

**AGENDA
ARK-TEX URBAN TRANSIT
BOARD OF DIRECTORS MEETING
SEPTEMBER 15, 2022**

The Ark-Tex Urban Transit, Inc. (ATUT) Board of Directors will meet at 2:00 P.M., Thursday, September 15, 2022, at Ark-Tex Council of Governments, 4808 Elizabeth Street, Texarkana, Texas.

Item 1. Call to order.

Item 2. Public Comment.

Regular Business

Item 3. Review and consider approval of the minutes as submitted for the ATUT Board Meeting held on December 16, 2021. (See page 2; to be presented by Board President Chris Brown)

Item 4. Review and consider approval/ratification of the Employee Insurance. (See Page 3; to be presented by Leslie McBride)

Item 5. Review and consider approval of the ATUT Ethics Policy Manual. (See page 4; to be presented by Leslie McBride)

Item 6. Review and consider approval/ratification of TUTD Fiscal Year 2023 Final Budget. (See page 32; to be presented by Chris Brown)

Announcement

The next ATUT Board of Directors meeting will be held on an as-needed basis.

**MINUTES
ARK-TEX URBAN TRANSIT
BOARD OF DIRECTORS MEETING
December 16, 2021**

A meeting of the Board of Directors of the Ark-Tex Urban Transit, Inc. (ATUT) was held at 2:00 p.m. on Thursday, December 16, 2021, at Ark-Tex Council of Governments, 4808 Elizabeth Street, Texarkana, Texas.

Item 1. Chris Brown, Board President, called the meeting to order.

Item 2. Public comment.

No members of the public were present.

Regular Business

Item 3. The next order of business was to approve the minutes submitted for the ATUT Board Meeting held on September 16, 2021.

Motion to approve was made by Mark Compton and seconded by Mr. Brown. It was approved.

Item 4. Ms. Leslie McBride presented for consideration approval of the Ark-Tex Urban Transit Retirement Plan restatement.

Ms. McBride presented the recommendation of the Ark-Tex Urban Transit Retirement Plan restatement, which does not change any information in the Plan. The restatement is intended to meet the requirements listed in IRS Notice 2017-37. The Texarkana Urban Transit District Board (TUTD) approved the restatement.

Motion to approve was made by Mr. Compton and seconded by Mr. Brown. It was approved.

Announcement

The next ATUT Board of Directors meeting will be held on an as-needed basis.

With no further discussion, Mr. Brown made a motion to adjourn the meeting. Mr. Compton seconded the motion. The meeting was adjourned.

Chris Brown, President
ATUT Board of Directors

Mark Compton, Secretary
ATUT Board of Directors

Ark-Tex Urban Transit, Inc.
Employee Benefit Program
October 1, 2022-September 30, 2023

Health Insurance	Carrier:	Group #:
Annual Deductible	Individual	\$2,500
	Family	\$7,500
Coinsurance Provision	In Network	70%
	Out Network	50%
Maximum Out-of Pocket	Individual	\$5,500
	Family	\$14,700

Lifetime Maximum Benefit:

Maternity	Ded + Coinsurance
Prescription	\$0/\$10/\$50/\$100/\$150/\$250
Emergency Room	\$500 + Coinsurance
Physician's Office Copay/Speciality Copay	\$35 PCP/\$70 Specialist
In-Patient Copay	Ded + Coinsurance
Out-Patient Copay	Ded + Coinsurance
Network Website	www.bcbstx.com
Wellness/Preventative Care	100% Routine Physical Exams, Tests, & Immunizations
Mental/Nervous & Sustance Abuse	Ded + Coinsurance

	Deduction Per Pay Period
Employee	\$25.00
Employee + Spouse	See Representative
Employee + Children	See Representative
Employee + Family	See Representative

BRIEFING PAPER

ITEM 5:

Review and consider approval of the renewal of the ATUT Ethics Policy Manual.

BACKGROUND:

On January 29, 2009, the Texas Transportation Commission adopted administrative rules that require outside entities to implement internal ethics and compliance programs. In order to remain eligible to receive the funding, ATUT is required to renew the manual annually. In addition, another rule adopted on March 25, 2010, requires public transportation entities to implement and enforce a compliance program meeting the minimum rules in order to be eligible for state and federal funding awarded after January 1, 2011, by the Texas Transportation Commission.

