



DIRECTIVE

To: All City Department Directors
Cc: Mick McKamie, City Attorney
From: Jared Miller, City Manager

JM

Date: July 12, 2017

Re: **Internal Ethics and Compliance Program**

The City of Amarillo, Texas is required to have a written internal ethics and compliance program that provides certain compliance standards and procedures as specified by 43 Tex. Admin. Code § 10.51. You are hereby directed to implement the attached program within your departments.

Please contact me directly to discuss further.

06/23/17 CMW _____

RESOLUTION NO. 07-11-17- 4

A RESOLUTION OF THE AMARILLO CITY COUNCIL
ADOPTING AN INTERNAL ETHICS AND COMPLIANCE
PROGRAM; PROVIDING SEVERABILITY CLAUSE;
PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City of Amarillo, Texas is required to have a written internal ethics and compliance program that provides certain compliance standards and procedures as specified by 43 Tex. Admin. Code § 10.51; and

WHEREAS, the internal ethics and compliance program attached hereto as Exhibit A satisfies the requirements of 43 Tex. Admin. Code § 10.51;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. The internal ethics and compliance program attached hereto as Exhibit A is hereby approved and adopted.

SECTION 2. Should any part of this Resolution conflict with any other resolution, then such other resolution is hereby repealed to the extent of the conflict with this Resolution.


SECTION 3. This Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this 11th day of July, 2017.



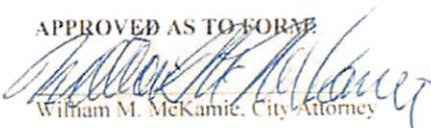
Ginger Nelson, Mayor

ATTEST:



Frances Hibbs, City Secretary

APPROVED AS TO FORM:



William M. McKamie, City Attorney

EXHIBIT A
INTERNAL ETHICS AND COMPLIANCE PROGRAM

The City of Amarillo (the "City") has established this Internal Ethics and Compliance Program (the "Program"). The City Manager, Deputy City Manager, and Assistant City Managers are charged with monitoring compliance within the organization and taking appropriate action in response to compliance-related complaints. These employees, along with the Chief Financial Officer, are responsible for oversight of financial reports and establishing and maintaining an adequate internal control structure with appropriate checks and balances.

The City will take all possible steps to avoid the delegation of substantial discretionary authority to individuals whom the organization knows or should know have previously engaged in illegal activities. The City will perform criminal background checks on all final applicants for the positions of City Manager, Chief Financial Officer, City Attorney, and any positions involving the disbursement of City 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 City may, at its discretion, perform criminal background checks on applicants for any other position. The City Manager will be responsible for periodically assessing the risk of criminal misconduct within the organization.

The City will take all steps to ensure that compliance standards are effectively communicated to all employees by requiring participation in training and by distributing information that explains the requirements of this Program. A copy of this Program, including any amendments and all related documents, will be included in the City's Employee Handbook. Training will be held during orientation and at least annually thereafter. An employee who violates any provision of this Program is subject to disciplinary action up to and including termination. All employees will 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 Program. If an employee has a concern about the legitimacy or appropriateness of any employee act, he or she should promptly discuss the matter with his or her manager or with the Human Resources Director. No employee who, in good faith, reports an alleged incident of noncompliance or who participates in an investigation of an alleged incident of noncompliance will be subject to discrimination, reprisal, or retaliation in any form because of having made such a report or participating in such an investigation.

The City Council will participate in periodic training in this Program and in ethical behavior generally.

Through distribution of written materials, electronic communication, or verbal communication, the City will notify all agents of the organization regarding this Program and regarding the City's expectation of ethical behavior and compliance with the law from individuals and companies with which the City does business.

The City will conduct an independent annual external compliance audit and other risk evaluations to monitor compliance and assist in the reduction of identified problem areas.

Record Retention

The City is committed to proper maintenance and retention of records and will comply with the retention schedule for local government records adopted by the Texas State Library and Archives Commission. If the Texas State Library and Archives Commission adopts a new record retention schedule or revises an existing record retention schedule that applies to a record maintained by the City, the City Manager will ensure that the City complies with the new or revised retention schedule.

Fraud

Fraud is broadly defined and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization. Examples of fraud include

lying on an employment application, falsifying records, or providing false receipts for reimbursement from the City. Employees will not knowingly make false or misleading statements, oral or written, in the course of conducting City business. Employees will not disclose confidential or sensitive organizational business information without prior written authorization.

Equal Opportunity Employment

The City is an equal opportunity employer. This means that decisions regarding the hiring, promotion, and compensation of candidates and employees will be made without regard to race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability, or any other status protected by law.

Management will make decisions regarding the hiring, promotion, and compensation of a candidate (whether internal or external) and employee solely upon the basis of the individual's work record, performance history, and qualifications for the job for which he or she is being considered.

Sexual Harassment and Sexual Misconduct

All City employees have the right to work in an environment free from any type of unlawful discrimination or harassment based on race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability, or any other status protected by law. This includes freedom from sexual harassment in the workplace.

Harassment based on any of the above is considered a form of illegal discrimination. The City will not tolerate any form of harassment in the workplace. An employee who believes there has been an incident of harassment will comply with the Harassment and Discrimination Policy in the Employee Handbook.

Conflicts of Interest

A conflict of interest is a situation in which one's private interest (most often financial in nature) conflicts with or raises a reasonable question of conflict with his or her job-related duties and responsibilities. All employees and other individuals or entities that do business with the City will comply with the conflict of interest requirements in the Employee Handbook.

Local public officials 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 on, or vote on a particular item. Other state and federal laws may be applicable to officials and employees in particular situations.

Personal Use of Organization's Property

Property owned or leased by or provided to the City may only be used for official purposes as authorized by the City Council and the City Manager. Any misuse or unauthorized use of City property, including information system resources, is subject to disciplinary action. Misuse of official property may also result in criminal prosecution.

Gifts and Honoraria

Employees must not solicit or accept gifts, loans, other compensation, unusual favor, or hospitality (other than reasonable tips earned by employees in direct customer service positions) that would influence or even have the *appearance* of influencing them in the performance of their duties.

Under Local Government Code Chapter 176, a local government officer must disclose a vendor's offer of gifts to the officer or the officer's family member worth \$250 or more using the Conflict of Interest Form approved by the Texas Ethics Commission. The form requires disclosure even if the officer refuses the gift. An officer commits a class C misdemeanor if the officer knowingly violates the disclosure requirement.