



## TITLE 2: ADMINISTRATION AND PERSONNEL\*

\* For provision relating to emergency services, see Ch. 6.08 of this code.

## CHAPTER 02: CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

### **SECTION 2.02.005: Code Review**

All official boards, commissions, and committees of the City are to formally review the following Code of Ethics provided in this chapter with their members annually during their first meeting in the month of April. New members are to be provided a copy of the Code of Ethics for their review when they are appointed or elected to each board, commission, or committee.

(Ord. 1437 § 1, 1975).

### **SECTION 2.02.010: Declaration of Policy**

The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; and that public office not be used for personal gain.

(Ord. 1301 § 1 (part), 1972).

### **SECTION 2.02.020: Responsibilities of Public Office**

Public officials are all elective officials of the City and the members of all official boards, commissions, and committees of the City.

Public officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out the laws of the Nation, State, and Municipality. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their offices regardless of personal considerations; recognizing that the public interest must be their primary concern, that conduct in both their official and private affairs should be above reproach.

(Ord. 1301 § 1 (part), 1972).

### **SECTION 2.02.030: Dedicated Service**

Public officials and employees should not exceed their authority or breach the law or ask others to do so and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or officially recognized confidentiality of their work.

(Ord. 1301 § 1 (part), 1972).

### **SECTION 2.02.040: Fair and Equal Treatment**

Preferential consideration of the request or petition of any individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen.

(Ord. 1301 § 1 (part), 1972).

### **SECTION 2.02.050: Use of Public Property**

No official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. No public official or employee shall use the time of any City employee during working hours for personal convenience or profit.

(Ord. 1301 § 1 (part), 1972).

### **SECTION 2.02.060: Obligations to Citizens**

- a. Conflict with Proper Discharge of Duties. No public official or employee, while serving as such, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by law.
- b. Incompatible Employment. No public official or employee shall accept other employment which he has reason to believe will either impair his independence of judgment as to his official duties or require him or induce him to disclose confidential information acquired by him in the course of and by reason of his official duties.
- c. Disclosure of Confidential Information. No public official or employee shall willfully and knowingly disclose for pecuniary gain to any other person confidential information acquired by him in the course of and by reason of his official duties nor shall any public official or employee use any such information for the purpose of pecuniary gain.
- d. Conflict of Interest. A conflict of interest exists in a matter before an official for consideration or determination if:
  1. The public official has a substantial financial or substantial personal interest in the outcome or as owner, member, partner, officer, employee or stockholder of any corporation where his interest exceeds three percent (3%) of the share of the corporation and/or other professional enterprise that will be affected by the outcome, and such interest is or may be adverse to the public interest in the proper performance of governmental duties by the official;
  2. He has reason to believe or expect that he will derive direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity;
  3. The public official, because of bias, prejudice, or because he has prejudged a matter set for public hearing, is incapable because of such bias, prejudice or prejudgment of granting to the matter before him a fair and impartial hearing.

Personal interest as distinguished from financial interest is defined as including, among other matters, an interest arising from blood or marriage relationships or close business association.

(Ord. 1301 § 1 (part), 1972).

**SECTION 2.02.070: Disclosure of Interest and Disqualification**

Any councilman who has conflict of interest as defined herein, in any matter before the City Council, shall disclose such fact on the records of the City Council and refrain from participating in any discussion of voting thereon, provided that such exceptions shall be observed as are required by law.

Any member of any official board, commission, or committee who has a conflict of interest as defined herein in any matter before the board, commission, or committee of which he is a member, shall disclose such fact on the record of such board, commission, or committee and refrain from participating in any discussion or voting thereon, provided that such exceptions shall be observed as are required by law.

Any employee who has a financial or other special interest in a matter before the City Council or any board, commission, or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such board, commission, or committee relating to such matter, shall disclose on the record of the City Council or such board, commission, or committee, as the case may be, the nature and extent of such interest.

(Ord. 1301 § 1 (part), 1972).

**SECTION 2.02.080: Compliance with State Law**

Public officials and employees of the City shall comply with applicable provisions of state law relative to conflicts of interest and generally regulating the conduct of public officials and employees.

(Ord. 1301 § 1 (part), 1972).

**SECTION 2.02.090: Violations -- Actions**

The violation of any provision of this chapter shall be:

- a. As to all City employees, grounds for dismissal from City employment;
- b. As to any appointed position on any board, commission, or committee, grounds for removal from any such board, commission or committee;
- c. As to any prosecution of any elected official, the City Council shall make findings of fact by at least a vote of three (3) City Council members that an elected official has, in fact, violated this chapter as a prerequisite to prosecution.

(Ord. 1301 § 1 (part), 1972).

**SECTION 2.02.100: State Laws -- Control**

This chapter and its application is intended to be supplemental to and consistent with all applicable state laws.

(Ord. 1301 § 1 (part), 1972).

**SECTION 2.02.110: Violations -- Penalty**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in Section 1.04.010 of this code.

(Ord. 1301 § 1 (part), 1972).