

## **POLICY 206: CODE OF ETHICS**

*ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)*

### **Policy:**

It is the policy of Lee County through the Board of County Commissioners (“Board”) that all Lee County employees are expected to conduct their professional and personal lives in a completely ethical, truthful, and honorable manner in all dealings with the public and other County employees.

All Lee County employees, including the Board’s Contract Employees (the County Manager, County Attorney, and Hearing Examiner), will conduct themselves in a professional and personal manner so as to maintain public confidence in their profession, their county government, and the public trust.

Lee County recognizes that it is essential to the proper conduct and operation of government that public officials and employees be independent and impartial and that their public office not be used for private gain other than for the compensation as provided by law. The public interest requires this code protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

All County employees will conduct their official and personal affairs in such a manner so as to not be improperly influenced by anyone in the performance of their official duties.

Lee County further recognizes that it is also essential that government attract those citizens best qualified to serve. Thus, policies against conflict of interest must be designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.

To this end, Lee County remains committed to upholding the high standard of ethics for all public officers and employees as set forth in Part III of Chapter 112, Florida Statutes.

### **206:1 GENERAL**

1. No Local Officer as defined by Florida Statutes or employee of Lee County, including the Board’s Contract Employees, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest.
2. The Local Officers and employees of Lee County, including the Board’s Contract Employees are agents of the people and hold their positions for the benefit of the public. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government is of foremost concern.

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### **206:2 GIFTS TO COUNTY EMPLOYEES**

1. No County employee to include the statutorily defined Local Officers, or member of their families (parent, spouse, child or sibling, father or mother-in-law, or son or daughter-in-law), shall accept a gift of any type, price, or size from any person or firm doing business with Lee County, or any person that intends to do business with Lee County, that if accepted, could reasonably be construed to influence the Local Officer or employee in the discharge of the employee's official duties.
2. In order to avoid any appearances of conflicts of interest, employees are discouraged from accepting any and all gifts from any person or firm doing business with, or regulated by, Lee County. However, under certain circumstances such acceptance of gifts may be permissible in accordance with Chapter 112, Florida Statutes.
3. No person, business or organization shall be allowed to give, nor shall any Local Officer or County employee accept a gift with a value in excess of \$100 unless such a gift is accepted on behalf of the County, and which is approved by the supervising Contract Employee prior to its receipt.
4. DEFINITION –
  - a) "Gift," for the purposes of ethics in government and financial disclosure required by law, means that which is accepted by a recipient or another on behalf of a recipient, or that given to another for or on behalf of a recipient, directly, indirectly, or in trust for the recipient's benefit or by any other means, for which equal or greater consideration is not given, including:
    - i) Real property and/or the use of real property.
    - ii) Tangible or intangible personal property and/or the use thereof.
    - iii) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
    - iv) Forgiveness of indebtedness.
    - v) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
    - vi) Food or beverage.
    - vii) Membership dues.
    - viii) Entrance fees, admission fees, or tickets to events, performances, or facilities.
    - ix) Plants, flowers, or floral arrangements.
    - x) Services provided by persons pursuant to a professional license or certificate.
    - xi) Other personal services for which a fee is normally charged by the person providing the services.

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- xii) Any similar service or item having attributable value not already provided for in this section.
- b) “Gift” does not include:
  - i) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient’s employment, business, or service as an officer or director of a corporation or organization.
  - ii) Contributions or expenditures reported pursuant to Chapter 106, F.S., campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
  - iii) An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse (subject to review by the County Manager & County Attorney’s Office).
  - iv) An award, plaque, certificate, or similar personalized item given in recognition of the recipient’s public, civic, charitable, or professional service.
  - v) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
  - vi) The use of a public facility or public property made available by a governmental agency, for a public purpose.
  - vii) Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
  - viii) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

### **206:3 PERSONAL INVESTMENTS THAT MAY CONFLICT WITH OFFICIAL DUTIES**

This Section concerning financial investments is applicable to all Lee County employees including the Contract Employees (the County Manager, County Attorney, and Hearing Examiner).

“Conflict” or “conflict of interest” means a situation in which regard for a private interest tends to lead to a disregard of the employee’s public duty or interest (Florida Statutes, Section 112.312).

1. All Lee County employees are prohibited from holding any investment, directly or indirectly, in any business, or commercial or residential real estate, or other private transaction that would create a conflict of interest with the individual’s position in the County, or cause personal gain pursuant to Florida Statutes, based on the individual’s “span of control” and decision-making authority on behalf of the County.

