

Travis County Gift Policy

(ADOPTED by the Travis County Commissioners Court, April 10, 2018)

County Code Chapter 9 (Commissioners Court employees)

Subchapter H. Gift Policy

9.440 Purpose of Gift Policy

The Travis County Commissioners Court and other officials in Travis County believe that as public servants, it is our responsibility to strengthen the faith and confidence of the citizens of Travis County in their government by adopting policies for our employees and ourselves as ethical guidance in the performance of our official duties. It is the intent of this Travis County Gift Policy to set those guidelines and provide clear expectations with regard to the acceptance or solicitation of benefits by Travis County public servants under the jurisdiction of this policy.

While we all strive to adhere to the statutory requirements of state law regarding the acceptance of gifts and benefits from the public, we believe that the residents of Travis County expect more of their public officials and employees. This policy underscores our core belief that the mere impression of impropriety damages our ability to be effective in carrying out our duties to the public and diminishes the trust of our citizens in their government. The intent of this policy is to clearly state the expectations we believe should be followed by all of the County's officials and employees covered by this Subchapter.

9.441 Application of Subchapter

This subchapter applies to:

- (1) the County Judge, members of the Commissioners Court, and their staffs,
- (2) employees who can be hired and terminated at the direction of the Commissioners Court, and

(3) elected and appointed officials who have adopted this subchapter in writing and their designated employees.

9.442. Definitions. In this subchapter:

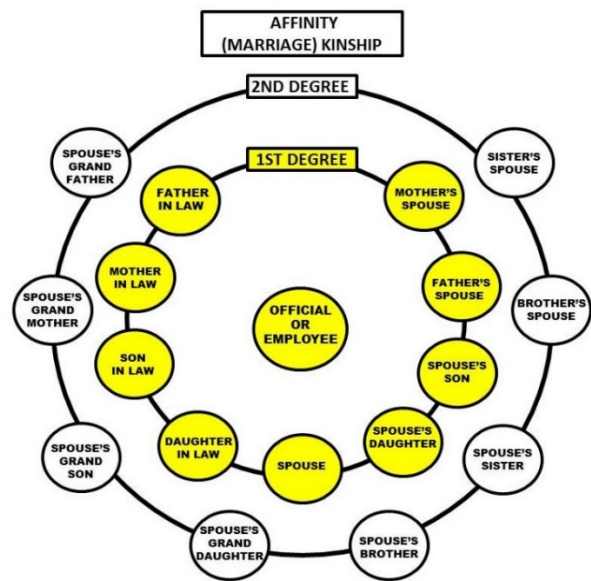
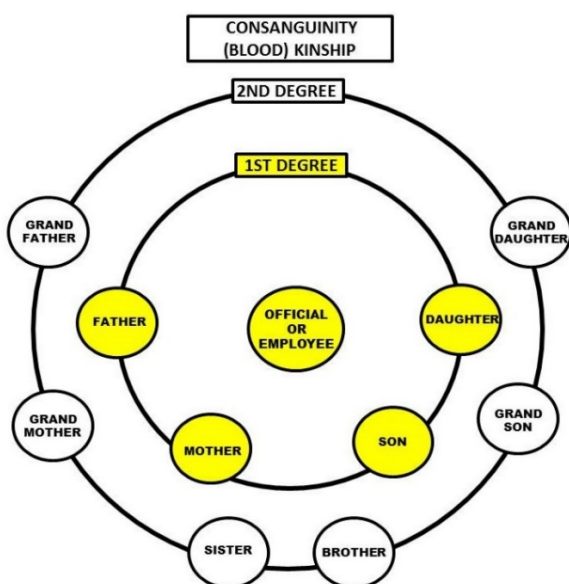
(1) "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest;

(2) "County public servant" means a person elected, selected, appointed, or employed, as defined below, even if the person has not yet qualified for or assumed the duties of office:

(A) "County Officer" means a County Judge or County Commissioner. It also includes any Elected or Appointed Official who expressly adopts this Subchapter in writing; and

(B) persons employed by a County Officer listed above;

(3) "Family member" means a person related to a County public servant within the first degree of consanguinity or affinity, as defined by [Texas Government Code sections 573.021-573.025](#). See diagrams below;



(4) “Solicitation” means the communication with a County public servant by oral, written, electronic or telephonic communications or any other means other than public expression at a meeting of County officers open to the public under [Texas Government Code Chapter 551](#) (Open Meetings Act); and

(5) “Substantial interest” means:

(a) A person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A County public servant subject to this policy is considered to have a substantial interest under this Subsection if a family member related to the public servant in the first degree by consanguinity or affinity, as defined under Subsection (3), has a substantial interest under this Subsection.

