

Code of Ethics Training

**FOR COUNTY AND MUNICIPAL OFFICIALS , EMPLOYEES
AND ADVISORY BOARD MEMBERS**

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TRAINING OVERVIEW

- ✘ **The Commission on Ethics**
- ✘ **Ethics Decision Tree**
- ✘ **The Code of Ethics**
 - + Conflicts of Interest
 - + Gift Law
 - + Miscellaneous Provisions
 - + Complaint Process
- ✘ **Questions**

TRAINING AND OTHER FAQ'S

✘ I just took this training, why do I have to take it again?

- + The code is just one part of the puzzle. Every month the COE hears new advisory opinions and complaints. How they interpret the code and adjudicate complaints helps COE Staff and you to better understand how and when the code applies.

✘ The Code Promotes

- + Honest and ethical conduct in all relationships
- + Protection of confidential information
- + Public Trust

✘ What if I have a concern with the Code?

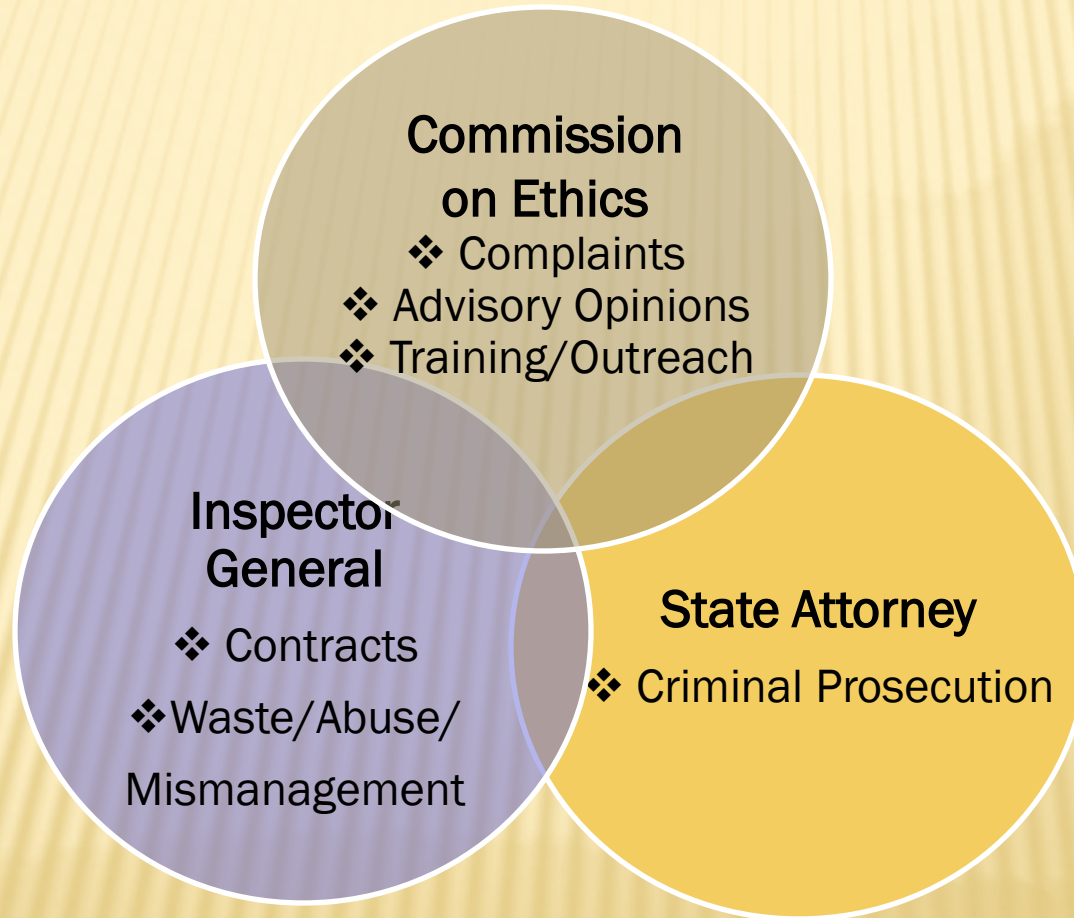
- + Ask COE Staff. We are here to help/advise you.

