



City of Austin Employees' Retirement System

**City of Austin Employees' Retirement System  
Board Approved Policy**

Policy: D-6  
Subject: Disclosure of Certain Relationships  
Review Committee: Policy Committee  
Date Approved: June 27, 2006  
Date Updated: September 26, 2006  
Signature of Chairperson: Reagan David  
Reagan David

**City of Austin Employees' Retirement System**  
**Board Approved Policy D-6**  
**Disclosure of Certain Relationships**

**I. PURPOSE AND SCOPE**

This policy is adopted to assist the City of Austin Employees' Retirement System (COA ERS or System) Board of Trustees (Board) and the Executive Director carry out their fiduciary responsibilities and duties with respect to the disclosure of certain relationships, as required by Chapter 176, Tex. Loc. Gov't. Code ("Chapter 176"). This policy is an addition to, and does not modify or amend, the Code of Ethics Policy (refer to Board-Approved Policy C-3). This policy gives effect to the intent of Chapter 176 as interpreted by the Board and clarifies the System's requirements with respect to questionnaires and disclosure statements.

**II. APPLICATION**

- A. Trustees and Executive Director:** Chapter 176 is applicable to each Trustee of the COA ERS Board and the Executive Director. The Chapter 176 provisions are not extended to any other officer or employee of the System. Trustees and the Executive Director must file a Conflicts Disclosure Statement ("Disclosure Statement" – refer to **Attachment A**) when it becomes known to them that a vendor or service provider has named them in a Conflicts of Interest Questionnaire ("Questionnaire" – refer to **Attachment B**).
- B. Service Providers and Vendors:** When requesting bids or proposals from service providers, vendors and suppliers, the System should generally include notice that a completed Questionnaire must accompany any bid or proposal, and that a copy of such Questionnaire must also be filed with the System's Records Administrator. The notice may include the email or website address at which the bidder or proposer can obtain an electronic copy of the Questionnaire.
- C. Contracts and Negotiations:** The System shall not be required to, but may, contract or negotiate with persons that submit bids or written proposals but do not file a completed Questionnaire.
- D. Unsolicited Offers and Proposals:** Unsolicited offers and advertisements of goods, services and proposals received by the System should generally not be considered until such time, if any, as a completed Questionnaire is provided. If a Questionnaire is not submitted with any bid or proposal submitted, the System may request a completed Questionnaire be timely filed with the System. No unsolicited offer or proposal is required to be considered.

### E. Miscellaneous Purchases

1. The purchase, from time to time, of miscellaneous office supplies, building maintenance, food, kitchen, airline and travel services, utility, telephone, internet and cablevision service, and supplies and services, that are not required to be advertised for public bids, will not be required to be accompanied by a Questionnaire, provided that the Code of Ethics Policy shall remain in full force and effect. All such vendors shall be solely responsible for filing Questionnaires as required by Chapter 176.
2. Notwithstanding, the foregoing, it is specifically provided that, with the exceptions of the purchase of water, wastewater, electric, telephone, cable television and internet services, the System will not make any such miscellaneous purchase with: (1) any entity in which the Executive Director, Trustee, or a family member related within the first degree to the Executive Director or a Trustee, has an employment or business relationship that results in taxable income to the Executive Director, Trustee, or family member; or (2) any entity that has given gifts (having an aggregate value of \$250 or more) within the prior twelve months to the Executive Director, Trustee, or a family member of the Executive Director or a Trustee.
3. If any Trustee or the Executive Director becomes aware of any facts that would require the Executive Director or a Trustee to file a Disclosure Statement with respect to any such purchase, he/she shall promptly notify the person of the requirement to file a Disclosure Statement, and, if such Disclosure Statement is not filed within seven days from the date of such notice, the Board shall be notified in writing of the requirement for such disclosure.
4. The Ethics Policy requires the Executive Director and Trustees to report all gifts from persons doing business with, or seeking to do business with, the System. The Executive Director and Trustees shall include, on the Annual Financial Disclosure/Conflict of Interest Affidavit (refer to **Attachment C**) required to be filed by them, the name of each such entity in which they or a family member related within the first degree received any taxable income as a result of employment or a business relationship with such entity. The Executive Director or Trustees shall thereafter file an amended Affidavit if such an entity that is not listed in the Affidavit contracts or seeks to contract with the System.

