

Policy: Employee Code of Ethics & Conflict of Interest Policy
Revised by County Board: 12-27-2008

9.20 Employee Code of Ethics & Conflict of Interest Policy:

WHEREAS, it is imperative that the officials in the public service not only maintain the highest possible standards of ethical conduct in their transactions of public business, but that such standards be clearly defined and known to the public as well as to all employees and public officials;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSTON COUNTY BOARD OF COMMISSIONERS that the following be a Code of Ethics for the employees and public officials of Houston County.

SECTION 1. DECLARATION OF POLICY.

The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office or public employment not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, there is hereby established a Code of Ethics for all Employees and Public Officials of Houston County. The purpose of this Code is to establish ethical standards of conduct for all such persons by setting forth those acts or actions that are incompatible with the best interests of the county, and by directing disclosure by such employees or officials of private financial or other interests in matters affecting the county. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of Houston County.

SECTION 2. DEFINITIONS OF TERMS.

ANYTHING OF VALUE—Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. It does not mean reasonable

compensation or expenses paid to a public official by the government of Houston County for work performed.

ASSOCIATION—A business entity of any kind, a labor union, a club or any other group of two or more persons other than the immediate family.

BUSINESS—Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit making activities.

COMPENSATION—A payment of “anything of value” to an individual in return for that individual’s services of any kind.

CONFIDENTIAL INFORMATION—Any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in nonsummary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

GIFT—The payment or receipt of “anything of value” unless consideration of greater or equal value is provided in return.

IMMEDIATE FAMILY—A reporting individual, spouse, minor children, minor stepchildren or other person residing in the same household.

PRIVATE INTEREST—Any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

PUBLIC OFFICIAL—Any person that has been elected to office, appointed by the County Board, appointed to a County Committee or Commission, *or employee hired by the County*. This list includes, but is not limited to the following:

- A member of the County Board or other elected official.
- The department head and assistant department head of each County department.
- A member of any County Committee or Commission.
- The County Administrator *or like position*.
- Consultants retained by the County and those individual professionals (such as but not limited to engineers, architects, lawyers, auditors and appraisers) in the consultant's firm who perform work for the County.

SECTION 3. ETHICAL PRINCIPLES.

The ethical county employee and public official accepts the responsibility that his or her mission is that of servant and steward to the public.

A. The ethical county employee and public official should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws, regulations and policies applicable to the county and impartially apply them to everyone.

The ethical county employee and public official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

SECTION 4. ETHICAL CONSIDERATIONS.

Public officials and employees are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Houston County government hinges on the proper discharge of duties in the public interest. Public officials and employees must assure that the independence of their judgment and actions, without any consideration for personal gain, is preserved. Specific ethical considerations are enumerated below for the guidance of public officials and employees, but these do not necessarily encompass all the possible ethical considerations that might arise.

a. **Other Offices or Employment.** An elected public official shall not hold another incompatible office as that term has been interpreted from time to time by statute, the courts, and by the Attorney General. Employees shall not hold any incompatible office nor shall they engage in any regular outside employment without notice to and approval by their Department Head or County Board. Elected and appointed public officials shall not hold other office or employment which compromises the performance of their elected or appointed duties without disclosure of said office or employment and self disqualification from any particular action which might be compromised by such office or employment.

b. **Use of Confidential Information.** No employee or public official shall use information gained as an employee or public official which is not generally made available to and/or is not known to the public, to directly or indirectly gain anything of value or to further their own private interest nor shall any employee or public official accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information of the county.

c. **Solicitation of or Receipt of Anything of Value.** A public official or employee shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the person's official duties.

However, the acceptance of any of the following shall not be in violation of this section:

- Gifts of nominal value;
- Plaques or similar mementos recognizing individual services in a field of specialty or services related to a charitable cause;

- Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the County of Houston, and which have been approved in advance by the employee's Supervisor as part of their work assignment; or
- Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time, for which they are not compensated by the County of Houston.

d. **Holding Investments.** No public official shall hold any investment which might compromise the performance of the public official's duties without disclosure of said investment and self disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statute 471.88.

e. **Representation of Others.** A public official or employee shall not represent persons or associations in dealings with the county in consideration of anything of value.

f. **Financial Interest.** Where an employee or public official or a member of the employee or public official's immediate family has a financial interest in any matter being considered by the county, such interest, if known, shall be disclosed by the employee or public official. If the employee or public official has such a financial interest or if the minor child of an employee or public official has such a financial interest, the employee or public official shall be disqualified from further participation in the matter.

g. **County Property.** No employee or public official shall use or allow the use of county time, supplies, or county owned or leased property and/or equipment, for the employee's private interest or any other use not in the interest of the county, except as provided for by law or other county policy.

h. **Special Consideration.** No employee or public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

i. **Authority.** No employee or public official shall exceed his or her authority, or breach the law, or ask others to do so.

