

ARTICLE 10 CODE OF ETHICS

Section 10-1. Declaration of Policy. Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

Section 10-2. Board of Ethics. There shall be a board of ethics.

1. The board shall consist of nine members appointed by the mayor with the approval of the council.
2. The board shall:
 - a. Initiate, receive, hear and investigate complaints of violations of this Article.
 - b. Initiate impeachment proceedings against elected officers and officers appointed to elective office who are found by the board after investigation to have violated this Article. Such proceeding shall be brought in the name of the board which shall be represented by special counsel of the board's choosing.
 - c. Render advisory opinions with respect to application of this Article on request. All requests for advisory opinions shall be answered within forty-five (45) days of its filing; failure to submit an advisory opinion within the forty-five (45) days shall be deemed a finding of no breach of this Article.
 - d. Prescribe forms for the disclosures provided in this section and to implement the requirements of the disclosure provisions.
 - e. Examine all disclosure statements filed and to comment on or advise corrective action as to any matters that may indicate a conflict of interest.
 - f. Adopt such rules, having the force and effect of law, as will be necessary to provide for the enforcement of the provisions of this Article.
3. In the course of its investigations, the board shall have the power to administer oaths and subpoena witness and to compel the production of books and papers pertinent thereto.
4. The board, after due deliberation on issues before it, shall make findings of facts and conclusions of law regarding such issues and shall transmit the same to the appropriate appointing authority and the prosecuting attorney for appropriate disposition.
5. If any officer or employee, or former officer or employee, obtains an advisory opinion from the board and acts accordingly, or acts in accordance with the opinions of the board, the officer or employee shall not be held liable for violating any of the provisions of this Article.

6. The council and mayor shall cooperate and provide financing and personnel reasonably required by the board in the performance of its duties. (Amended 1992)

Section 10-3. Financial Disclosure.

1. All elected county officers, all candidates for elective county office, and such appointed officers or other employees as the council shall designate by ordinance shall file with the board of ethics and the county clerk financial disclosure statements in a form or forms to be prescribed by the board of ethics. Such financial disclosure statements shall be open to public inspection.

2. All members of boards and commissions established under this charter, and such appointed officers or other employees as shall be designated by the council by ordinance as having significant discretionary or fiscal powers shall file with the board of ethics confidential financial disclosure statements in a form or forms to be prescribed by the board of ethics, which financial disclosure statements shall not be open to public inspection, provided that the names of all persons required to file confidential financial disclosure statements, the dates by which the financial disclosure statements are required to be filed, and the dates on which the financial disclosure statements are actually filed, shall be open to public inspection. No member of a board or commission who has failed to file a complete required financial disclosure statement may participate or vote in any official board or commission business until the statement is acknowledged as received by the board of ethics.

3. All persons required herein to make financial disclosure statements, other than candidates for elective county office, shall file such financial disclosure statements prior to taking office or the date of the resolution approving their appointment to the board or commission, whichever is earlier, and shall file annual updates of their financial disclosure statements by February 15 of each year that the person continues in office. A candidate for elective county office shall file a financial disclosure statement concurrently with the filing of nomination papers and shall file annual updates of their financial disclosure statements by February 15 of each year of their elected term. The financial disclosure statement shall be sworn to under oath and shall include sources and amount of income, business ownership, officer and director positions, ownership of or interest in real property, debts, creditor interests in insolvent businesses, the names of persons represented before government agencies, and such other information as shall be prescribed by the board of ethics. (Amended 2010, 1994, 1992)

Section 10-4. Prohibitions.

1. No officer or employee of the county shall:

a. Solicit, accept or receive any gift; directly or indirectly, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer's or employee's official duties or is intended as a reward for any official action on the officer's or employee's part.

b. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer's or employee's official duties or use such information for the officer's or employee's personal gain or for the benefit of anyone.

c. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or employee's official duties or which may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties or take any official action in which the officer or employee has a direct or indirect financial interest, including participating in deliberations

d. Use county property or personnel for other than public activity or purpose.

e. Fail to disclose a financial interest in any matter which may be affected by an action of a county agency or vote on any matter affected by such interest.

f. Receive compensation for any service rendered in behalf of any private interest after termination of service to or employment with the county in relation to any case, proceeding or application with respect to which the officer or employee was directly concerned, or which was under his or her active consideration, or with respect to which knowledge or information not generally available to the public was made available to him or her during the period of service to or employment with the county.

g. Use or attempt to use the officer's or employee's official position to secure or grant unwarranted consideration, privileges, exemptions, advantages, contracts, or treatment, for oneself or others.

2.a. No former mayor or council member shall appear for compensation before any agency of the county within a period of one (1) year after leaving the county elective office.

b. No former non-elected salaried employee or officer of the county shall appear for compensation before any department or other agency of the county by which such employee or officer was last employed within a period of one (1) year after termination of service to or employment with the county.

3. The county shall not enter into any contract of a value in excess of \$500.00 with an officer or employee or with a firm in which an officer or employee

has a substantial interest involving services or property unless the contract is made after competitive bidding.

4. Officers and full time employees of the county shall not appear on behalf of or represent private interests before any county agency, provided that no officer or employee shall be denied the right to appear before any agency to petition for redress or grievances caused by any official county action affecting such person's personal rights, privileges or property, including real property, provided that members of boards and commissions may appear on behalf of private interests before county agencies other than the one on which such person serves and other than those agencies that have the power to review the actions of the agency on which such person serves, or to act on the same subject matter as the agency on which such person serves; provided, further, that without changing the prohibitions and rights stated above, the council by ordinance may prescribe further standards, conditions, and guidelines concerning the representation of private interests before county agencies. (Amended 2002, 1992)

Section 10-5. Penalties. Any person who violates the provisions of this Article shall be subject to a fine to be provided for by ordinance adopted by the county council, and in addition to any such fine that may be imposed, non-elected officers or employees may be suspended or removed from office or employment by the appropriate appointing authority and elected officers may be removed through impeachment proceedings pursuant to Section 13-13.