

CITY OF BELLE ISLE
CONFLICT OF INTEREST POLICY
FOR
ELECTED AND APPOINTED OFFICERS AND EMPLOYEES

Scope

This policy governs all elected and appointed public officers and employees of the City of Belle Isle, Florida. The applicability of certain provisions of this policy depend on whether a person is classified as an elected or appointed officer or an employee.

Purpose

Generally, a conflict of interest exists when a board member or other public officer or employee influences a decision of a board or otherwise participates in a matter that will (or has the potential to) affect the individual's financial interest or the financial interest of a family member, business associate, or principal. Questions involving conflicts of interest are each unique unto themselves, and each potential conflict must be considered individually in order for proper legal guidance to be given. Any Board or Commission member, public officer, or employee who has a question concerning a possible conflict of interest may contact the City Manager's office, the city attorney, or a private attorney, and should do so immediately.

This policy does not necessarily describe every requirement or prohibition governing public officers and employees under the public ethics statutes, Chapter 112, Fla. Stats. Every public officer and employee of the City is responsible for adhering to every applicable provision of the public ethics statutes, notwithstanding that such provision does not appear in this policy.

Definitions

“Breach of the public trust” - A violation of a provision of the State Constitution or Florida Statutes which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests.

“Business Associate” – Any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

“Conflict” or “conflict of interest” - A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

“Corruptly” - Done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

“Employee” – Any person employed by the City who is not a public officer. If you have questions as to whether you are an employee or an officer, you should contact the city manager's office or the city attorney.

“Material Interest” – A direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

“Principal” or “Principal by Whom Retained” - an individual or entity, other than an agency as defined in Section 112.312(2), Fla. Stats., that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

“Public Officer” – Any person elected or appointed to hold office with the City, including an advisory body.

“Relative” – Means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, or wife.

“Special Private Gain or Loss” - An economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

Financial Disclosures (certain public officers and employees)

Section 112.3145, Florida Statutes requires that the following public officers and employees disclose certain financial interests they have by filing financial disclosure forms:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.
2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:
 - a. The governing body of the political subdivision, if appointed;
 - b. A community college or junior college district board of trustees;

- c. A board having the power to enforce local code provisions;
 - d. A planning or zoning board, board of adjustment, board of appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;
 - e. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or
 - f. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; finance director of a county, municipality, or other political subdivision; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in [Florida Statute] s. 287.017 for CATEGORY TWO, on behalf of any political subdivision of the state or any entity thereof.

Voting/Participation Conflicts of Interest (elected and appointed public officers)

- 1) No public officer of the City shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the City Clerk, who shall incorporate the memorandum in the minutes.
- 2) No appointed public officer of the city shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a

corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

Gifts, Compensation & Use of Position (all public officers and employees)

1) *Solicitation or Acceptance of Gifts.* No public officer or employee of the City shall solicit or accept 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 public officer or employee would be influenced thereby.

2) *Unauthorized Compensation.* No public officer or employee of the City or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.

3) *Misuse of Public Position.* No public officer or employee of the City shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Business Relationships and Employment (all public officers and employees)

1) *Doing Business with the City.* No employee of the City acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the City from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee of the City, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the City.

2) *Conflicting Employment or Contractual Relationship.* No public officer or employee of the City shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with the City, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Disclosure or use of Certain Information (all public officers and employees)

A current or former public officer or employee of the City may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for

the personal gain or benefit of any other person or business entity. **Steps To Resolve a Voting/Participation Conflict of Interest**

When a person abstains from voting due to a conflict of interest, the individual must complete FORM 8B and submit it to the City Clerk's Office within 15 days of the abstention. The form must become a part of the official minutes of the meeting. In addition, the person must publicly state to the assembly the nature of his or her interest in the matter on which he or she is abstaining.

WHO MUST FILE FORM 8B:

This form is for use by any person serving as a public officer of the City, including but not limited to serving on an appointed or elected city board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, if you are an appointed officer, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN (APPOINTED OFFICERS):

1. You must complete and file Form 8B (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
2. A copy of the form must be provided immediately to the other members.
3. The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING (APPOINTED OFFICERS):

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete Form 8B and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

A copy of the official form is attached as Exhibit A to this policy. You should consult the City Clerk for the most recent edition of the form. The Florida Ethics Committee may change the format and/or content without notice.

Violations and Penalties

Violation of any provision of this policy and/or Chapter 112, Fla. Stats. may result in imposition of a penalty by the Florida Commission of Ethics as provided in Section 112.317, Fla. Stats. Such violation

may also subject the person to termination, sanction, or other adverse employment action by the City, all in the discretion of the City Council or appropriate supervising personnel.

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