

# bastrop

**E D C**



Bastrop Economic Development Corporation

Policies & Procedures

Amended and Approved April 17, 2023

# Bastrop Economic Development Corporation (“BEDC”) Policies & Procedures

<b>Chapter 1. Governance</b>	<b>Page 2</b>
I. Appointments	
II. Conflicts of Interest	
III. Duties of the Board	
IV. Committees	
<b>Chapter 2. Board Meetings</b>	<b>Page 4</b>
I. Meetings	
II. Agenda Preparation	
III. Meeting Decorum	
IV. Public Addressing the Board	
V. Officers	
VI. Action by the Board	
VII. Closed/Executive Session	
VIII. Quorum	
IX. Recordings of Meetings	
X. Meeting Minutes	
<b>Chapter 3. Financial</b>	<b>Page 8</b>
I. Financial Administration	
II. Contracted Services	
<b>Chapter 4. Travel</b>	<b>Page 10</b>
I. Code of Conduct	
II. Travel Arrangements	
III. Approval of Travel Expenditures	
IV. Attendance by Non-BEDC Appointed Representatives	
<b>Chapter 5. Personnel</b>	<b>Page 13</b>
I. BEDC Office Operating Hours	
II. BEDC Office Holidays	
III. BEDC Staff Reviews	
IV. Campaign-related Activities	
<b>Chapter 6. Records Retention</b>	<b>Page 14</b>
I. Books and Records	
II. Records Open to Public	
<b>Chapter 7. BEDC Device, Software, and Proprietary Information</b>	<b>Page 15</b>
I. General Provisions	
II. Liability for Loss or Damage to BEDC Equipment	
III. Electronic Communications	
IV. Additional Definitions	

# Chapter 1: Governance

## I. Appointments

Appointments to the BEDC Board (“Board”) are made by the Governing Body of the City of Bastrop, according to State Law and the BEDC Articles of Incorporation and Bylaws.

## II. Conflicts of Interest

1. Directors of the Board shall sign a Conflict of Interest statement upon appointment to the Board, which shall be kept in the BEDC’s files at the BEDC office for a period of four (4) years after the Director leaves the Board.
2. In accordance with the Bylaws of the BEDC, the Directors are subject to the City’s Code of Ethics Policy, set forth in the City’s Code of Ordinances, Article 1.15, et seq., and shall conform thereto for purposes of addressing potential or actual conflicts of interest.
3. In the event that a Director is aware that he or she has a conflict of interest or potential conflict of interest as defined by State Law and/or the City of Bastrop’s Ethics Policy of the City Code of Ordinances, with regard to any particular matter or vote before the Board, the Director shall bring the same to the attention of the Chief Executive Officer (CEO) if available (or the Board Chair if the CEO is not available) and shall abstain from discussion and voting thereof.
4. If any Director or member of the public believes that any Director may have a conflict of interest on a matter before the Board, he/she is advised to inform the CEO if available (or the Chair if not) in writing.
5. Any questions or complaints regarding possible ethics violations shall be conveyed in writing to the BEDC Attorney who shall review the City’s Ethics Policy for any violations.

## III. Duties of the Board

Directors serve as voting members of the Board of Directors of the BEDC, developing policies, procedures and regulations, and monitoring financial performance of the Corporation.

1. Directors shall have the following obligations to the Corporation:
  - a) Be knowledgeable and support the mission, purpose and goals of the BEDC.
  - b) Discharge the duties of a Director as outlined in the applicable state statutes, Articles of Incorporation, Bylaws, and these Policies & Procedures.
  - c) Have oversight of the CEO tasked with carrying out the day-to-day operations of the Corporation.
  - d) Participate in the establishment and adoption of policy and procedures of the Corporation.
  - e) Monitor the financial performance of the Corporation.
  - f) Participate in the development of the economic development strategy and monitor the performance of the Corporation in fulfilling its mission, purpose and goals.

