

ETHICS

Originating Agency: Human Resources

Approved By: _____ **Date:** _____

POLICY

Adopt a City policy that encourages ethical behavior on the part of City employees in regard to: conflicts of interest; acceptance of outside employment; acceptance of gratuities; and divulgence of information.

ETHICS: THE PRINCIPLES OF CONDUCT GOVERNING AN INDIVIDUAL OR A GROUP:

The values of any organization are reflected in the quality of the decisions made. In a public service organization where a public office is a "public trust" the issue of ethics has particular importance.

For _____ to be an ethical organization, all official actions must be based on a set of values. The administration has developed a set of values to establish an identity as a professional organization that is committed to doing the right thing for the citizens of _____. "SERVICE IS OUR BUSINESS", "PEOPLE ARE OUR PRIORITY, and "STRIVING TO BE THE BEST" all represent examples of the value system of this administration that drives our decision-making.

There is no higher honor and privilege than government service. That is why this administration is dedicated to ethics in government. The guiding principle of the ethics guidelines is simply to know right from wrong; to act in accordance with what is right; and to avoid even the appearance of what is wrong. Our duty as public servants is to always serve in the public's best interest and share the conviction that we must do so only for the right reasons.

It is the collective, individual actions of every member of this organization that will dictate whether _____ is considered ethical. This evaluation will be based on the extent that our actions improve the community (the "public interest, rather than serve personal interest and gain. Each of us is the organization called _____ in the actions and decisions we make every day. There must be full confidence and trust in our ability to do the right things for the citizens of our City.

ETHICAL STANDARDS:

The City administration has established as a primary value professionalism - "Doing the Right Thing".

Professionalism - "Doing the Right Thing" Commitment to Integrity and Ethical Conduct at all Times

We must strive for professional excellence and exhibit at all times a professional attitude based upon sound judgment free of personal biases.

The most important responsibility of management is to believe in, and then act upon, the shared values of our organization. The following standards of ethics are presented to further define the organization's values and to establish the expectations of the City ethics policy.

A. Personal Honesty and Integrity

Each employee has a responsibility to the organization and his or her colleagues to demonstrate the highest standards of personal integrity, honesty, and fortitude in all public activities. It is in this way that we can inspire public confidence and trust in City government. With this in mind we must:

- comply with all applicable laws, ordinances and regulations, and resolutions in carrying out our job responsibilities;
- eliminate any and all circumstances, which could result in personal gain from the performance of official duties;
- avoid all interests or activities, which are in conflict with the conduct of official duties, including political activity within the City;
- not accept any gifts of value that conflict with Section D(2) of the Ethics Guidelines.

B. Open and Accessible Government

A primary responsibility and fundamental value must be open and honest government. Our competence is encouraged by subjecting actions to the public arena and ideas become better when we expose them to public scrutiny. It is crucial that we maintain an organizational reputation for honesty and integrity. In order to further our service goals we must remain accessible to the public at all times.

C. Fiscal Responsibility

Proper use of public funds is a trust that must continually be guarded. Public funds must be managed in the most efficient manner at all times. All rules and regulations pursuant to their use must be adhered to.

D. Citizen Service Orientation

This organization recognizes that the chief function of local government all times is to serve the best interests of all the people. We are committed to serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is beyond service to oneself.

PROCEDURE

A. Definitions

The following words, for the purposes of this procedure, shall mean:

CITY is the City of _____ government.

EMPLOYEE is every person who occupies a City paid position except elected officials.

COERCION is compelling an act or choice by implied or direct threat based upon a person's employment with the City.

PERSON shall mean any individual, firm, or corporation.

GRATUITIES include any gift, favor, reward, entertainment, loan, meal, or other item(s) of monetary value tendered to an employee by any source other than the City.

The above definition shall not include any gift, favor, reward, entertainment, loan or other item of monetary value:

- tendered to an employee by a family member.
- tendered to an employee on an appropriate gift-giving occasion (e.g. Christmas, birthday, etc.) when the circumstance clearly indicates motivating interests other than the business connection of the employee.
- such as loans from banks or other financial institution solicited or accepted on customary terms.
- tendered to an employee or public officer by a personal friend who has no business interests or dealings with the City.
- such as any meal (food or beverage consumed at a single sitting or event) or incidental entertainment offered on an occasional or sporadic basis in a professional or social contact.