### III. RESPONSIBILITIES

- A. Board of Trustees: The Board assigns responsibility to the Policy Committee to review this policy as needed and oversee its implementation, and to report all known violations to the Board, together with its findings and recommendations. The Board supervises the Executive Director with respect to the staff's performance in notifying the Trustees and the Executive Director when a Questionnaire is not filed as required, or when it is known by the Executive Director that a Trustee or the Executive Director is required by Chapter 176 to file

a written Disclosure Statement. The Board will receive the Policy Committee's report and recommendation regarding, and make the final decision on, all complaints alleging a violation of this policy.

- B. Policy Committee: The Committee will periodically review and recommend updates to this policy after receipt of any court or administrative applications of Chapter 176, and as otherwise advisable; receive, review and investigate complaints that allege a violation of the policy by a Trustee or the Executive Director and make a report to the Board regarding each such complaint and its recommendations.
- C. Executive Director: The Executive Director shall implement standard operating procedures to assist and monitor the System's compliance with Chapter 176 and this policy. The Executive Director shall personally file a timely Disclosure Statement when he/she becomes aware of facts that require him/her to file a Disclosure Statement pursuant to Sec. 176.003(a), Tex. Loc. Gov't. Code, and shall promptly notify a Trustee when the Executive Director becomes aware of facts that require such Trustee to file a Disclosure Statement. The Executive Director shall report to the Policy Committee instances when it appears that he/she or a Trustee has not filed a Disclosure Statement as required by Chapter 176.
- D. Notwithstanding anything in this policy to the contrary: (1) neither the System, the Executive Director, nor the Trustees shall be responsible for the failure of any vendor or service provider to comply with Chapter 176; (2) all vendors and service providers have a statutory duty to file the required Questionnaires; (3) this policy is in addition to the requirements of the Code of Ethics and Chapter 171, Tex. Loc. Gov't. Code (refer to **Attachment D** "Affidavit"); and (4) this policy is to assist the Trustees and the Executive Director in the identification of instances in which a Disclosure Statement should be filed.

#### IV. ATTACHMENTS

Attachment A – "Conflicts Disclosure Statement – Form CIS"

Attachment B – "Conflict of Interest Questionnaire – Form CIQ"

Attachment C – "Annual Financial Disclosure/Conflict of Interest Affidavit"

Attachment D – Conflict of Interest "Affidavit"

**LOCAL GOVERNMENT OFFICER  
CONFLICTS DISCLOSURE STATEMENT**

**FORM CIS**

(Instructions for completing and filing this form are provided on the back.)

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with chapter 176, Local Government Code.

**OFFICE USE ONLY**

Date Received

**1** Name of Local Government Officer

**2** Office Held

**3** Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code

**4** Description of the nature and extent of employment or business relationship with person named in item 3

**5** List gifts if aggregate value of the gifts received from person named in item 3 exceed \$250

Date Gift Received \_\_\_\_\_ Description of Gift \_\_\_\_\_  Did Not Accept Gift  
 Date Gift Received \_\_\_\_\_ Description of Gift \_\_\_\_\_  Did Not Accept Gift  
 Date Gift Received \_\_\_\_\_ Description of Gift \_\_\_\_\_  Did Not Accept Gift

(attach additional forms as necessary)

**6** AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to a family member (as defined by Section 176.001(2), Local Government Code) of a government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(b), Local Government Code.

\_\_\_\_\_  
Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

## OFFICE USE ONLY

Date Received

1 Name of person doing business with local governmental entity.

2

Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3

Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.