2. The Board shall have sole authority to hire, fire and direct an Executive Director.
3. The Board shall enter into a written employment contract with the Executive Director who shall serve as the Chief Executive Officer (CEO) having the authority to hire, manage and direct BEDC staff, as well as oversee the day-to-day operations of the BEDC, enforcement of these policies and carrying out the BEDC mission.
4. The Board shall approve the staffing level of the BEDC during the annual budget process.
5. The Board shall adopt a mission statement and adopt an annual budget that allows for the mission of the BEDC to be carried out. This budget shall be adopted in accordance with the Bylaws and City's annual budget schedule.
6. The Board shall approve the expenditure of funds in accordance with all applicable laws and these Policies & Procedures.
7. In accordance with the adopted mission, the Board shall promote projects or programs that directly accomplish or aid in the accomplishment of creating or retaining jobs and capital investment, including educational, job training or planning and research activities necessary to promote job creation or retention. The Corporation's focus of economic development will be primarily in the areas of:
  - a) Primary job and capital investment creation, including business retention and expansion of existing primary industries and new enterprises and their job creation.
  - b) Non-primary industry business development, including existing business retention and expansion, small business development, and retail and destination development.
  - c) Community development, including infrastructure development within applicable laws.
  - d) Development and re-development within the community.
  - e) Education and workforce development supporting local industry.

#### **IV. Committees**

1. The officers of the Board shall comprise the Executive Committee of the Board.
2. The Board may create standing or ad hoc committees as needed. The Board Chair may appoint Directors and/or members of the public to committees as needed.

# Chapter 2: Board Meetings

## I. Meetings

1. The BEDC Board of Directors (“Board”) shall adopt a schedule for regular meetings, including date, time, and location, in accordance with the Bylaws of the BEDC.
2. All meetings and deliberations of the Board shall be called, convened, held and conducted in accordance with the requirements of the Texas Open Meetings Act and applicable State Law.
3. Directors shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Director who is absent from three (3) consecutive regular or special meetings, or 66% of total meetings, in accordance with the Bylaws of the BEDC.

It shall be the CEO’s responsibility to monitor and report attendance, as required or necessary.

## II. Agenda Preparation

1. The CEO in cooperation with the Executive Committee shall have administrative oversight in preparing meeting agendas.
2. Any individual or group who wishes to have an item of business placed on the agenda shall make a written request to the CEO. The request must be in writing and must state the nature of the matter so that the CEO and/or appropriate staff will have an opportunity to prepare the appropriate materials for the Board’s consideration. The request must be received by the CEO no later than ten (10) days prior to the meeting, in accordance with the Bylaws of the BEDC.
3. If appropriate, the CEO will resolve requests that do not require Board action. If Board action is required, the CEO, in consultation with the Executive Committee, will determine when the individual or group should be placed on the agenda. The time limit for any individual or representative addressing the Board shall be five minutes, unless the Chair permits additional time.
4. Agenda packets, prepared by the BEDC staff, shall include as much background information on the subject as is available and feasible, for each item of business placed on it. The agenda shall be posted at Bastrop City Hall and on the BEDC’s website at least 72 hours prior to the meeting.

## III. Meeting Decorum

1. The purpose of this policy is to establish rules of decorum for members of the public attending and/or addressing the Bastrop Economic Development Corporation (BEDC) in a public meeting. The policy is intended to facilitate the conduct of public meetings in an open and orderly manner and in an environment safe for all persons in attendance, and to promote open meetings that welcome debate of issues being discussed by the BEDC Board in an atmosphere of fairness, courtesy, and respect for differing points of view.

## 2. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, booing, hissing, shouting, or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from talking on cell phones while the meeting is in session.
- d) The Chair may rule out of order any comments made that are rude, inappropriate, or intended to harass any person or group of people or that are not addressed to the entire Board, and is authorized to take reasonable and appropriate measures to ensure compliance with these rules. Any person addressing the Board or observing the meeting shall not make personal, impertinent, slanderous, profane, threatening, or abusive remarks to any Director of the Board, staff, or general public.
- e) Failure to comply with this Public Meeting Decorum Policy which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

## IV. Public Addressing the Board

### 1. Public Comment Period

- a) For persons wishing to address the Board on items not listed on the agenda, the speaker should complete a "Request to Speak" form and submit to the Board Chair or designated staff member.

**For Public Comments, the completed "Request to Speak" form should be submitted before the meeting being called to order by the Chair.**

- b) The time limit for any individual or representative addressing the Board shall be three minutes unless the Chair approves additional time.
- c) Directors and staff may not comment on matters brought to the Board during the public comment period.
- d) Speakers' comments should be addressed to the full body. Requests to engage any specific Board member(s) or staff in conversation will not be honored. Abusive language will not be tolerated.
- e) Speaker should provide their name and address at the beginning of their remarks for the formal record.
- f) Speakers and any other members of the public will not approach the Board at any time without prior consent from the Chair of the meeting.

### 2. Agenda Item Comments

- a) For persons wishing to address the Board on agenda items, the speaker should complete a "Request to Speak" form and submit to the Board Chair or designated staff member.