HONORARIUM is a payment of money or anything of value, directly or indirectly, as consideration for:

A speech, address, oration, or other oral presentation.

A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term "honorarium" does not include the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event.

B. Florida Statutes

The following section concerns Florida Statutes that include public officers (elected officials). These guidelines are adopted as administrative rules pertaining to employees only and are not intended to govern the conduct of public officials covered by State Statutes.

Chapter 112 of the Florida Statutes (Conflict of Interest Law) applies to all public officers and employees, including officers and employees of municipalities.

The declared policy of this law is to prohibit any public officer or employee from having any interest in, or engaging in any business or transaction, or from incurring any obligation "which is in substantial conflict with the proper discharge of his/her duties in the public interest."

The law states "No public officer or employee of an agency shall solicit anything of value, including a gift, vote, official action, or judgment of the public officer would be influenced thereby."

If an officer or employee of the City is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate in the State of Florida, he/she must file a statement disclosing such facts with the Clerk of the Circuit Court.

A form to be used for compliance with this requirement is Disclosure of Specified Business Interests-Form No. 3.

The law further prohibits any public officer or employee from:

- using or attempting to use the official position to secure special privileges or exemptions for himself/herself or others;
- accepting employment or engaging in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of official position;

- disclosing to others or using for personal benefit any confidential information gained by reason of official position;
- accepting other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;
- receiving any compensation for official services to the City from any source other than the City;
- transacting any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a controlling interest;
- having personal investments in any enterprise, which will create a substantial conflict between private interests and the public interest.

This procedure is not intended and shall not be construed to prevent any public officer or employee from accepting lawful private employment or following any pursuit which in no way interferes with the full and faithful discharge of public duties.

C. General

This procedure prescribes appropriate standards of ethical conduct for all employees of the City. Each department has the right to institute more restrictive policies, which conform to the intent of these guidelines. It is the intent of this procedure that an employee avoids any action, whether or not specifically prohibited, which might result in or create the appearance of:

- using City position for private gain;
- offering preferential treatment to any person;
- impeding City efficiency or economy;
- losing complete independence or impartiality;
- making a City decision outside of official channels;
- affecting adversely the confidence of the public and the integrity of the City.

D. Policy

1. Outside Employment

No employee may secure employment outside the City service except in accordance with the following conditions:

- a. Employee first files a written notification with his/her department director. The request must state the type and place of employment, the hours of work, and the employer's name. If the job has more than one location, the employee must furnish the name, address, and phone number of someone who will know his/her whereabouts when working.

- b. The employee makes arrangements with the outside employer to be relieved from his/her duties if called for emergency work by the City. City employment is the first priority.

If any time outside employment interferes with an employee's job requirement or performance for the City, the department director may require the employee's resignation from his City employment, a modification in the conditions of the outside employment, or resignation from the outside employment.

2. Gratuities

- a. No employee shall solicit directly or indirectly any gratuity regardless of value from any person.
- b. No employee shall accept directly or indirectly any gratuity, regardless of value, which is offered based upon any understanding that the vote, official action, or judgment of the employee would be influenced thereby.
- c. An employee shall not accept a gift, gratuity, or reward in response to performing an official act or providing a specific service that requires a decision that may benefit the recipient.
- d. An employee may accept unsolicited gratuities of a value up to and including \$100, provided such offer and acceptance do not violate the provisions of Florida Statute 112.313 - 112.318, and provided that for any accepted gratuity with a value of \$25 or more, a written report describing the gratuity and stating its value and the identity of the donor shall be forwarded by the employee to the City Manager and Purchasing Manager for review within thirty (30) calendar days of receiving the gratuity (form "Gifts and Gratuities"). After review of the report, the report shall be filed with the City Clerk by the City Manager.
- e. City employees may accept gratuities without regard to value when such gratuities are offered to the City and are accepted on behalf of the City, with said gratuity to remain the property of the City.
- f. Employees or their designee may accept, regardless of value, admission to events to which they are invited in their official, representative capacity as an official of the City.