DISCUSSION:

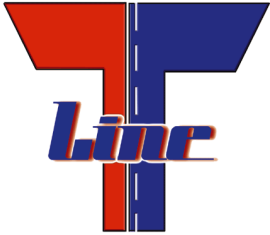
The rules adopted by the Texas Transportation Commission established a framework for the internal ethics and compliance program of any entity that receives financial assistance from the department. The compliance program must satisfy certain requirements, with the goal of discouraging fraud and illegal activity. TXDOT also instituted an internal ethics and compliance program designed to further encourage ethical behavior within the department, as well as compliance with the law and departmental policies.

As a result of these rules, the Ark-Tex Urban Transit (ATUT) compiled an "Ethics Policy Manual" consisting of sections covering all requirements, to include Record Retention, Fraud, Equal Opportunity Employment, Sexual Harassment and Sexual Misconduct, Conflicts of Interest, Personal Use of Property, and Gifts and Honoraria. The manual also includes a copy of the Code of Ethics which mirrors that established by the American Society for Public Administration and incorporates the general principles of ethical conduct set forth in Executive Order 12674. This Ethics Policy Manual was approved by the Board of Directors in September of 2014, making our agency eligible to apply for and receive state and federal funding.

ATUT enforces a compliance program by reviewing and providing all employees a copy of the "Ethics Policy Manual" during new hire orientation; by conducting yearly Ethics Manual Training that is mandatory for all employees; by reminding Board members of the standard of ethical behavior that our employees and board members must meet; by internal controls used to monitor activities; and by conducting investigations of any alleged misconduct.

RECOMMENDATION:

Staff recommends approval.



ARK-TEX URBAN TRANSIT, INC.

Employee Ethics Policies

SEPTEMBER 2014

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**SECTION I
RECORDS RETENTION**

I. RECORDS RETENTION

A. GENERAL POLICY

Ark-Tex Urban Transit, Inc. (ATUT) 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. LOCAL GOVERNMENT CODE

As a subsidiary of a local government, ATUT must adhere to Local Government Code, Chapters 202 – 204, addressing records management. Records management includes the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping [Local Government Code § 201.003(8)].

C. 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, ATUT 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.

ATUT 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.

D. 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 ATUT committing such acts.

E. ADMINISTRATION

The Manager and the Administration Supervisor 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 in conjunction with the Human Resources Office and the Executive Director. (See II. Fraud).

SECTION II
FRAUD

II. FRAUD

A. GENERAL POLICY

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. Engaging in acts of fraud may result in civil or criminal liability to any employee of Ark-Tex Urban Transit, Inc. (ATUT) committing such acts.

This Fraud Policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against ATUT. It is the intent of ATUT to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

B. SCOPE OF WORK

This Fraud Policy applies to any irregularity, or suspected irregularity, involving employees, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with ATUT.

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

C. POLICY RESPONSIBILITY

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 ATUT.

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 Administration Supervisor, the Manager or the Human Resources Office, who coordinates all investigations with the appropriate authorities, both internal and external.

D. ACTIONS CONSTITUTING FRAUD

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;

- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to ATUT (Exception: Gifts less than \$50 in value that can be used/enjoyed by all employees, i.e., cookies at Christmas);
- Destruction, removal, or inappropriate use of records, furniture, fixtures, buses 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 supervisor and the Manager.

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

F. INVESTIGATION RESPONSIBILITIES

Employees must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and noncompliance with laws and policies. All employees must report suspected fraud, waste, abuse or noncompliance to the Administration Supervisor, the Manager or the Human Resources Office immediately.

The Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in this Fraud Policy. If the investigation substantiates that fraudulent activities have occurred, the Manager will issue reports to appropriate designated personnel and to the Board of Directors through the Audit Committee.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel, the Manager and the Executive Director, as will final decisions on disposition of the case.

G. CONFIDENTIALITY

The Manager, the Administration Supervisor and the Human Resources Office will treat all information received in a confidential manner. Any employee who suspects dishonest or fraudulent activity will notify either the Manager, the Administration Supervisor or the Human Resources Office immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act. (See **Reporting Procedure** below)

Investigation results will not be disclosed or discussed with anyone other than those who have a 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 ATUT from potential civil liability.

H. AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

The Manager, the Administration Supervisor and the Human Resources Office 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 in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will contact the Manager, the Administration Supervisor or the Human Resources Office immediately, or may contact the toll-free Fraud Hot line at 800/892-8548. The employee or other complainant may remain anonymous. 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 Manager. No information concerning the status of an investigation will be given out. (Additional reporting tips found at <https://www.txdot.gov/inside-txdot/division/compliance/reporting-fraud.html>)

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 Manager.

J. TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the Executive Director and, if necessary, outside counsel before any action is taken.

K. ADMINISTRATION

The Manager and the Administration Supervisor are responsible for the administration, revision, interpretation, and application of this Policy. As part of the Ethics Manual, the Fraud Policy will be reviewed annually and revised as needed.

SECTION III
EQUAL OPPORTUNITY EMPLOYMENT

III. EQUAL OPPORTUNITY EMPLOYMENT

A. GENERAL POLICY

Ark-Tex Urban Transit, Inc. (ATUT) is an equal opportunity employer. It is the policy of ATUT to promote and ensure equal employment opportunities to all applicants for employment and to all employees regardless of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, or gender identity or expression.

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This Equal Opportunity Employment Policy is adopted to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, promotion, demotions, discipline, or any other aspect of personnel administration based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, or gender identity or expression. Employment, promotion, demotion, training, discipline and any relation decisions will be made only on the basis of bona fide occupational qualifications and job-related factors such as education, training, experience, knowledge, attitude, aptitude, and necessary skills and abilities to perform a specific job. Discrimination has no place at ATUT and will not be tolerated.

B. AFFIRMATIVE ACTION

The ATUT 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, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other protected characteristic. ATUT'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, ATUT will actively seek qualified members of minority groups and other protected classes in its services to clients and application and hiring processes.

C. COMPLIANCE AND ADMINISTRATION

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

1. The Human Resources Specialist is the Equal Employment Opportunity (EEO) Officer and, as such, is responsible to administer the ATUT'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 Manager.
- 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.

D. PERSONS WITH DISABILITIES

- 1. It is the policy of ATUT to fully comply with the Americans With Disabilities Act of 1990 (ADA) and the ADA Amendment Act of 2008 (ADAAA), to 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 the ADA and the ADAAA, ATUT will insure all programs and services administered by ATUT are accessible to qualified persons with disabilities. ATUT 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.

E. WHISTLEBLOWERS PROTECTION

ATUT 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 ATUT or an employee of ATUT 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 ATUT (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 ATUT 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 ATUT's Equal Employment Opportunity (EEO) Officer. The EEO Officer, designated by the Executive Director, shall be responsible for receipt, documentation, investigation and report of all such complaints in accordance with established procedures.

F. ADMINISTRATION

The Human Resources Coordinator 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.

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

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

A. GENERAL POLICY

It is the policy of Ark-Tex Urban Transit, Inc. (ATUT) to provide an employment environment free of sexual harassment or sexual misconduct. Any and all forms of sexual harassment and/or sexual misconduct are strictly prohibited and ATUT will not tolerate any such form(s) of harassment or misconduct 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 ATUT.

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 ATUT 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 ATUT.

F. REPORTING PROCEDURES

1. Any employee who feels he/she is being subjected to sexual harassment or sexual misconduct by any person in the workplace must report the incident to the appropriate supervisor or the Manager immediately. Likewise, any employee who witnesses any incident that appears to be a violation of sexual harassment or sexual misconduct policies is also required to report the incident immediately. If the subject of a complaint is the employee's supervisor or the Manager, the employee must report the complaint directly to the Human Resources Office or the Executive Director.
2. Supervisors who receive reports of sexual harassment or sexual misconduct must report the complaint(s) to the Human Resources Office, the Administration Supervisor or to the Manager, regardless of the form of the complaint (formal or informal) or whether it precisely follows ATUT's complaint procedures. Ignoring a report of sexual harassment or sexual misconduct is unacceptable.
3. Accurate records of all complaints must be kept. Supervisors will work with the Human Resources Office, the Administration Supervisor and the Manager to ensure appropriate action that actually stops the harassment or misconduct is taken.

G. PROTECTION FROM RETALIATION

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

H. TERMINATION

Sexual harassment and/or sexual misconduct 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 Office, the Administration Supervisor and the Manager are responsible for the receipt, documentation, investigation and report of all such complaints of sexual harassment or sexual misconduct.