**For Agenda Item Comments, the completed “Request to Speak” form should be submitted before the agenda item being called for consideration by the Chair.**

- b) Generally, once an agenda item is called for consideration by the Chair, the following sequence shall occur:
  - i. Presentation of the agenda item by BEDC staff and/or requestor,
  - ii. Board questions and answers related to the presentation of the agenda item,
  - iii. Public comments on the agenda item,
  - iv. Board consideration of action related to the agenda item:
    - Motion and second
    - Debate
    - Vote
  - v. The Board shall consider only one single motion and second at a time.
- c) The time limit for any individual or representative addressing the Board shall be three minutes and limited to the agenda item under consideration unless the Chair approves additional time.
- d) Abusive language will not be tolerated.
- e) Speaker should provide their name and address at the beginning of their remarks for the formal record.
- f) Speakers and any other members of the public will not approach the Board at any time without prior consent from the Chair of the meeting.

## **V. Officers**

- 1. The officers of the Board shall be Chair, Vice Chair, Secretary and Treasurer as prescribed in the Bylaws of the Corporation.
- 2. The Presiding Officer shall preside at the meetings of the Board and shall have the following powers:
  - a) To call the meeting to order and adjourn at the conclusion of business or in an emergency;
  - b) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
  - c) To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
  - d) To call a brief recess at any time.
- 3. In accordance with the Bylaws of the BEDC, at all meetings of the Board, the chair shall preside and, in the absence of the Chair, in the order of availability, the Vice Chair, the Treasurer or the Secretary shall exercise the powers of the Chair.

In the absence of an officer, the Board shall elect a Presiding Officer from the attending membership.

## **VI. Action by the Board**

- 1. The Board shall proceed by motion. Any Director, including the Chair, may make a motion.
- 2. A Director may make only one motion at a time.

3. The Chair shall preside over the debate.
4. A motion shall be adopted by a majority of the votes present.

**VII. Closed/Executive Sessions**

The BEDC Board shall have the authority to meet in closed/executive session pursuant to the Texas Local Government Code, Chapter 551.

**VIII. Quorum**

In accordance with the Bylaws of the BEDC, a majority of the Directors shall constitute a quorum for the conduct of official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law, or is otherwise required within the Bylaws of the BEDC.

**IX. Recording of Meetings**

1. Any radio or television station is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.
2. The Chair and/or designee reserves the right to designate where any and all broadcasting, photographing, filming and/or recording devices and operating personnel may be placed and/or displaced at any meeting required to be open.
3. The BEDC may contract with any organization or entity that provides video recording and live streaming capabilities.

**X. Meeting Minutes**

1. Minutes shall be kept of all meetings of the Board of Directors.
2. Closed session minutes will be kept as required by law.
3. Draft minutes become official upon Board approval.



# Chapter 3: Financial

## I. Financial Administration

The Corporation's financing and accounting records shall be maintained according to the following guidelines:

1. The Corporation shall contract with the City of Bastrop, or any approved public accounting firm, for financial and accounting services that includes monthly financial reports and annual audits to be distributed to the Board of Directors.
2. The BEDC will comply with the financial policies and procedures of the Corporation and applicable state and federal laws.
3. In accordance with the Bylaws of the BEDC, the Board shall cause to be prepared, and shall submit to the City Council of the City, a budget for the forthcoming fiscal year, and in accordance with the annual budget preparation schedule set forth by the City Manager.
4. The CEO shall have the authority to make purchases and sign contracts up to the value of ten thousand dollars (\$10,000), on behalf of the Corporation.
5. The BEDC CEO or staff may remove, commit, obligate or spend funds held by the BEDC as "Contingency Funds" in an amount not to exceed \$1,000, after obtaining prior written approval of the BEDC Board Chair.
6. Neither the CEO nor the staff of the BEDC may remove, commit, obligate or spend more than \$1,000 of the funds held by the BEDC as "Contingency Funds" without prior notice to and formal approval by a majority vote of the BEDC Board of Directors.
7. Internal Financial Control Policy related to "reserved," "restricted funds" or other excess funds of the Corporation.
  - a) Certain BEDC funds, commonly referred to by the Board of Directors as "reserved" or "restricted funds" or "excess funds", may be placed in alternative investment options/instruments, when jointly agreed upon by and between the Board Chair, CEO and the City of Bastrop's Director of Finance, so long as the alternative options/ instruments selected for such placement have been formally approved and adopted by the City of Bastrop for its municipal Financial Investment Policy.
8. The fiscal year for the BEDC shall begin October 1<sup>st</sup> of each year and the budget for each year shall be prepared by the CEO and presented for Board approval on or before the preceding July meeting of the BEDC each year.

