



# BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION

## NOTICE OF MEETING

**BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION  
REGULAR MEETING  
THURSDAY, MAY 7, 2020  
4:30 P.M.  
COUNCIL CHAMBER, CITY HALL  
2401 MARKET STREET, BAYTOWN, TEXAS 77520**

Due to the COVID 19 Disaster and CDC's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting. However, the meeting will be audible to members of the public and allow for two-way communications for those desiring to participate. To attend the meeting via telephonic means, please use the following toll-free number: 1-888-788-0099, Meeting ID: 818 1798 9382.

Any person interested in speaking on any item on the agenda must submit his/her request via email to the Assistant Secretary at [cityclerk@baytown.org](mailto:cityclerk@baytown.org). The request must include the speaker's name, address, and phone number that will be used to teleconference as well as the agenda item number. The request must be received prior to the posted time of the meeting.

The agenda packet is accessible to the public in both HTML and PDF formats at the following link: <https://www.baytown.org/city-hall/city-clerk/agendas-minutes>. After the meeting, a recording of this meeting will be made available to the public at the above-referenced website.

For more information or questions concerning the teleconference, please contact the Office of the City Clerk at 281-420-6504.

## AGENDA

### CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

1. PROPOSED RESOLUTIONS

- a. Consider a resolution adopting a Conflict of Interest Policy for the Baytown Hospitality Public Facilities Corporation.


2. MANAGER'S REPORT

3. ADJOURN

**PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.089 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.**

THE BAYOWN HOSPITALITY PUBLIC FACILITIES CORPORATION IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 281-420-6522, FAX 281-420-6586, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-676-3777 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).

Approved for posting:



Rick Davis, General Manager

Posted by:



Leticia Brown, Assistant Secretary

Posted this 1st day of May, 2020, at 5:00 P.M.





**BAYTOWN HOSPITALITY PUBLIC  
FACILITIES CORPORATION**

**1. a.**

**Meeting Date:** 05/07/2020

**Subject:** Anti-Corruption Policy

**Prepared for:** Karen Horner, Legal

**Prepared by:** Karen Horner, Legal

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**ITEM**

Consider a resolution adopting a Conflict of Interest Policy for the Baytown Hospitality Public Facilities Corporation.

**PREFACE**

This proposed resolution adopts an Anti-Corruption Policy for the Baytown Hospitality Public Facilities Corporation (the "PFC").

The proposed policy is designed:

1. to facilitate the development of controls that will aid in the detection and prevention of conflicts of interest and fraud against and within the PFC and
2. to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations.

**RECOMMENDATION**

Staff recommends approval.

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**Attachments**

Resolution - Conflict of Interest Policy

Exhibit A - Conflict of Interest Policy

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A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION ADOPTING A CONFLICT OF INTEREST POLICY FOR THE BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BAYTOWN HOSPITALITY PUBLIC FACILITIES CORPORATION:

Section 1: That the Board of Directors of the Baytown Hospitality Public Facilities Corporation hereby adopts a Conflict of Interest Policy for the Baytown Hospitality Public Facilities Corporation. A copy of said policy is attached hereto as Exhibit "A" and incorporated herein for all intents and purposes.

Section 2: This resolution shall take effect immediately from and after its passage by the Board of Directors of the Baytown Hospitality Public Facilities Corporation.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Directors of the Baytown Hospitality Public Facilities Corporation, this the 7<sup>th</sup> day of May, 2020.

\_\_\_\_\_  
BRANDON CAPETILLO, President

ATTEST:

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LETICIA BRYSCH, Assistant Secretary

APPROVED AS TO FORM:

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KAREN L. HORNER, Interim General Counsel

## Exhibit "A"

### CONFLICT OF INTEREST POLICY

The Baytown Hospitality Public Facilities Corporation (the "Corporation") does hereby establish this Conflict of Interest Policy (the "Policy") to facilitate the development of controls that will aid in the detection and prevention of conflicts of interest and fraud against and within the Corporation. It is the intent of the Corporation to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations.

1. Scope of the Policy: This Policy applies to all individuals working at all levels and grades within the Corporation, employees, consultants, vendors, contractors, and outside agencies doing business with employees of the Corporation, and/or any other parties with a business relationship with the Corporation. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the Corporation.
2. Code of Conduct:
  - a. The Corporation shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent fraud, unfair competitive advantage, or the existence of conflicting roles that might impair the actions of the Corporation.
  - b. For procurement of goods and services, no officer, director, employee, or agent of the Corporation shall participate in the selection, award, or administration of any contract if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any parties, has a financial or other interest in, or receives a tangible personal benefit, in excess of \$50 from a firm being considered for a contract with the Corporation. "Immediate family" means a spouse, domestic partner, parent, child, or spouse of a parent, child, brother, sister, or spouse of a child, brother or sister.
  - c. No officer, employee, or agent of the Corporation shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements with regard to any contract, except where (i) the financial interest is not substantial, (ii) the gift is an unsolicited item of nominal intrinsic value or (iii) such solicitation or acceptance is otherwise subject to an exception set forth in the Texas Penal Code.
  - d. For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the Corporation, who is in a position to participate in a decision-making process or gain inside information about a contract, may obtain a financial interest or benefit from such contract.

Any alleged violation of these standards of conduct shall be referred to the Corporation. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer;

where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

3. Complaint Procedures: The following are the formal complaint and grievance procedures:
  - a. A person who has a complaint or grievance about any services or activities with respect to a contract may during regular business hours submit such complaint or grievance, in writing to the General Manager of the Corporation.
  - b. A copy of the complaint or grievance shall be transmitted by the Corporation to the person or entity that is the subject of the complaint or grievance within five (5) working days after the date of the complaint or grievance was received.
  - c. The Corporation shall cause an investigation of the complaint or grievance to be completed, if practicable, and provide an update regarding the administration of such investigation to the person who made the complaint or grievance.
  - d. If appropriate, copies of grievance procedures will be given in both English and Spanish, or other appropriate language.
4. Confidentiality.
  - a. To the extent allowed by law, any person reporting or investigating reports is required to keep reports and all information relating to the investigation confidential, except as necessary to report the violation of this Policy or to conduct a complete and fair investigation.
  - b. The person reporting the violation of this Policy shall not attempt to personally conduct investigations or interviews related to any suspected fraudulent act.
  - c. Any person who learns of any investigation shall keep all matters relating to the investigation strictly confidential to the extent allowed by law.
5. No Retaliation. No person who reports a violation of this 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.

Effective this the 7<sup>th</sup> day of May, 2020.

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BRANDON CAPETILLO, President