**SECTION V
CONFLICTS OF INTEREST**

V. CONFLICTS OF INTEREST

A. GENERAL POLICY

Conflict of interest is a situation in which the private interest of an employee or officer of Ark-Tex Urban Transit, Inc. (ATUT) 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 ATUT.
2. Engage in outside business or professional activities or accept employment if the activities create a conflict between the employee's private interests and ATUT.
3. Use or appear to use information obtained in connection with the employee's duties for ATUT or that could be expected to impair the employee's independence of judgment in the performance of the employee's duties for ATUT.

C. PUBLIC OFFICIALS

Local public officials, including a member of the ATUT 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 ATUT will neither have financial interests in the profits of any contract, service, or other work performed for ATUT nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the ATUT 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 or vendors.
- c. Solicit or accept or agree to accept a financial benefit, other than from ATUT, that might reasonably tend to influence his or her performance of duties for ATUT 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 ATUT duties or that might reasonably tend to impair independence of judgment in performance of official ATUT 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 ATUT; or
- f. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as an ATUT officer in favor of that person.

D. CONTRACTS

- 1. With reference to contracts, no officer or employee of ATUT who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of the ATUT's contracts shall participate in any decision relating to that contract if the decision affects his personal pecuniary interest.
- 2. Officers and other members of the ATUT governing body must file a conflicts disclosure statement relating to any person that ATUT 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 Manager and the Administration Supervisor are responsible for the administration, interpretation, and application of this Conflicts of Interest Policy. Legal counsel will be consulted as necessary in coordination with the Executive Director in order to ensure all provisions of this Policy are strictly adhered to.

**SECTION VI
PERSONAL USE OF
ATUT PROPERTY**

VI. PERSONAL USE OF ATUT PROPERTY

A. GENERAL POLICY

It is the policy of Ark-Tex Urban Transit, Inc. (ATUT) 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 ATUT may only be used for official purposes.

B. USE OF TOOLS, EQUIPMENT AND PROPERTY

1. Employees who are assigned tools, buses, equipment, or any other ATUT property are responsible for them and for their proper use and maintenance.
2. ATUT tools, buses, equipment, materials, supplies, or property may not be used for personal or political use.

C. USE OF INFORMATION SYSTEMS RESOURCES

1. Employees who are assigned information system resources, including personal computers and peripheral devices, are responsible for them and for their proper use and maintenance.
2. ATUT information system resources may not be used for personal or political use.

D. USE OF BUILDINGS AND PREMISES

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

F. MISUSE OF ATUT PROPERTY

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

**SECTION VII
GIFTS AND HONORARIA**

VII. GIFTS AND HONORARIA

A. GENERAL POLICY

Employees and officers of Ark-Tex Urban Transit, Inc. (ATUT) 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 ATUT 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 ATUT.
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 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. ATUT 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 ATUT 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. ATUT employees may be held criminally liable for violation of this Policy.

E. ADMINISTRATION

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

**THIS ETHICS MANUAL IS APPROVED FOR ADOPTION THIS
_____ DAY OF _____, 2014.**

**Chris Brown, Chair
Ark-Tex Urban Transit, Inc.**

ATTEST:

**Sharon Pipes, Vice-Chair
Ark-Tex Urban Transit, Inc.**

VIII. CODE OF ETHICS

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

I. Serve the Public Interest

Serve the public, beyond serving oneself.

ATUT employees shall:

- a. Exercise discretionary authority to promote the public interest.
- b. Adhere to all laws and regulations that provide equal opportunity for all Americans, regardless of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, or gender identity or expression.
- c. Recognize and support the public's right to know the public's business.
- d. Not engage in financial transactions using non-public government information or allow the improper use of such information to further any private interest.
- e. Not, except as permitted by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or persons whose interests may be substantially affected by the performance or non-performance of the employee's duties.
- f. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
- g. Not use public office for private gain.
- h. Protect and conserve public property and shall not use it for other than authorized activities.
- i. Exercise compassion, benevolence, fairness and optimism.
- j. Respond to the public in ways that are complete, clear, and easy to understand.
- k. Assist citizens in their dealings with government.
- l. Be prepared to make decisions that may not be popular.

II. Respect the Constitution and the Law

Respect, support, and study government constitutions and laws that define responsibilities of public agencies, employees, and all citizens.