## II. Contracted Services

1. General Services & RFQs
  - a) The Corporation may contract for professional, consultant, construction, financial, legal or other service intended to carry out the mission of the Corporation.

- b) Any such contracted for service does not require a request for qualifications process, or any similar process; however, any amount over \$10,000 requires Board approval and any amount over \$100,000 to be paid in a single sum, or cumulatively within a ninety (90) day time frame for any such services, shall require a request for qualifications to be issued and prepared by the CEO with subsequent Board approval of the selection.

## 2. Legal Services

- a) The Corporation shall contract with an attorney who has experience with economic development and municipal law.
- b) There shall be a written engagement between the BEDC and the attorney firm.
- c) The CEO, in consultation with the Executive Committee, shall have the authority to contract with outside legal counsel when in his/her opinion a project or legal matter would benefit from such counsel.
- d) Directors are advised to contact the CEO of the Corporation regarding legal matters to avoid duplicative communications with legal counsel. In matters related to the performance of the CEO, Directors are advised to contact the Chair of the Board.

# Chapter 4: Travel

The Bastrop Economic Development Corporation (BEDC) participates in a variety of activities that require staff or directors to travel on behalf of the organization. Since staff and directors are frequently required to travel, attend local meetings, or otherwise incur expenses in the interest of the BEDC, it is necessary to establish standard regulations governing the behavior, expectations, and expenses associated with this travel. To provide uniformity, the following procedures will be followed by all BEDC representatives.

## I. Code of Conduct

All representatives of the BEDC and participants in travel sponsored by the BEDC are expected to commit to the following:

1. Show respect for every representative of the BEDC and business associates encountered while traveling by refraining from all forms of intimidation, sexual and physical harassment, and acts of prejudice that infringe upon the rights of others.
2. Refrain from causing physical injury to themselves and others. A representative will be held financially and legally responsible for any and all damage inflicted upon other persons.
3. Refrain from causing damage to real or personal property of others. A representative will be held financially and legally responsible for any and all damage inflicted upon the property of others.
4. Preserve the quality of facilities visited during their travels.
5. Respect cultural differences. This includes observing the proper etiquette in business/social settings, e.g. being punctual for appointments, not speaking out of turn, etc.
6. Refrain from irresponsible behavior, including the inappropriate or excessive consumption of alcohol.
7. Refrain from behaving in ways that would be considered unprofessional or tarnish the reputation of the BEDC.

## II. Travel Arrangements: The Staff of the BEDC will handle all travel arrangements for BEDC events. The most economical means of travel to destination and return will be utilized, while accounting for the preferences and schedules of EDC representatives.

1. **Commercial Airlines:** The BEDC will only pay for air coach tickets. If a representative wishes to upgrade their tickets, they must pay for this expense out of pocket.
2. **Personal Vehicles:** The BEDC will pay a per mile rate based on the amount authorized by the Internal Revenue Service. Mileage will be limited if a representative chooses to drive when air travel would have been cheaper or timelier. It is recommended that EDC representatives attempt to carpool if possible.

3. **Taxis, Transportation Network Companies (TNC) and other Chauffeured Services:** If a BEDC representative is not in possession of or in the same vehicle as a representative with a BEDC credit card, the BEDC will reimburse a representative's taxi, TNC, chauffeured vehicle services, and bus fares for required transportation. Representatives are encouraged to utilize the most economic transportation method and carpool if possible. Receipts must be provided for reimbursement.
4. **Vehicle Rental:** The BEDC prefers not to rent vehicles unless otherwise necessary. If necessary, the BEDC has a corporate account and staff will take care of making reservations. This account includes vehicle insurance, so the BEDC representative does not need to purchase additional insurance. In accordance with rental company regulations, the vehicle rental must be paid for with a credit card in the name of the person renting the vehicle. If a BEDC representative is renting a vehicle and does not have a BEDC credit card issued in their name, the expenses associated with renting the vehicle will be reimbursed to the representative.
5. **Parking:** The BEDC will pay for airport parking, in long-term parking lots only, as required while a representative is out of town. If a representative parks in a more expensive lot, the BEDC will reimburse at the lower parking rate. While at the destination, the BEDC will also pay for required parking fees for personal or rented vehicles. BEDC representatives shall choose the most economical parking options while at their destination.
6. **Lodging:** The BEDC Staff will handle making lodging reservations on behalf of BEDC representatives. BEDC representatives shall make their lodging accommodation preferences known at the request of BEDC staff. The BEDC will attempt to pay for lodging on a BEDC issued credit card; however, if a BEDC representative must pay for lodging on their own credit card they will be reimbursed.
7. **Per Diem:** The BEDC will provide representatives with a per diem that is in accordance with the U.S. General Services Administration Per Diem Rates for the appropriate fiscal year and destination city.
8. **Registration Fees:** The BEDC will pay registration fees associated with BEDC related activities. These shall be prepaid in most circumstances.
9. **Entertainment Related Marketing Expenses:** BEDC staff will attempt to anticipate entertainment expenses related to marketing Bastrop and seek prior approval from the CEO if available, or the Chair or Treasurer if not available.
10. **Other Expenses:** The BEDC will not pay for expenses unless it specifically relates to the purpose of the trip, a project and/or an event.