4

Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ

Page 2

**5** Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each affiliation or business relationship.

**6** Describe any other affiliation or business relationship that might cause a conflict of interest.

**7**

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date



City of Austin Employees' Retirement System

## City of Austin Employees' Retirement System Annual Financial Disclosure/Conflict of Interest Affidavit

Reporting Period: \_\_\_\_\_ through \_\_\_\_\_

My signature below indicates my acknowledgement of the following:

1. Name: \_\_\_\_\_
2. Position/Office Held: \_\_\_\_\_
3. Residence Address: \_\_\_\_\_
4. Business Address: \_\_\_\_\_
5. Telephone Numbers:  
(Home) \_\_\_\_\_ (Office) \_\_\_\_\_
6. Spouse's Name: \_\_\_\_\_
7. I am a Member of the Board of Trustees of the City of Austin Employees' Retirement System and hereby acknowledge that I serve as a fiduciary and owe the Fund an obligation to administer it as a Trust Fund in accordance with Article 6243n., Vernon's Annotated Texas Statutes, as amended, the Board's policies, and all other applicable laws and regulations. I have sworn to an Oath of Office as a Member of the Board of Trustees and affirm that I will continue to abide by that oath.
8. As required by the Board's Code of Ethics, I acknowledge that I may not receive any compensation or anything of value, whether tangible or intangible, from any person or party in connection with my duties as a fiduciary and in connection with any action involving the acts of the Fund, and hereby state that I have not received any such compensation or thing of value. Meals and entertainment of reasonable value may be accepted provided these are reported during regular Board meetings and are made available appropriately to all Board Trustees. Gifts valued at less than \$50 may be accepted provided these are reported during regular Board meetings.
9. I further acknowledge that no fiduciary of the Fund may participate in any decision or action of the Board involving any asset of the Fund that is of direct benefit to his or her own interest, except insofar as the benefit is incidental to the fiduciary's membership in the Fund. I hereby state that I have not so participated.

10. I have identified all individuals or business entities in which I have substantial interest, which have contracted or solicited business with the City of Austin Employees' Retirement System:

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11. I have identified any entity in which I or any family member (related within the 1<sup>st</sup> degree) receive any taxable income as a result of employment or business relationship:

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**VERIFICATION**

**STATE OF TEXAS            §**

**COUNTY OF TRAVIS       §**

BEFORE ME, the undersigned Notary Public, on this day personally appeared \_\_\_\_\_, known to me, and after being duly sworn, stated on oath that the foregoing and annexed Annual Financial Disclosure/Conflict of Interest Affidavit for the year 200\_\_ is within the knowledge of affiant and is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

SWORN TO AND SUBSCRIBED TO BEFORE ME on this \_\_\_\_ day of 200\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Texas

Revised 2006-6

STATE OF TEXAS §

COUNTY OF TRAVIS §

Affidavit

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, who being duly sworn by me did on his oath, depose and say that:

"My name is \_\_\_\_\_. I am of sound mind and over eighteen (18) years of age. I am a member of the Board of Trustees of the City of Austin Employees Retirement System, Texas, and am personally acquainted with the facts stated herein and such facts are true and correct.

(1) I have a substantial interest in the business entity that is involved in the project, subject or matter included in agenda item number \_\_\_\_\_ for the \_\_\_\_\_ [date] meeting of the Board of Trustees. My interest in such entity is generally described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) I have a substantial interest in the property that is involved in the project, subject or matter included in agenda item number \_\_\_\_\_ for the \_\_\_\_\_ [date] meeting of the Board of Trustees. My interest in such entity is generally described as follows:

\_\_\_\_\_  
\_\_\_\_\_

(3) I have a perceived conflict, or potential interest in the business or property that is involved in the project, subject or matter included in agenda item number \_\_\_\_\_ for the \_\_\_\_\_ [date] meeting of the Board of Trustees. My interest in such entity is generally described as follows:

\_\_\_\_\_  
\_\_\_\_\_

Further, Affiant sayeth not."

\_\_\_\_\_  
*Signature*

SWORN TO AND SUBSCRIBED TO BEFORE ME, the undersigned a notary public, on this the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
Notary Public - State Of Texas