ATUT employees shall:

- a. Understand and apply legislation and regulations relevant to their professional role.
- b. Work to improve and change laws and policies that are counter-productive or obsolete.
- c. Eliminate unlawful discrimination.
- d. Prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.
- e. Respect and protect privileged information.
- f. Encourage and facilitate legitimate dissent activities in government and protect the whistle-blowing rights of public employees.
- g. Promote constitutional principles of equality, fairness, representativeness, responsiveness and due process in protecting citizens' rights.

III. Demonstrate Personal Integrity

Demonstrate the highest standards in all activities to inspire public confidence and trust in public service.

ATUT employees shall:

- a. Maintain truthfulness and honesty and not compromise them for advancement, honor, or financial gain.
- b. Ensure that others receive credit for their work and contributions.
- c. Zealously guard against conflict of interest or its appearance: e.g., nepotism, improper outside employment, misuse of public resources or the acceptance of gifts.
- d. Respect superiors, subordinates, colleagues, and the public.
- e. Take responsibility for his/her own errors.
- f. Conduct official acts without partisanship.
- g. Act impartially and shall not give preferential treatment to any private organization or individual.
- h. Put forth honest effort in the performance of their duties.
- i. Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

IV. Promote Ethical Organizations

Strengthen organizational capabilities to apply ethics, efficiency and effectiveness in serving the public.

ATUT employees shall:

- a. Enhance organizational capacity for open communication, creativity, and dedication.
- b. Subordinate institutional loyalties to the public good.
- c. Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
- d. Provide organization members with an administrative means for dissent, assurance of due process and safeguards against reprisal.
- e. Promote merit principles that protect against arbitrary and capricious actions.
- f. Promote organizational accountability through appropriate controls and procedures.
- g. Encourage organization to adopt, distribute, and periodically review a code of ethics as a living document.

V. Strive for Professional Excellence

Strengthen individual capabilities and encourage the professional development of others.

ATUT employees shall:

- a. Provide support and encouragement to upgrade competence.
- b. Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
- c. Encourage others, throughout their careers, to participate in professional activities and associations.
- d. Allocate time to meet with students and provide a bridge between classroom studies and the realities of public service.

This Code of Ethics primarily mirrors the Code of Ethics published by the American Society for Public Administration and incorporates the fourteen general principles of ethical conduct set forth in Executive Order 12674.