j. **Giving Anything of Value.** No elected public official shall give anything of value to potential voters in return for their votes, promises, or financial considerations which would be prohibited by the State Minnesota Fair Campaign Practices statute.

k. **Public Funds, etc.** No employee or public official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities.

l. **Expenses.** Employees and public officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with County policy.

m. **Donations.** No employee or public official shall take an official action which will benefit any person or entity because of a donation of anything of value to the County by such person or entity.

n. **Official Action.** No employee or public official shall take an official action which will benefit any person or entity where such employee or public official would not have otherwise have taken such action but for the employee or public official's family relationship, friendship, or business relationship with such person or entity.

o. **Compliance with Law.** Employees and Public officials shall comply with all county policies, local ordinances and State and Federal Statutes including, but not limited to, laws governing the functioning of counties and municipalities, their elected and appointed officials, and employees.

p. **Acceptance of Advantage by County Employee.** No employee or public official of the county in direct contact with suppliers or potential suppliers of the county, or who may directly or indirectly influence the purchase of products, evaluation of contracted services, or otherwise has official involvement in the purchase or contracting process may:

- Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the county; or

- Accept directly or indirectly from a person, firm or corporation to which a contract or purchase order has been or may be made, a rebate, gift, money or anything of value other than items of nominal value. No such employee may further accept any promise, obligation or contract for future reward.

SECTION 5. CONFLICTS OF INTEREST.

The following actions by an employee or public official of the County of Houston shall be deemed a conflict of interest:

- Use or attempted use of their official position to secure benefits, privileges, exemptions or advantages for themselves or their immediate family; or an organization with which they are associated which are different from those available to the general public;
- Acceptance of other employment or contractual relationship that will affect their independent judgment in the exercise of their official duties;
- Act as an agent or attorney in any action or matter pending before the County of Houston except in the proper discharge of official duties or on their own behalf; or
- The solicitation of a financial agreement for themselves or entity other than the county when the county is currently engaged in the provision of the services which are the subject of the agreement or where the county has expressed an intention to engage in competition for the provision of the services; unless the affected county agency waives this clause.

SECTION 6. DETERMINATION OF CONFLICTS OF INTEREST.

When an employee or public official believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the appropriate personnel (Department Head, Personnel Director, County Attorney, or County Board) determines that any one of the following conditions are present:

- The use for private gain or advantage of county time, facilities, equipment or supplies; or badge, uniform, prestige or influence of county office, position or employment;
- Receipt or acceptance of any money or other things of value from anyone other than the county for the performance of an act which the employee or public official would be required or expected to perform in the regular course or hours of county employment or as part of their official county duties;
- Employment in or by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee or public official;
- The performance of an act in other than their official county capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee or public.

If the appropriate personnel determines that a conflict of interest exists, the job duty shall be assigned to another person who does not have a conflict of interest. If it is not possible to assign the job duty to another employee or public official, all interested persons shall be notified of the conflict of interest and the original employee may proceed with the job duty or assignment.

SECTION 7. SPECIAL CONSIDERATIONS – Committee Members.

Situations can arise where a member of a Commission, a Board, or a Committee abstains from voting because of a conflict of interest, but his or her abstention becomes a vote either for or against the matter because a majority is required to pass or reject that matter. This can happen where four-fifths vote is needed to pass an issue, or the vote has to be a clear majority and a split vote does not pass or reject. When this happens, the County Attorney must be consulted and the final vote should carry a public notice explaining what took place, and how it was resolved.

SECTION 8. DISCLOSURE OF FINANCIAL INTERESTS – Elected Officials.

Not later than ninety (90) days after the date of approval of this code, each public official of the County shall file as a public record, in the Personnel Office of the County, a statement containing the following:

- A list naming all business enterprises known by the public official to be licensed by or to be doing business with the County which the public official or any member of the public official's immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant;
- A list of the public officials and members of the public officials' immediate family's interests in real property located in the County or which may be competing with the interests of the County located elsewhere, other than property occupied as a personal residence.

Each person who enters upon duty after the date of this code in an office or position as to which a statement is required by this code shall file such a statement on forms to be provided by the County not less than thirty (30) days after the date of his/her entrance on duty.

Each person who made an initial filing shall file a new statement by January 30 of each year thereafter giving the information called for above as of the time of the new statement. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the change.

The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this ordinance.

This policy shall not be construed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil, or political organization, or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

However, if any of such organization seeking any action or benefit comes before a County Commission or the Board, then membership in the organization shall be a potential conflict of interest and must be reported as such to the Personnel Office by the public official in an amended disclosure statement. The other stipulations of this code then apply.

The Personnel Office shall inform each person who is required to file of the time and place for filing. The Personnel Office shall inform the Board whenever a person who is required to file a statement fails to do so.

SECTION 9. VIOLATIONS.

Violation of the provisions of this policy or any other similar County policy, shall be grounds for disciplinary action.