**III. Approval of Travel Expenditures:** Travel expenses will be reconciled and reviewed by the CEO and Treasurer for compliance with this policy.

**IV. Attendance by Non-BEDC appointed Representatives:** The BEDC acknowledges that non-BEDC representatives (e.g. spouses, significant others, or relatives) may

travel with BEDC representatives. Non-BEDC appointed representatives must purchase and pay for all of their travel accommodations and associated expenses themselves. If the attendance of non-BEDC appointed representatives increases the cost of travel accommodations for the BEDC portion of the trip, these additional costs will need to be reimbursed to the BEDC. Non-BEDC representatives must not interfere with the schedule of BEDC representatives, and while they may attend extracurricular and afterhours activities, they must conduct themselves in the same professional manner as the BEDC representatives.

# Chapter 5: Personnel

## **I. BEDC Office Operating Hours**

1. The BEDC shall operate normal business hours and be open from 8am to 5pm Monday through Friday unless there is an emergency or otherwise approved by the CEO if available, or the Chair or Treasurer if not available.

## **II. BEDC Office Holidays**

1. BEDC employees shall follow the holiday schedule approved by the City of Bastrop.

## **III. BEDC Staff Reviews**

1. The CEO shall conduct annual reviews of each BEDC staff member in September of each year and prepare as part of the CEO's own annual review each October/November their findings, outcomes and goals for each staff member from this review.
2. The BEDC staff shall be subject to the personnel policies of the City of Bastrop except where preempted by these Policies & Procedures or other written contracts as approved by the Board.

## **IV. Campaign-related Activities**

BEDC staff may not use any BEDC resources to engage in any campaign-related activity. Campaign-related activity includes, but is not limited to the following: fundraising, conducting polls, performing campaign research, developing campaign materials, or corresponding regarding campaign matters. BEDC resources includes, but is not limited to the following: internet, computers, email accounts, telephones, copiers, and other BEDC-owned equipment and services.

# Chapter 6: Records Retention

## **I. Books and Records**

1. The Corporation shall keep correct and complete books and records of account. The Corporation's books and records shall include:
  - a) A file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any Articles of Amendment, Restated Articles, Articles of Merger, Articles of Consolidation, and statement of change of registered office or agent.
  - b) A copy of the Bylaws and any amended versions or amendments to the Bylaws.
  - c) Minutes of the proceedings of the Board of Directors.
  - d) A list of names and addresses of the directors and officers of the Corporation.
  - e) A financial statement showing the assets, liabilities, and net worth of the Corporation at the end of each fiscal year.
  - f) A financial statement showing the income and expenses of the Corporation for each fiscal year.
  - g) All rulings, letters, and other documents relating to the Corporation's federal, state and local tax status.
  - h) The Corporation's federal, state and local information or income tax returns for each of the Corporation's tax years.
2. The BEDC shall adhere to the Texas State Library and Archives Commission schedule for local government.
3. Video recordings of BEDC board meetings are retained for up to two years, unless otherwise required by State Law.

## **II. Records Open to Public**

1. The BEDC shall comply with Texas Government Code Chapter 552 ("the Texas Public Information Act"); and, all records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of said Act.

