

# CODE OF ETHICS POLICIES AND PROCEDURES

## **POLICY STATEMENT AND PURPOSE**

It is the policy of the City of Wauchula that all elected officers, appointed officers, employees and volunteers of the City are public servants of the people and hold their positions for the benefit of the public. These public servants shall perform their duties efficiently and faithfully under the laws of the federal, state and local governments. Such officers, employees and volunteers shall strive to meet the highest standards of ethics consistent with Section 3.02 of the City PRR and this Code regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. Each is responsible for demonstrating the highest standards of trust, honesty and integrity in order to maintain public confidence. The City PRR Section 3.02 and this Code of Ethics is intended as a guide in common situations; special circumstances will be handled on a case-by-case basis.

## **ADHERENCE TO ETHICS LAWS**

Nothing in this policy shall relieve officers, employees and volunteers of the City from strict compliance with federal, state and local ethics laws, particularly Florida Statute 112, PART III – *Code of Ethics for Public Officers and Employees*.

## **DEFINITIONS**

*Appointed officer or official* means any person appointed to a public board of the City.

*Elected officer or official* means any person elected to any City office.

*Employee* means any individual, other than an elected official, receiving compensation for services performed for the City (except individuals who perform services as independent contractors), whether part-time, full-time, regular or temporary.

*Volunteer* means any individual who performs services for the City without compensation, either tangible or intangible.

## **GENERAL PROVISIONS**

For the purposes of this section the term “City representative” refers to appointed and elected officials, City employees and volunteers.

### **1. Gifts and Gratuities (See also City PRR Section 3.02)**

City representatives are prohibited from soliciting or accepting “anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action or judgment of the City representative would be influenced thereby.” (Sec. 112.313(2), Fla. Stat.)

City representatives shall not accept gifts, gratuities or loans from organizations, business concerns or individuals with whom the representative has official relationships on business of the City government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit City representatives from accepting social courtesies, which promote the good public relations, nor to prohibit city representatives from obtaining loans from regular lending institutions. Inspectors, contracting officers and enforcement officers shall guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion. This policy shall supersede City PRR Section 3.02(b).

Exceptions to this section include:

- Gifts that otherwise comply with Florida Statute 112 and advance the City representative’s professional knowledge or enhance job performance and are specifically approved by the City Manager.
- Social courtesies offered to all persons attending a group function.

### **2. Conflict of Interest (See also City PRR Section 3.02(C))**

“Conflict of interest means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.” (Sec. 112.312(8), Fla. Stat.) Conflict of interest rules shall be in accordance with the established State laws. No City representative shall utilize their position with the City to acquire goods or services for their personal use with a business or agency with which the City conducts business that would not be offered to the general public.

### **3. General Compliance with Florida Statute 112.313**

A. No City representative shall use or attempt to use their position to secure special privileges or exemption for themselves or others, except as may be provided by policy and/or law. See City PRR Section 3.02(C).

B. No City representative shall accept employment or engage in any business or professional activity in which they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their official position. See City PRR Section 3.02(E).

C. No City representative shall disclose confidential information gained by reason of their official position nor shall any such representative otherwise use such information for personal gain or benefit. See City PRR Section 3.02(D).

D. If a City representative is an officer, director, agent or member of, or owns controlling interest in any corporation, firm partnership or other business entity which is subject to the regulation of the City, or other political subdivision of the state, that representative shall file a sworn statement to this effect with the Circuit Court of the County.

#### **4. Use of City-owned Assets**

City-owned equipment, facilities, vehicles or property shall not be used for any reason other than City business, except as otherwise provided for by statute, contract or City rules/policies or when approved in advance by the City Commission, or its designee.

#### **5. Employment**

No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of City/Civil Service rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of those rules.

No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, to a position in the City service.

No employee of the Human Resources Department, other City department, an examiner or other person involved in matters affecting City human resources administration shall deceive or obstruct any person in their right to examination, eligibility, certification or appointment under City/Civil Service rules, or to furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City service. Any officer or employee who knowingly violates the provisions of this section shall be subject to discipline, up to and including termination.

#### **PROCEDURE**

When a representative of the City has any doubt as to the application of this policy as it relates to them, they should discuss the matter with their department head, City Manager or City Attorney.

Any City representative who observes improper or illegal action by any representative of the City shall report the action to the City Manager or the City Attorney.

Any violation of the provisions of the City PRR Section 3.02 or this policy shall be subject to review and appropriate disciplinary action in accordance with the City's disciplinary rules and/or the provisions of Florida Statute 112.