

ARTICLE V. CONFLICT OF INTEREST

Sec. 26-67. Intent and declaration of policy.

(a) Essential to the proper operation of government is the commitment of its elected and appointed officials and government employees to independence, impartiality, and responsibility to the people they serve. To achieve this goal, it is necessary that government decisions and policy be made through the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the people have confidence in the integrity of their government. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected and appointed officials and government employees.

(b) Chapter 112, Florida Statutes, Part III, Code of Ethics for Public Officers and Employees, defines and describes the minimum standards of conduct required of County employees and officials. The County adopts the higher standards of conduct delineated in this Article.

(c) Code of Conduct.

(1) It is the policy of the County to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired. Accordingly, all County Commissioners, employees, and individuals appointed to Boards, Committees, Agencies, and Authorities must maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, and must avoid even the appearance of impropriety in the performance of their duties and responsibilities.

(2) In furtherance of this policy, the following public service values have been adopted by the Board of County Commissioners. These values shall be the foundation of the County's organizational philosophy and the basis for the development and implementation of policies and procedures governing ethical behavior.

a. Public Trust.

1. We serve the community;
2. We consider the interests of the entire community in our decisions;
3. We are committed to merit-based award of public employment and public contracts;
4. We promote the efficient use of the County's resources;
5. We do not accept gifts or other special considerations given to influence our vote or public position; and
6. We will not use our public position for personal gain.

b. Integrity.

1. We are truthful with our elected officials, our peers, the public, and others;
2. We do not promise that which we have reason to believe is unrealistic;
3. We are prepared to make unpopular decisions to further the public's interest;

4. We give credit to others' contributions in moving our community's interests forward;
5. We do not knowingly use false or inaccurate information to support our positions;
6. We recuse ourselves from decisions when our personal or our relatives' financial interests may be affected by our agency's actions; and
7. We disclose suspected instances of impropriety to the appropriate authorities.

c. Responsibility.

1. We come to meetings prepared;
2. We do not disclose confidential information without proper legal authorization;
3. We represent the official positions of the County to the best of our ability;
4. We explicitly state that our personal opinions do not represent the County's position and do not allow the inference that they do;
5. We refrain from any action that might appear to compromise our independent judgment;
6. We take responsibility for our own actions, even when it is uncomfortable to do so;
7. We do not use information that we acquire in our public capacity for personal advantage; and
8. We do not represent third parties' interests before our agency.

d. Fairness.

1. We make decisions based on the merits of the issues;
2. We honor the law's and the public's expectation that County policies will be applied consistently;
3. We support the public's right to know and promote meaningful public involvement;
4. We are impartial and do not favor those who are in a position to help us; and
5. We promote equality and treat all people equitably.

e. Compassion.

1. We recognize government's responsibilities to society's less fortunate;
2. We consider permissible exceptions to applicable policies when applying such policies would cause unintended consequences or undue burdens;
3. We realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible;
4. We convey the agency's care for and commitment to its community members; and

5. We are attuned to, and care about, the needs of the public, officials, and staff.

f. Respect for Others.

1. We treat fellow officials, staff, and the public with courtesy, even when we disagree;

2. We focus on the merits in discussions, not personalities;

3. We gain value from diverse opinions and build consensus;

4. We follow through on commitments, keep others informed, and respond timely;

5. We are approachable and open-minded, and convey this to others;

6. We listen carefully and ask questions that add value to discussions;

7. We are engaged and responsive; and

8. We involve staff in all meetings that affect agency decisions.

(Ord. No. 75-6, § 1, 3-31-75; Ord. No. 90-27, § 11, 9-11-90; Ord. No. 2007-02, § 1, 1-23-07)

Sec. 26-68. Solicitation or acceptance of gifts.

(a) No public officer or employee as defined by Chapter 112, pt. III, F.S. (§ 112.311, F.S. et seq.) 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. This subsection shall apply to all appointed members of the Broward County Board of Rules and Appeals and those persons employed pursuant to subsection H. of section 8.18, Charter of Broward County, Florida.

(b) The county administrator may, by administrative order, set a maximum amount or value for any gift which a county employee, including those persons employed by the Broward County Board of Rules and Appeals pursuant to subsection H. of section 8.18, Charter of Broward County, Florida, may accept so long as such acceptance would not conflict with subsection (a) above.

(Ord. No. 90-27, § 13, 9-11-90; Ord. No. 95-11, § 1, 3-14-95)

Editor's note: Section 26-68, relating to applicability; § 26-69, relating to definitions; § 26-70, relating to gifts; § 26-71, relating to providing for abstention where official or employee owns interest in business; § 26-72, relating to providing for abstention where official or employee is employed by business entity; § 26-73, relating to providing for abstention where official or employee is officer, director, etc., of business entity; § 26-74, relating to prohibition on exploitation of official position; and § 26-75, relating to prohibition on use of confidential information were deleted by § 12 of Ord. No. 90-27, adopted Sept. 11, 1990, effective Sept. 21, 1990. The sections had been derived from Ord. No. 75-6, §§ 2--9, adopted Mar. 31, 1975, and Ord. No. 75-11, § 1, adopted May 11, 1975.