# Chapter 7: BEDC Device, Software, And Proprietary Information

## I. General Provisions

1. The BEDC has a substantial investment in the property and equipment provided for employee convenience to ease the effective and efficient accomplishment of the BEDC business. Appropriate use of facilities, equipment, and other items of BEDC property is expected from directors, officials, employees, and other BEDC staff.
2. A director, official, employee, and other BEDC staff shall use BEDC equipment in accordance with established procedures and shall not abuse, damage, or lose the equipment or software. BEDC property or equipment shall not be used for any personal non-BEDC business, except as specified either in these Policies & Procedures or by approval of the Board.
3. Directors, officials, employees, and other BEDC staff may be assigned authorized use of BEDC-owned devices, technology, computers, software licenses, phones, and/or cases for the mutual convenience of the BEDC and its directors, officials, employees, and other BEDC staff. These items are subject to inspection at any time for any reason by the Executive Director/Chief Executive Officer. Data caches, voice and e-mail boxes, pager and cellular phone memory banks, and other electronic storage systems provided by the BEDC may be "opened," "read," or inspected in the same manner as the contents of BEDC furnished desks and other equipment.
4. A director, official, employee, and other BEDC staff shall not, regardless of value, take BEDC property without authorization. The use of any BEDC property, equipment, or facility for personal gain, or for other than official duty-related use is forbidden.
5. The following is a non-exhaustive list of BEDC-owned property and/or proprietary information that may be provided to directors, officials, employees, and other BEDC staff for use: devices, computers, cell phones, cell phone stipends (for phones to be used for BEDC business, but subject to Texas Public Information Act), software and corresponding licenses on any computer or device, social media accounts and access thereof, passwords provided for BEDC-related social media and business accounts.
6. All items in the aforementioned Section 5 above are property of the BEDC and shall be relinquished to the BEDC upon resignation or termination from the position held.
7. Data created in the course of BEDC business on electronic communication systems is considered a part of the Texas Public Information Act and all electronic documents are subject to this Act.
8. The purpose of electronic communications systems is to enhance the BEDC's accessibility to directors, officers, employees, and staff, and improve service delivery. Limited personal use of electronic communications systems is acceptable; however, no expectation of privacy arises to personal use.



9. Prohibited activity with any BEDC-owned, or personal electronic communications system being used on BEDC property or being used to conduct BEDC business, including cell phones, unless specifically delineated otherwise, includes:
  - a) Engaging in illegal, fraudulent, or malevolent conduct;
  - b) Transmitting or storing material that is threatening, obscene, sexually explicit or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
  - c) Obtaining unauthorized access to any BEDC-owned computer or data system;
  - d) Unauthorized disclosure of BEDC computer data to another individual, whether or not the individual is an employee of the BEDC;
  - e) Unauthorized creation, duplication, destruction, deletion or alteration of BEDC computer data;
  - f) Sharing or disclosure of BEDC-owned computer user IDs. This applies equally to someone disclosing this information as well as any person using it;
  - g) Using another individual's account or identity without explicit authorization;
  - h) Distributing or storing chain letters, solicitations, offers to buy or sell goods, or other non-business material of a trivial or frivolous nature;
  - i) Activity used for outside employment or other direct financial profit;
  - j) Conducting political campaigns or other activity; and
  - k) Gambling or playing a game for money or other stakes.

## **II. Liability for Loss or Damage to BEDC Equipment**

1. Repayment Required. Any director, official, employee, and other BEDC staff who causes or permits loss or damage to BEDC issued property, devices, or equipment to occur through an act of unauthorized use, or through an act or omission that constitutes misconduct or negligence, excluding theft, may have to repay the BEDC for the loss or damage as determined by the Executive Director/Chief Executive Officer.
2. "Misconduct" as used in this Section is violation of a rule, procedure, or law.
3. "Negligence" as used in this Section is failure to exercise the degree of care that an employee with ordinary prudence would exercise under the same or similar circumstances.

## **III. Electronic Communications**

1. In the course of conducting BEDC business, employees will create, store, transmit, receive and manage electronic data. All data that is handled by BEDC directors, officials, employees, and other BEDC staff is the property of the BEDC regardless of the media (including paper copies), equipment or information system that is used to create, store or transmit the data.

## **IV. Additional Definitions**

1. BEDC-owned Equipment – Any device that the BEDC physically provides that accesses, stores or transmits electronic data. This includes, but is not limited to, computers, cell phones, traditional phones, other devices, etc.

2. Personal Equipment – Any device that is not provided by the BEDC that may be used to access, store or transmit BEDC electronic data. This includes, but is not limited to, any type of personal computer, tablet computer, cell phone, etc.
3. Information System – The software application, operating system, e-mail system or website, either Internet or intranet, that is used to access, store or transmit electronic data.