✘ Who does it apply to?

- + All county and municipal employees, advisory board members, and elected officials

ONE ETHICS MOVEMENT

Different Core Functions



ETHICS DECISION TREE



Is it legal?

ETHICS DECISION TREE

Is it legal?

Does it comply with
the Code of Ethics?

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Does it comply
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Ethics?

Does it comply
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county/municipal
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Could this create
problems for your
department? For
the people you
serve?

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Could this create
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serve?

How would you
feel if your actions
appeared in the
Post or on the
nightly news?

THE CODE OF ETHICS

Two Standards

➤ **Code of Ethics**

- Minimum Legal Standard
 - Conflicts of Interest
 - Gift Law

➤ **Appearance of Impropriety**

- Good Government Standard

CONFLICT OF INTEREST

× What is a conflict of interest?

- + A conflict of interest occurs when an employee's personal activities or relationships interfere with how the employee does their job.
- + Conflicts of interest in fact or appearance can decrease the public's trust in government.

CONFLICTS OF INTEREST

- ✘ Misuse of Office
- ✘ Corrupt Misuse of Official Position
- ✘ Improper Contractual Relationships (Doing Business with your Public Employer)
- ✘ Unlawful Reimbursement of Travel Expenses
- ✘ Improper Disclosure or Use of “Inside” Information
- ✘ Nepotism
- ✘ Voting Conflicts

MISUSE OF OFFICE

- × Public Employees and Officials are prohibited from using their official position in a manner that results in...
 - +a “special financial benefit ”to:
 - × Themselves
 - × A household member, spouse, domestic partner
 - × Their outside business or employer
 - × Their relatives
 - × Their spouse/domestic partner’s employer/business
 - × A customer or client of the employee/officials outside business
 - × Someone who the official or employee owes more than \$10,000
 - × A non-profit organization where the employee/official or their spouse serves as an officer or director

WHAT IS A “SPECIAL” FINANCIAL BENEFIT?

- ✘ Anything of Value
- ✘ Obtained **through** your official position
(employment, advisory board membership, etc.)
- ✘ Not shared with **similarly situated** members of the general public
 - + *Similarly Situated* means that everyone is affected by a decision in the same way
 - + 1% Rule

MISUSE OF OFFICE



MISUSE OF OFFICE

✘ The Code Inspector

- + A code enforcement officer is assigned to inspect property owned by his sister.
- + Can he?
- + Should he?



MISUSE OF OFFICE



✘ The Charitable Official

- + An elected official serves on the board of a non-profit organization.
- + May the elected official vote to give government funding to the non-profit?
- + May the elected official use his or her title in solicitations on behalf of the non-profit?

VOTING CONFLICTS

✘ The Vested Voter

- + A landscape designer who serves on the Tree Conservation Board files a landscape plan for a new development.
- + May he appear before his board?
- + May he vote on his project?
- + May he speak with staff about his proposed design?



CORRUPT MISUSE OF OFFICIAL POSITION

- ✘ Cannot use your Official Position
 - + Official Position: Job, board membership, elected title or office
- ✘ To *Corruptly* secure
 - + Taken with wrongful intent
 - + Inconsistent with the “proper” performance of your public duties
- ✘ A Special Benefit
 - + Any benefit
- ✘ For Any Person

CORRUPT MISUSE OF OFFICIAL POSITION

✘ The Corruptible Car Driver

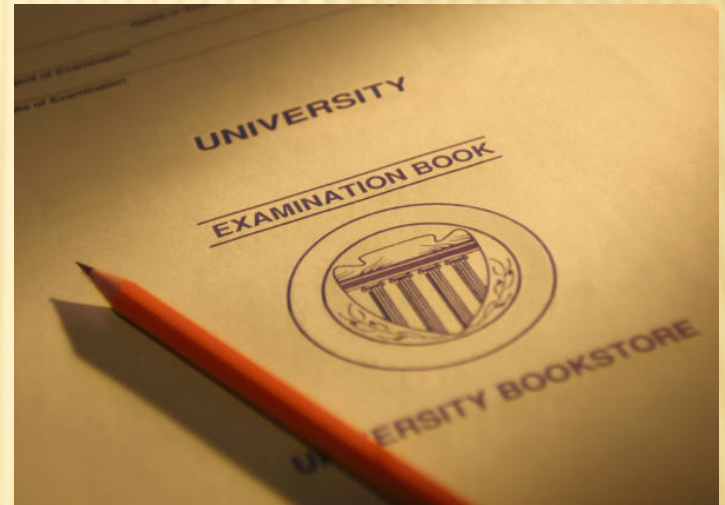
- + An elected official is driving to work and gets cut off by an irresponsible driver
- + The official confronts the driver who decides to call the police
- + The official encourages the driver to call, stating “Go ahead call the police, I own the Police”



