

CITY OF GAINESVILLE

Policies and Procedures

Number 28

CODE OF ETHICAL STANDARDS

I. Declaration of Policy:

To function successfully, a democracy depends upon the consent of the governed, which only endures as long as the people comprising the government continue to earn the respect of the governed. Therefore, the successful operation of a democratic government requires that employees observe the highest standards of morality and discharge their duties of office recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs must be above reproach. To encourage employees to conscientiously maintain acceptably high ethical standards, the voters of Florida in 1976 approved Article II, Section 8, of the Florida Constitution entitled "Ethics in Government". In addition, the Florida Legislature enacted Florida Statutes Chapter 112, Part III, entitled "Code of Ethics for Public Officers and Employees". These provisions are general in nature and the Commission on Ethics, authorized by Section 8 of the Constitution and created by Florida Statutes, Chapter 112, encourages political subdivisions including municipalities to adopt ethical standards tailored to their particular needs. In accordance with these statutes and constitutional provisions, the City of Gainesville hereby adopts this Code of Ethical Standards.

Since it is neither desirable nor possible to list all possible activities that could result in a breach of the public trust, this code serves as a guideline and statement of policy. Each employee bears a personal responsibility for assessing his or her own compliance with these policies and guidelines. The ethical connotations of every action should be considered carefully and be directed toward enhancement rather than erosion of the public trust.

II. Administration of the Code of Ethics:

Where a question arises concerning whether or not any activity conforms to this Code of Ethics, the City Manager shall decide the question. Questions on key decisions may be referred to the City Commission for comment and advice at the City Manager's discretion.

III. Fair and Equal Treatment:

Every employee must treat all citizens with courtesy, impartiality, fairness and equality under the law. No employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

IV. Use of City Resources:

Use of City resources for other than City business is prohibited. Using City personnel, vehicles, equipment, material or funds (including expense accounts) for other than legitimate City business is prohibited and such prohibited use is considered a breach of ethics.

v. Conflict of Interest:

No employee shall solicit or accept free or discounted goods, services, prizes, gifts, favors, accommodations, entertainment, discounted loans or anything else of value.

This code must be read as proscribing the appearance of impropriety as well as actual conflicts of interest. No circumvention of this code is permitted by diverting free or discounted goods or services to family or associates of employees in order to avoid direct acceptance of gifts.

A. Exception - NO breach of ethics is deemed to occur under the following circumstances:

1. Free or discounted goods, services, loans, premiums and gifts available to the general public are excepted. Discounts, loans, premiums or gifts offered to the general public or a representative group thereof (a representative public group shall not predominantly consist of public officers and employees) may be accepted by employees on the same terms as offered to the public, provided there is no evident intent to influence the decisions or performance standards of the employees in performing their official duties. (This exception is intended to permit participation in discounts offered to the public via coupons in newspapers and other publications, discount sales offered to the public, premiums and prizes offered certain open-membership groups such as Diners Club, Master Card, bank and credit union loans on terms offered to the public or to members of other credit unions, and the like, where no relationship exists between the official position of the recipient and the discounted goods or services received.)
2. Restricted exception to food and drink at meetings and public gatherings. Food and drink may be accepted infrequently by employees without breach of ethics providing there is no evident intent to influence official decisions or performance standards. (This exception is intended to permit attendance at breakfast, lunch and dinner meetings of organizations and committees and the like where the food is largely incidental to the occasion and expenditures per guest by the host are nominal.)
3. Promotional materials of inconsequential value are excepted. No breach of ethics occurs when the item accepted is unsolicited advertising promotional material or award and is of small resale value, such as a pen, pencil, note pad or calendar.
4. Campaign contributions are excepted. No breach of ethics occurs when a campaign contribution is accepted and publicly reported in accordance with the applicable election laws.

5. Incentive and merit awards are excepted. If the City or any group therefrom, with the approval of the City Manager, offers or gives an award, prize, premium or such, no breach of ethics occurs when an employee accepts.

VI. Gratuities in General:

Discretion and caution are recommended.

In accepting even nominal gifts, treats or benefits of any kind, all employees should carefully refrain from incurring obligations expressed, implied or reasonably presumable by others. Therefore, ordinary discretion suggests a polite but firm refusal of even minor largess (including food or drink) from those having business relationships with the City, or from those who may be affected by the professional judgment and job performance of the gift recipient. This paragraph does not intend to inhibit normal gift giving among family and friends on festive occasions. It does aim to discourage business oriented or other gifts with even the subtlest connotations of reciprocal obligations that could be fulfilled with preferential treatment.

VII. Contracts with the City:

Except for publicly recorded salary and benefits, no employee may receive any additional personal financial benefit (income, goods or service, or increase in equity or other value) from any transaction of the City, including contracts for construction and transactions for the sale or purchase of goods, services or real estate, except those indirect and incidental public benefits and conveniences accruing to all citizens under similar circumstances. (See Section 14(b) of the Charter of the City of Gainesville.)

VIII. Policy or Legislative Matters Before the City Commission:

Any employee who has a financial or other private interest in any matter before the City Commission requiring a decision and vote by the Commission or who contributes to the preparation, presentation or discussion of an official report or recommendation to the City Commission affecting such financial or other private interest shall disclose at the appropriate public meeting, verbally or in writing, duly recorded in the minutes thereof, the nature and extent of such interest. This disclosure shall be made prior to any vote by the City Commission.

IX. Penalties:

Violations of the provisions of this policy may result in disciplinary action, up to and including discharge, to be imposed pursuant to the Code of Conduct, Personnel Policy 19.

Effective Date: 05/05/80

Date Issued: 09/17/80