TEXARKANA URBAN TRANSIT DISTRICT						
Federal FY2022 - TUTD FY 23 10/1/22-9/30/23						
Draft						
	Actual FY20	ACTUAL FY21	BUDGET FY22	ESTIMATED FY22	Proposed FY23	
EXPENSES						
ATUT Salaries						
Operations/Paratransit Drivers	446,194.00	483,363.00	493,469.00	480,000.00	630,459.00	
Operations/Street Supervisors	153,691.19	153,884.00	171,411.00	165,000.00	181,351.00	
Operations/Paratransit Admin Support		-	66,209.00	66,209.00	74,057.00	
Temporary Employees					-	
Mechanics/Serviceers	95,463.36	82,047.36	114,082.00	78,000.00	122,019.00	
Administrative Support	6,421.20		-			
Overtime/Essential Pay	115,252.00	176,792.00	40,000.00	45,000.00	40,000.00	
Total ATUT Salaries	817,021.75	896,086.36	885,171.00	834,209.00	1,047,886.00	
Payroll taxes (FICA,SUTA)/Banking	65,161.82	71,516.00	76,000.00	72,000.00	75,635.00	
Workers Comp	31,828.00	35,815.00	45,000.00	45,000.00	45,000.00	
Health/Dental/Life	186,723.00	187,381.00	240,601.00	230,252.00	217,139.00	
Retirement	18,320.00	23,545.00	26,000.00	30,000.00	30,000.00	
Oper/Planning/Financial Support	198,817.00	132,867.00	122,000.00	98,000.00	100,000.00	
Contract-Drug Test/Physicals	2,565.00	2,389.00	2,500.00	2,600.00	2,800.00	
ATCOG Management Fee	151,965.00	159,563.00	167,542.00	167,542.00	175,919.00	
ParaTransit Services	-		45,000.00	8,538.00	-	
Audit Fees	19,000.00	20,882.00	22,000.00	22,000.00	22,000.00	
Copier Rental/Printing	6,291.00	2,115.00	2,000.00	5,030.00	5,200.00	
Advertising/Legal	3,988.00	746.00	2,000.00	2,000.00	2,000.00	
Computer Software & Mtn	403.00	3,741.00	4,000.00	2,400.00	2,400.00	
Office Supplies	18,665.00	19,633.00	6,400.00	6,400.00	6,400.00	
Other Direct/MISC/LOCAL	2,590.00	17,718.00	2,500.00	4,000.00	4,000.00	
Postage/shipping	560.00	576.00	675.00	400.00	400.00	
Travel/Training	2,348.00	1,108.00	6,000.00	1,500.00	1,500.00	
Dues & Memberships	-	300.00	500.00	500.00	500.00	
5339 Capital Match	12,691.00		41,000.00	-	51,830.00	
Capital Projects/Planning Projects	235,573.00	77,215.00	375,684.00	5,439.00	1,140,000.00	
Fuel	112,355.84	150,473.00	204,000.00	195,000.00	273,000.00	
Oil & Lube	2,452.89	3,181.00	3,500.00	2,500.00	2,600.00	
Tires/Tire Maintenance	12,558.04	13,103.00	12,000.00	16,000.00	17,000.00	
Fleet Maintenance & Repairs/Parts	87,649.07	49,466.00	90,000.00	68,000.00	70,000.00	
Incentive Pay	7,625.00	11,250.00	11,500.00	11,500.00	11,500.00	
Shop Supplies	6,830.00	10,350.00	7,000.00	7,000.00	7,000.00	
Insurance-Prop, Liability, Errors	64,142.00	100,376.00	67,000.00	65,000.00	66,000.00	
Telephone	7,364.00	5,987.00	9,000.00	7,000.00	7,000.00	
Communications	14,752.00	11,720.00	12,000.00	22,000.00	15,000.00	
Utilities	20,991.00	23,748.00	24,000.00	25,552.00	25,600.00	
Building/Grounds Mtn	14,947.00	30,999.00	26,000.00	16,000.00	16,000.00	
	1,309,155.66	1,167,763.00	1,653,402.00	1,139,153.00	2,393,423.00	
TOTAL EXPENSES	2,126,177.41	2,063,849.36	2,538,573.00	1,973,362.00	3,441,309.00	
REVENUE						
	Actual FY20		BUDGET FY22			
Farebox	102,673.00	68,491.00	100,000.00	83,000.00	100,000.00	
Other Revenue-Advertising	-	4,949.00				
Federal Award	688,410.00	287,757.00	935,081.00	927,542.00	1,252,859.00	
TXDOT Award FY20	-	-	483,784.00	483,784.00	150,000.00	
TXDOT Award FY23			333,086.00	153,660.00	333,086.00	
Federal 5339 Awards(Capital Funds)	235,223.00	77,215.00	375,684.00	-	1,140,000.00	
ArHTD	104,986.00	-	-	-	98,312.00	
Local Funds	315,223.92	315,223.92	315,223.92	315,223.00	315,222.00	
CARES Funding	732,982.00	1,756,001.00	-	-		
5339 CAPITAL MATCH - RNP	-				51,830.00	
TOTAL REVENUE	2,127,190.92	2,509,636.92	2,542,858.92	1,963,209.00	3,441,309.00	
RNP FY19, FY20,FY21,FY22	260,867.50	213,331.78		225,800.72		
ARDOT UNP -FY23					72,977.00	
ARP FUNDS RESERVED FOR FY24					441,646.00	
Texarkana, TX 59.14%	186,423.47	186,423.47	186,423.47	186,423.47	186,423.00	
Texarkana, AR 35.39%	111,557.77	111,557.77	111,557.77	111,557.77	111,557.00	
Wake Village, TX 2.68%	8,448.00	8,448.00	8,448.00	8,448.00	8,448.00	
Nash TX 2.79%	8,794.75	8,794.75	8,794.75	8,794.75	8,794.00	
Total	315,223.99	315,223.99	315,223.99	315,223.99	315,222.00	