CORRUPT MISUSE OF OFFICIAL POSITION

✘ The Tricky Test-taker

- + Every employee in a county department is required to sit for a certification examination
- + It is paid for by the county and administered on a Monday, Tuesday and Friday.
- + A test-taker from Monday's sitting makes copies of the exam and his answers to distribute to his or her fellow employees
- + Is the employee in violation of the Code of Ethics?



CONTRACTUAL RELATIONSHIPS

- ✘ Employees are prohibited from entering into a contract with the public entity they serve.
- ✘ Provision regulates contracts you enter into in your private capacity.
- ✘ Include contracts between your government:
 - + You
 - + Your outside employer
 - + Any business you may own (5% Rule)

CONTRACTUAL RELATIONSHIPS

✘ Advisory board members

- + this prohibition is limited to the department(s) your advisory board oversees

EXCEPTIONS TO THE GENERAL RULE

- × General Rule: Cannot contract with your public employer
 - + ...Unless, you meet one of the exceptions to this rule, such as:
 - × Your outside employer is another governmental entity
 - × Sealed bid/low-bid contract
 - × Emergency purchases
 - × Sole source of supply
 - × The contract is for less than \$500 per year
 - × Part-time employment exception
 - × For extra-duty details (Police and Fire exception)

SEALED BID/LOW BID CONTRACTS

- ✘ In order to enter into a sealed bid/low bid competitive contract with the public entity you serve, you must meet the following requirements:
 - + You or any household member cannot participate in the determination of the bid specifications or the award of the bid
 - + There can be no use of influence to persuade the governmental entity to award the bid to you, other than your submission of a bid
 - + Prior to submission of the bid, you must file a disclosure statement with the Supervisor of Elections disclosing your conflict

CONTRACTUAL RELATIONSHIPS

✘ The Concessions Project

- + Your spouse owns a local concessions company that would like to bid on a County contract to provide retail, food, and beverages at PBIA
- + Can the company bid on this contract?



CONTRACTUAL RELATIONSHIPS

✘ The Fire Rescue Trainer

- + Fire Rescue sends out a request for proposal seeking bids for hazardous materials training at the airport.
- + Three companies respond, including one owned by a city employee.
- + Can you hire the employee's company?



OUTSIDE EMPLOYMENT WAIVER

- ✘ Outside employer does not have contracts that you or your department oversee, administer or enforce
- ✘ Part-time employment will not impair/interfere with your public job
- ✘ You did not participate in awarding the contract between your part-time employer and your government employer
- ✘ You have complied with merit rule or municipal internal policy regarding outside employment
- ✘ File a conflict of interest form with the COE
 - + Under Oath
 - + Signed by your
 - ✘ Supervisor
 - ✘ Chief administrative officer (designee)

CONTRACTUAL RELATIONSHIPS

- ✘ **The Weekend Warrior**
 - + A County parks and recreation employee works at Home Depot every other weekend
 - + The County has contracts in excess of \$500 with the Home Depot
 - + Can the employee continue her part-time employment?