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2. Because personal investments may prejudice or influence official actions and decisions, all County employees (to include “new hires”) are required to immediately report in writing, any financial conflict(s) of interest to the County’s Department of Human Resources, which will recommend a course of action, or request a legal opinion from the County Attorney’s Office. If an employee disagrees with the recommended course of action from the Department of Human Resources or County Attorney’s Office, the employee may file a written appeal to the applicable supervising Contract Employee. The supervising Contract Employee’s decision will then be final.
3. Except for the County Attorney, the Contract Employees with a personal conflict of interest will request a legal opinion with respect to the conflict from the County Attorney. Any appeal of that opinion will be brought to the Board of County Commissioners for resolution. In the case of the County Attorney, conflict opinions will be sought directly from either the Florida Attorney General or the Florida Commission on Ethics, as facts and circumstances may dictate.

### **206:4 ETHICS FOR COUNTY EMPLOYEES**

1. No employee of Lee County shall solicit or accept anything of value such as a gift, loan, reward, promise of future employment, favor, or service: based on the understanding that the receipt of such an item of value would influence any official action or judgment of the employee.
2. No employee acting in his or her official capacity shall either directly or indirectly purchase, rent, or lease any real estate, real property, goods, or services for the County from any business entity in which the employee or his/her spouse or any of the children, parents, grandparents, or grandchildren (or any combination thereof) of the employee or his/her spouse is an officer, partner, director, or proprietor; or in which any of the aforementioned parties has a financial interest.
3. No employee acting in his or her private capacity shall rent, lease, or sell any real estate, real property, goods, or services to the County.
4. No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or item of value when the employee knows, or with the exercise of reasonable care should know, that it was given to influence any action in which the employee was expected to participate in his official capacity.
5. No employee shall use or attempt to use his or her position, or any property or resource which may be within his/her trust, to secure special privileges, benefits, or exceptions for himself/herself or for others.

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6. No employee shall have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict of interest between his/her private interests and the performance of his/her official public duties, or would impede the full and faithful discharge of those public duties.
7. No employee shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him to disclose confidential information acquired by him/her while working for the County in his/her official position.
8. No employee shall disclose or use information not available to members of the general public and gained while working for the County for his/her personal gain or benefit, or for the personal gain or benefit of any other person or business entity.
9. No employee shall transact any business in his or her official capacity, or advocate or advise any other County employee to transact business, with any business of which he or she is an officer, director, agent, or member, or in which he or she owns any financial interest.
10. No employee shall have personal investments in any enterprise that would create a conflict between his or her private interests and the public's interest.
11. No employee shall hold direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, or trust, whether fictitiously named or not, which is subject to the regulation of, or which conducts business or has business commitments with Lee County.

### **206:5 ADMINISTRATION OF THE CODE OF ETHICS**

1. Where a question arises concerning whether or not any activity conforms to the Code of Ethics, the County Manager, with advice from the Director of Human Resources and the County Attorney as needed, shall decide the question.
2. Any employee wishing to determine whether a proposed activity would be prohibited may document the circumstances of the proposed activity and request an opinion from the Department of Human Resources. Copies of the request and the resulting opinions shall be provided to the department director prior to engaging in the activity.

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3. Employees who violate the Code of Ethics as defined herein, or in Chapter 112, Florida Statutes, and in addition to any other criminal or civil penalty that may be imposed, shall be subject to disciplinary action, consisting of one or more of the following:
  - a) restitution of any pecuniary benefit from the violation;
  - b) civil penalties pursuant to Section 112.317(b) 6 Florida Statutes;
  - c) reduction in salary level;
  - d) demotion;
  - e) suspension from employment for not more than forty (40) working days without pay; and/or
  - f) dismissal from County employment.

Violations of this Code of Ethics by County Contract Employees may be grounds for termination of the Contract Employee for “just cause” as that term may be applied in the individual employment contract(s).

However, when approved by his or her Department Director as involving no conflict of interest or activity which interferes with his or her County Employment, a County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law.

### **206:6 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED**

1. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Lee County service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided, however, that letters of inquiry, recommendations and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat or intimidation, or irrelevant, derogatory or false information.
2. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, promotion, or proposed promotion to, or any advantage in a position in Lee County.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitutions and Laws of the State of Florida and the United States. However, no employee of Lee County shall:
  - a) Hold, or be a candidate for elective public service or political office while in the employment of the County or take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the County. A County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law only after review and

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- approval by the County Manager and the County Attorney for potential conflicts of interest as defined by Federal law.
- b) Wear any uniform or clothing that would tend to identify that employee as a County employee/representative while engaged in political campaign, political event not sponsored by the County or while seeking public political office – even if that employee is off duty.
  - c) Use the authority of his position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
  - d) Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, campaign, or party.
  - e) Display on their person or vehicle used for official business while on duty or in their workplace any button, sign, decal or other symbol of support for any political party, issue, or candidate for public office.
4. Employees assigned to positions in departments receiving Federal funds or whose salaries are paid from Federal funds are subject to the provisions of the Federal Hatch Act regarding political activities.
  5. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.