9.443 Prohibition against Solicitation or Acceptance of Gifts/Benefits

(a) A County public servant, or any business entity in which he or she has a substantial interest, may not solicit, accept or agree to accept a gift or benefit as consideration for the servant’s decision, opinion, recommendation, vote or other exercise of discretion as a County public servant, or as consideration for a violation of a duty imposed by law on the County public servant.

(b) Except as provided by Subsection (c), a County public servant, or a family member, or any business entity in which the servant has a substantial interest, may not accept or agree to accept a gift or benefit on behalf of themselves or any other person.

(c) *Exceptions.* A County public servant or Family member does not violate Subsection (b) if one or more of the following applies:

- (1) The gift or benefit is available on the same conditions as for the general public;
- (2) Subject to the provisions of Chapter 32 of the Travis County Code, the received food and beverages for the event cost less than \$50.00;
- (3) The benefit solicited or accepted is a contribution to a political campaign, and the contribution is subject to reporting under state law;
- (4) The received gift or other benefit:
 - (A) is given due to a relationship independent of the public duties of the recipient, and,
 - (B) is not given by a donor who has a substantial interest in a business relationship or real estate purchase or sale with the County to a recipient in a position to influence any decisions related to the interest;
- (5) The received gift or benefit is not given by an employee to someone in a supervisory relationship to that employee;
- (6) The received benefit is a commercially reasonable loan made in the ordinary course of the lender's business;
- (7) The received gift or benefit is an award, such as a plaque, certification, trophy or similar memento that:
 - (A) has no more than nominal value to anyone other than the recipient, and
 - (B) is publicly presented by a governmental or other entity in recognition of or in conjunction with public service;
- (8) The received gift or benefit is something for which the County reimburses the donor;
- (9) The received item or items are donated to a charitable organization within 30 days. A perishable gift, such as flowers, fruit, or candy, may be placed on a public counter and shared with employees;

(10) The received gift or benefit is an invitation or ticket to a public charitable benefit event as a guest and the County public servant reimburses the provider of the invitation or ticket for the fair market value of a single ticket for admission available to the public in excess of \$49.99;

(11) The received food and beverages are:

(A) furnished as part of a local public event, appearance or ceremony related to official county business, and

(B) furnished by the sponsor(s) of such public event, appearance or ceremony; or

(12) The item received is a gift to the County for a County public purpose and was not a personal gift to the County public servant.

County Code Chapter 10 (All County Employees)

10.004 Bribery and Acceptance of Honoraria

- (a) **Purpose.** This Section is intended to replicate the provisions of Sections 36.02 (Bribery) and 36.07 (Acceptance of Honorarium) of the Texas Penal Code as a reminder to all Travis County employees that they are subject to these requirements.
- (b) **Definition.** In this Section, "benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.
- (c) **Bribery.**
 - (1) A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:
 - (A) any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter;
 - (B) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
 - (C) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official; or
 - (D) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not

have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.

- (2) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.
- (3) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:
 - (A) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
 - (b) the public servant ceases to be a public servant.
- (4) It is an exception to the application of Paragraphs 10.004(c)(1)(A), (B), and (C) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.
- (5) An offense under Penal Code Section 36.02 is a felony of the second degree.

(d) **Acceptance of Honorarium.**

- (1) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.
- (2) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as

addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

- (3) Transportation, lodging, and meals described by Subdivision 10.004(d)(2) are not political contributions as defined by Title 15, Election Code.
- (4) An offense under Penal Code Section 36.07 is a Class A misdemeanor.