TRAVEL EXPENSES

- ✘ Absolute prohibition on accepting travel expenses from a contractor, vendor, service provider, bidder or proposer...
- ✘ ..Unless...
 - + Waived by the Board of County Commissioners or Municipal governing body...
 - + ...or the expenses are reimbursed or paid by...
 - ✘ Governmental entity
 - ✘ Organization that your employer belongs (*i.e. League of Cities*)

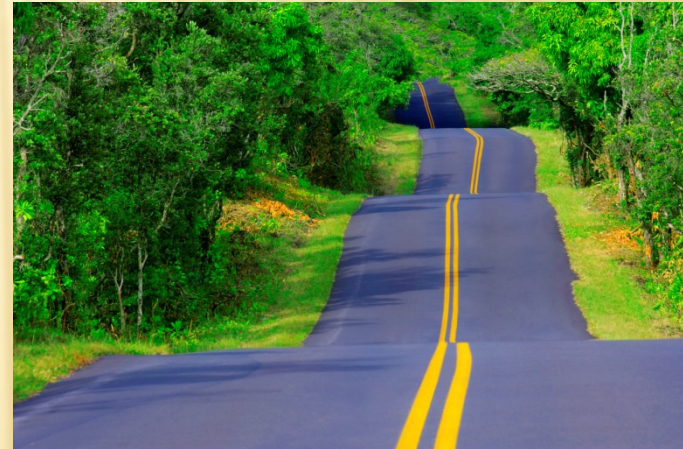
DISCLOSURE OF INSIDE INFORMATION

- × You are prohibited from using....
 - + information gained through your job
 - + not available to members of the public
 - + for your personal benefit or;
 - + the benefit of others

DISCLOSURE OF INSIDE INFORMATION

✘ The Pernicious Planner

- + A county planning and zoning staff member has drafted several options for the extension of a major road in the acreage
- + After discussions with county commissioners and executive staff she knows that the commission has informally selected a particular plan
- + This information is not available to the public
- + Can she purchase land surrounding the planned extension?
- + Can she advise someone else to purchase that land?



NEPOTISM

✘ Employees, Officials or Advisory Board members are prohibited from :

+ Appointing

+ Employing

+ Promoting

+ Advancing

Relatives and domestic partners

GIFT LAW

- ✘ **Absolute Prohibition: \$0**
 - + Kickbacks
 - + Bribes
 - + Tips
 - + *Quid pro quo*

- ✘ **\$100 Limit**
 - + Vendors
 - + Bidders/proposers
 - + Lobbyists
 - + Principals or Employers of Lobbyists

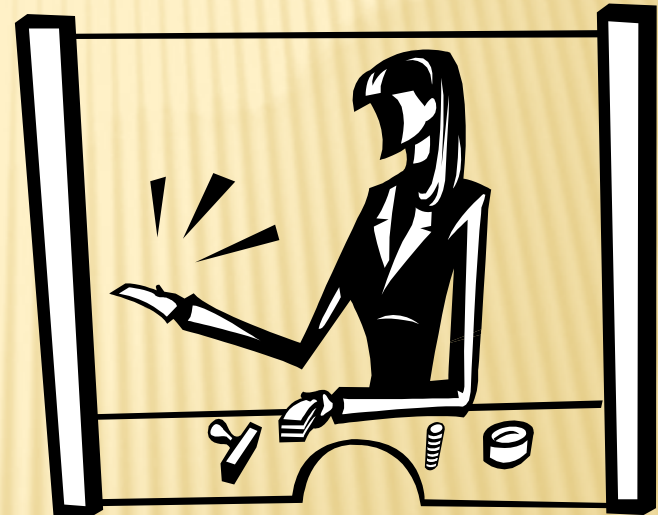
- ✘ **Reporting Requirements**
 - + Gifts in excess of \$100



GIFT LAW

✘ The City Cashier

- + A cashier helps a customer who is paying his water bill for several properties within the City by completing his paperwork for him.
- + He is so grateful that he gives her \$20 in cash for lunch in appreciation of her help.
- + **May she accept?**



GIFT LAW

✘ The Surly Server

- + A waiter at a municipal golf course provides terrible service
- + Nonetheless, a patron leaves him a generous tip
- + May he accept the tip?



GIFT LAW



✘ The High-Rolling Vendor

- + A city contractor offers to fly three IT employees to Las Vegas on a private jet one weekend to attend a car show and play golf.
- + They will meet on Friday afternoon to hear about the company's products.
- + Can they accept?