TEXARKANA URBAN TRANSIT DISTRICT						
Federal FY2022 10/1/22-9/30/23						10/1/2022
Draft						
					Preventive	
	Vehicles	Operations	Paratransit	Maintenance	Planning	Total
EXPENSES						
ATUT Salaries						
Operations/Paratransit Drivers		501,416.00	129,043.00			\$630,459.00
Operations/Street Supervisors		181,351.00				181,351.00
Oper Support Specialist		74,057.00	-	-		74,057.00
Temporary Employees						-
Mechanics/Serviceers		-		122,019.00		122,019.00
Overtime/ Essential Services Pay		40,000.00		-		40,000.00
Total ATUT Salaries		796,824.00	129,043.00	122,019.00	-	\$1,047,886.00
Payroll taxes (FICA,SUTA)						
Workers Comp		56,388.00	9,880.00	9,367.00	-	75,635.00
Health/Dental/Life		35,000.00	5,000.00	5,000.00	-	45,000.00
Retirement		151,155.00	47,162.00	18,822.00		217,139.00
Oper/Planning/Financial Support		22,827.00	3,687.00	3,486.00		30,000.00
Contract-Drug Test/Physicals		75,000.00			25,000.00	100,000.00
ATCOG Management Fee		1,300.00	1,000.00	500.00		2,800.00
Audit Fees		134,032.00			41,887.00	175,919.00
Copier Rental/Printing		22,000.00				22,000.00
Advertising/Legal		5,200.00				5,200.00
Computer Software & Mtn		2,000.00				2,000.00
Office Supplies		2,400.00				2,400.00
Other Direct-Board Meetings		6,400.00				6,400.00
Postage/shipping		4,000.00				4,000.00
Travel/Training		200.00	200.00			400.00
Dues & Memberships		1,500.00				1,500.00
Capital Projects	1,140,000.00	-		-		1,140,000.00
5339 Capital Match- RNP	51,830.00			-		51,830.00
Fuel		273,000.00				273,000.00
Oil & Lube				2,600.00		2,600.00
Tires/Tire Maintenance				17,000.00		17,000.00
Fleet Maintenance & Repairs				70,000.00		70,000.00
Incentive Pay		8,000.00	1,500.00	2,000.00		11,500.00
Shop Supplies				7,000.00		7,000.00
Insurance-Prop, Liability, Errors		34,000.00				34,000.00
Insur-Auto Physic Damage				32,000.00		32,000.00
Telephone		6,000.00		1,000.00		7,000.00
Communications		15,000.00				15,000.00
Utilities		25,600.00				25,600.00
Building/Grounds Mtn				16,000.00		16,000.00
TOTAL EXPENSES	1,191,830.00	1,678,326.00	197,472.00	306,794.00	66,887.00	\$3,441,309.00
10/1/2021						
	Vehicles	Operations	Paratransit	Preventive	Planning	Total
REVENUE						
Farebox		90,000.00	10,000.00			100,000.00
Other Revenue-Advertising						-
Federal FY 2021 Award		839,163.00	133,434.00	230,096.00	50,166.00	1,252,859.00

TEXARKANA URBAN TRANSIT DISTRICT							
Federal FY2022 10/1/22-9/30/23							10/1/2022
Draft							
5339 Capital Match From RNP		51,830.00	-		-		51,830.00
TXDOT FY22(Rollover)		-	150,000.00				150,000.00
TXDOT FY 23			333,086.00				333,086.00
FTA 5339 Capital Funds		1,140,000.00			-		1,140,000.00
Local Funds		-	167,765.00	54,038.00	76,698.00	16,721.00	315,222.00
ARDOT TRUST			98,312.00				98,312.00
ARP FUNDING							-
In Kind							
TOTAL REVENUE		1,191,830.00	1,678,326.00	197,472.00	306,794.00	66,887.00	3,441,309.00
Local City Contributions							
Ristricted Net Position		700,000.00	EOY FY22				
ARP FUNDS RESERVED FOR FY24		441,646.00					
ARDOT UNP		66,477.00					
Texarkana, TX 59.14%		186,423.00					
Texarkana, AR 35.39%		111,557.00					
Wake Village, TX 2.68%		8,448.00					
Nash TX 2.79%		8,794.00					
		315,222.00					
Total							
Federal Grant 5307			839,163.00	133,434.00	230,096.00	50,166.00	
Match Required for Federal			839,163.00	33,358.00	57,524.00	12,541.50	
Federal Budget			1,678,326.00	166,792.00	287,620.00	62,707.50	-
OVER MATCH/5339 MATCH			-	30,680.00	19,174.00	4,179.50	
FTA 5339 CAPITAL					-		
Total Budget		1,191,830.00	1,678,326.00	197,472.00	306,794.00	66,887.00	3,441,309.00