employee is required to immediately inform the Executive Director of the CRRMA. If the Executive Director is charged with a felony or a misdemeanor other than a traffic violation, the Executive Director is required to immediately inform the Chairman of the CRRMA. The CRRMA may take steps to respond to criminal violations consistent with Section V below, up to and including termination of employment.

Records Retention and Open Records

Employees must maintain all CRRMA records in accordance with the CRRMA's Policies and Procedures for Retention of Records. In the event that litigation is filed against the CRRMA or is reasonably anticipated to be filed, the CRRMA's Outside Counsel may determine that it is necessary to implement a litigation hold in order to ensure the preservation of all records related to the lawsuit. Employees must refrain from destroying any records that are the subject of a litigation hold.

Members of the public may make written requests for records maintained by the CRRMA. In the event that an Employee receives a written request for information, the Employee must notify the Executive Director immediately so that the CRRMA may respond to the request within the time frame prescribed by the Texas Public Information Act. Employees must refrain from destroying any records that are the subject of a pending public information request.

Acknowledgement

All Employees must sign an acknowledgment, in the form attached as Attachment "B", acknowledging that they have received, read, and understand this Code of Conduct and that they will comply with the requirements herein.

III. Training Regarding Ethics & Compliance Standards

Upon beginning service or employment with the CRRMA, all officers and Employees shall be provided with an a copy of this Ethics & Compliance Policy and shall receive orientation on ethics laws and policies. Additionally, officers and Employees of the CRRMA shall receive

periodic training on the requirements of this Ethics & Compliance Policy and on ethics issues generally.

IV. Oversight & Reporting of Suspected Violations

The Executive Director of the CRRMA is responsible for monitoring and enforcing Employee compliance with this Ethics & Compliance Policy and has full authority over all Employee functions and activities.

If an officer or Employee becomes aware of a suspected violation of this Ethics & Compliance Policy, a violation of law, or a breach of fiduciary duty by any officer, Employee, or agent of the CRRMA, he or she must immediately report the suspected violation to the Executive Director or the Chairman of the CRRMA. The Executive Director or Chairman shall respond to evidence of any suspected violation or breach by taking appropriate action, including adopting or enforcing appropriate remedial measures or sanctions. Retaliation against those who come forward to raise concerns or report suspected violations will not be tolerated by the CRRMA.

V. Internal Audits & Monitoring

The CRRMA will conduct annual internal audits and other risk evaluations to monitor compliance with CRRMA's compliance standards and procedures and assist in the reduction of identified problem areas.

VI. Enforcement & Response to Offenses

Conduct that violates state or federal law or this Ethics & Compliance Policy or that discredits or interferes with operations of the CRRMA will not be tolerated and may result in an Employee's immediate dismissal. Additionally, Employees are subject to discipline and dismissal under the terms of the City of El Paso Employee Handbook.

Examples of behavior that may result in an Employee's immediate dismissal include, but are not limited to:

- gross negligence of job duties
- theft or misuse of CRRMA or City of El Paso property
- fraud, dishonesty, or falsification of CRRMA records
- unlawful use, sale, manufacture, distribution, dispensation, or possession of narcotics, drugs, or controlled substances while on CRRMA or City of El Paso premises
- violation of the City of El Paso's policy on sexual harassment or offensive or degrading remarks about another person's race, ethnicity, color, ancestry, national origin, disability, religion, creed, age, gender, sex, sexual orientation, or any other characteristic protected by law
- assault of or verbal threat to a fellow Employee, officer, agent, or customer
- criminal conduct
- insubordination
- job abandonment
- violation of safety rules

- failure to address a recurring problem for which the Employee has already been disciplined
- unprofessional conduct or behavior that negatively impacts the CRRMA’s public image, credibility, or integrity.

The CRRMA may, but is not required, to take corrective action to make an Employee aware of a problem related to the Employee’s conduct and to provide an opportunity for the employee to remedy the problem. Such corrective action may include an oral conference, a written warning, and/or suspension. However, nothing herein shall limit the CRRMA’s right to terminate an at will employee at any time, for any reason, with or without cause or notice.

APPROVED AND AMENDED THIS 6TH DAY OF JUNE, 2017.

CAMINO REAL REGIONAL
MOBILITY AUTHORITY

Joe D. Wardy, Vice Chair

ATTEST:

Joe R. Fernandez, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles
Executive Director

Attachment “A”
City of El Paso Employee Handbook

Attachment “B”
Employee Acknowledgement

**CAMINO REAL REGIONAL MOBILITY AUTHORITY
EMPLOYEE CODE OF CONDUCT**

Acknowledgement

**I, _____, DO HEREBY ACKNOWLEDGE THAT I
HAVE RECEIVED, READ, AND UNDERSTAND THE CRRMA EMPLOYEE CODE OF
CONDUCT AND THAT I WILL COMPLY WITH THE REQUIREMENTS SET FORTH
THEREIN.**

EMPLOYEE

DATE