Sec. 26-69. Additional standards and policies.

The county administrator is authorized to prescribe additional ethics standards and policies for county employees within his or her jurisdiction, which standards and policies are more stringent than those imposed by federal and state law, county ordinances, and the civil service rules. Violations of such additional standards and policies shall not be subject to penalties as provided in this part, but shall

be enforced through administrative procedures to be determined by the county administrator.
(Ord. No. 95-30, § 11, 7-11-95)

Secs. 26-70--26-75. Reserved.

Note--See the editor's note to § 26-68.

Sec. 26-76. Disclosing the representation of others before agencies.

Any elected or appointed official or employee who represents another before any agency of the governmental unit of which he or she is an official or by which he or she is employed, except in ministerial matters, for a fee or commission shall list, in a quarterly report subsequent to the representation, to be filed with the Clerk of Broward County, the municipality, or other board or agency as applicable, the agencies before which he or she appeared and the name of the client whom he or she represented. Representation shall be deemed to include representation by any partner or associate of the professional firm of which he or she is a member and of which he or she has knowledge. For the purposes of this subsection, "representation before any agency" does not include appearances before any court, or appearances before judges or commissioners of industrial claims.

(Ord. No. 75-6, § 10, 3-31-75; Ord. No. 95-30, § 12, 7-11-95)

Sec. 26-77. Post-employment and post-service restrictions upon appearance of former Broward County elected officials, appointed officials, and certain former unrepresented Broward County employees.

(a) Former Broward County elected officials are required to follow the restrictions governing appearances before the government body or agency of which they were previously officials, as set forth in Subsection 112.313(14), Florida Statutes, as amended from time to time.

(b) No appointed official or employee of Broward County from the unrepresented classifications of D, E, Y, and Z of the pay plan may personally represent another person or entity for compensation before: the Board of County Commissioners or any Broward County agency; any individual County Commissioner or the Commissioner's staff; or any individual within the agency of which the individual was an officer or employee for a period of two (2) years following vacation of office or termination of employment. The "D" classification includes Department Directors, Deputy County Administrators, and Assistant County Administrators. The "E" classification includes Deputy Department Directors, Division Directors, Office Directors, Assistant Division Directors, and Assistants to the County Administrator. The "Y" classification includes Section Managers and Assistants to the Department Director. The "Z" classification includes the County Administrator. The prohibition provided in this subsection (b) shall not apply to a person who is currently employed by a governmental official or entity when representing that governmental official or entity.

(c) No appointed member or employee of the Broward County Board of Rules and Appeals, for a period of two (2) years after the termination of employment or the vacation of his or her County office, shall personally represent any person or entity for compensation, payment, or other value before the Broward County Board of Rules and Appeals or the Board of County Commissioners.

(d) The provisions of subsections (b) and (c) shall apply only to those Broward County officials and employees whose appointment or employment has ceased on or after the effective date of this section.

(Ord. No. 85-1, § 1, 1-17-85; Ord. No. 90-27, § 14, 9-11-90; Ord. No. 95-11, § 2, 3-14-95; Ord. No. 2006-43, § 1, 12-12-06)

Sec. 26-78. Provisions for violations.

Any person who knowingly violates any provision of this article shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment. Where applicable, violation of this article shall constitute grounds for dismissal or removal from office. The county commission is hereby empowered to adopt procedures by which any such officials of Broward County found in violation of this article shall be removed from office.

(Ord. No. 75-6, § 11, 3-31-75; Ord. No. 85-1, § 2, 1-17-85)

Sec. 26-79. Severability.

If any section, sentence, clause or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

(Ord. No. 75-6, § 12, 3-31-75; Ord. No. 85-1, § 3, 1-17-85)

Sec. 26-80. Solicitation and procurement of services.

(a) Public trust requires transparency in the procurement process and the assurance of fair competitive access to governmental procurement by responsible contractors and vendors.

(b) It is the express intent of the Procurement Code of Broward County, Chapter 21 of the Broward County Administrative Code, to foster effective broad-based competition within the free enterprise system; ensure fair and equitable treatment of all persons who deal with County procurement; and provide for increased public confidence and trust in the procedures of public procurement.

(c) Consistent with that intent, no elected or appointed official or employee of Broward County shall negotiate or enter into any contract or agreement for the services of any vendor that is not made in full compliance with the Procurement Code. Additionally, County officials and employees are prohibited from directing the engagement of specific firms except when the direction is the result of and fully consistent with the County's established procurement procedures.

(Ord. No. 2008-44, § 1, 9-29-08)