GIFT LAW DISCLOSURE REQUIREMENTS

× State Reporting Individuals

- + “Local Officers” and department managers
- + Quarterly Reporting Required
- + Send your state form to the Florida COE, send a copy to us

× Local Reporting Individuals

- + Everyone else
- + Yearly Reporting
- + Due November 1
- + Fax, Email or U.S. Mail

REPORTABLE GIFTS

- ✘ Expenditures from business development board, tourism agencies that receive public funding
- ✘ Ticket, pass or admission from
 - + Sponsor organization
 - + Contract with the governmental entity you serve
- ✘ Ticket, pass or admission for
 - + Public events, ceremonies, appearances
 - + Related to municipal/county business
 - + Must be from a non-profit sponsor
 - ✘ Cannot employ a lobbyist!
 - ✘ Cannot be a vendor!



- ✘ Political contributions *authorized* by state/federal law
- ✘ Gifts from relatives or members of your household
- ✘ Personal gifts over \$100
- ✘ Awards for civic/professional achievement
- ✘ Advertising materials (from vendors)
- ✘ Gift solicited for a public purpose on behalf of your employer
- ✘ Inheritance
- ✘ Registration fees or conference attendance as long as waived by BCC or your municipal governing body.

CAN I ACCEPT IT? SHOULD I REPORT IT?

CHARITABLE SOLICITATIONS

- ✘ The Philanthropic Runner
 - + A county employee is running a race on behalf of St. Jude Children's hospital
 - + She needs to raise \$2,000
 - + She receives a \$300 donation from Office Depot, a county vendor
 - ✘ Can she accept it?
 - + She receives a \$150 donation from her sister
 - ✘ Does she have to report it?



St. Jude Heroes Run For a Reason.

CHARITABLE SOLICITATIONS

- ✘ If you are soliciting donations for a 501(c)3 non-profit organization
 - + Cannot use county/municipal resources
 - + Cannot solicit from vendors and lobbyists unless
 - ✘ File a Charitable Solicitation Log
 - ★ Includes: name of non-profit organization, name of person or entity contacted, amount of funds solicited and pledged.
 - ★ File within 30 days of the event
 - ★ If not related to an event, file within 30 days of solicitation

MISCELLANEOUS PROVISIONS

- ✘ Honesty in Applications for Positions
- ✘ Contingent Fee Prohibition

A GUIDE TO ONLINE DISCLOSURE FORMS

Form	Submitted to	Due
Outside Employment Waiver	Signature of supervisor then to COE	Prior to beginning outside employment or renewing contract
Ethics Training Acknowledgment - Employees	Human Resources	Upon completion of 1) training and 2) reading the code
Ethics Training Acknowledgement- Elected Officials and Advisory Board Members	Human Resources or Board Liaison	Upon completion of 1) training and 2) reading the code
Gift Forms	COE	November 1 st
8b Voting Conflict	Municipal/County Clerk, Copy to the COE	Within 15 days of absention
Charitable Solicitation Log	COE	Within 30 days of an event or if no event within 30 days of solicitation
Conflict of Interest Statement (Contractual Relationships)	Supervisor of Elections and the COE	Prior to submitting a bid

ASK OR REPORT



Email

- × Ethics@palmbeachcountyethics.com



Phone

- × Hotline: 877-766-5960
- × Main: 561-233-0724



Regular Mail

- × 2633 Vista Parkway, West Palm Beach, FL 33411

ASK OR REPORT: WHAT IF?

- ✘ **What if I reported a concern, but never heard anything back about it?**
 - + All matters will be addressed by COE staff, but it may not be possible for the results to be communicated back to you due to privacy/confidentiality requirements.
 - ✘ All legally sufficient complaints are private and not subject to public records requests until a preliminary hearing has been conducted by the Commission
 - ✘ Remember if you report activity anonymously we cannot follow up with you.

- ✘ **What if I am asked to cooperate in an investigation? Must I participate?**
 - + Yes. Failure to do so is a violation of the Code.

- ✘ **What if my manager tells me to do something in violation of the code and I am afraid of retaliation if I speak up?**
 - + In this situation, contact ethics staff. Retaliation for a report made in good faith is a violation of the Code of Ethics.

COE ENFORCEMENT OF VIOLATIONS

- **Civil enforcement:** Letter or reprimand, restitution, \$500 fine for each violation (government may void or rescind contracts, terminate or discipline employees)
- **Criminal enforcement:** Knowing and willful violations punishable as first degree misdemeanors (up to 1 year in jail and a \$1000 fine)