This procedure shall not be interpreted to prevent an employee from entering into a bona fide business transaction for the services of or purchase of goods or materials from a person, firm or corporation doing business with the City when no special benefit is accorded or sought by the employee, which is not otherwise available to other patrons.

3. Honoraria

A City employee may not accept an honorarium from anyone seeking to influence the governmental decision-making of the employee or the City, or who seeks to encourage the passage, defeat, or modification of any proposal or recommendation of the employee or the City either at the present time or who has done so in the preceding 12 months. In such cases, only acceptance of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event is permissible.

A City employee may not attend an event on City time for which an honorarium is received. If only actual expenses are received, then the employee's department director must approve attendance on City time.

4. Divulgence of Information

No employee shall furnish to anyone any information, other than public information, that was obtained as a result of employment with the City to gain personal advantage for himself/herself or another. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing of information that would place the employee or the recipient in a position of advantage over the general public, and thereby constitute a violation of the public trust.

5. Coercion

An employee is prohibited from using or allowing a family member to use the employee's City employment to coerce or give the appearance of coercing a person to provide benefit to himself/herself or another person, particularly one with whom the employee has family, business, or financial ties.

6. Contractual Interest with City - Employees of the City

No employee of the City of Largo shall be directly or indirectly employed by any person, firm, or corporation nor be interested, directly or indirectly, in any firm, or corporation having, or proposing to have, any contractual relation with or rendering, or proposing to tender for any consideration, services to the City or any department, board, or agency thereof, when the approval, concurrence, decision, recommendation, or advice of the employee or member shall be sought, obtained, or required in any connection with such contract or service. No person, firm, or corporation having, or proposing to have any contractual relationship with, or rendering or proposing to render for any consideration, services to the City, or any department, board, or agency of the City shall employ or have as an interested party, directly or indirectly, any employee of the City, when the approval, concurrence, decision, recommendation or advice of such employee shall be sought, obtained, or required in connection with such contract or service. No person, firm, or corporation shall be deemed to be proposing to have a contractual relation with the City or to be proposing to render services to the City unless such

person, firm, or corporation shall submit a bid to the City for a City contract, shall make a contractual offer to the City, or shall request the City to consider entering a contractual relation with the person, firm, or corporation.

7. Penalty

Violation of these provisions by an employee of the City shall be sufficient cause for discipline pursuant to City Code of Conduct and may be cause for immediate dismissal.

E. Statement of Interests In Business Entities by City Employees and Employees

If an employee of the City is an officer, director, partner, proprietor, associate or general agent, or owns a material interest in any business entity which is granted a privilege to operate in the State, he/she shall file a statement which gives the name, address, and principal business activity of the business entity and state the position with such business entity, or the fact that a material interest is owned and the nature of said interest.

This statement (Disclosure of Specified Business Interests - Form No.3) should be filed within forty-five (45) days of acquisition of position or material interest and must be kept current by the filing of amendments whenever information stated has become outdated or incomplete. (Material interest then means direct or indirect ownership of more than 5% of the total assets or capital stock of any business entity. For the purposes of this procedure, indirect ownership shall not include ownership by a spouse or minor child.)

New officers and employees must file this statement, if applicable, within thirty (30) days after taking office or becoming employed by the City.

An appointed officer or employee of the City who has no interest in a business entity to report need not file the statement; however, if an interest in a business entity is acquired thereafter, a statement must then be filed.

F. Administrative Ethics Committee

The City Manager shall appoint an ethics committee composed of three to five executive and/or management employees. The committee shall have the following responsibilities:

- At the request of employees issue advisory opinions regarding the applicability of the City's ethics policy to particular situations.
- Review all employee requests for outside employment that has been approved by department directors to determine if a conflict of interests exists. Decisions are advisory to the department director, with a copy to the City Manager.

- At the request of department directors, determine if a specific action of an employee is in violation of the City ethics policy. Decisions are advisory to the department director, with a copy to the City Manager.

When requested the Department director must respond in writing to the committee with a copy to the City Manager regarding action that has been taken in response to the advisory opinion of the ethics committee.