

Model Ethics Policy

Code of Ethics for Public Officials in _____ County

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 the public officials;

NOW, THEREFORE, BE IT RESOLVED BY THE _____ COUNTY BOARD OF COMMISSIONERS that the following be a Code of Ethics for the public officials of _____ 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 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 Public Officials of _____ County. The purpose of this Code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the county, and by directing disclosure by such 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 _____ County.

(Optional) Recognizing that education on ethics in government is the key to having good government, this code requires that yearly seminars be held to discuss the meaning of this code with new public officials, and in addition such seminars shall involve trained experts on government ethics that are outside of County. The County Administrative shall be the coordinator for these seminars. These seminars will keep the subject of ethics in government fresh in everyone's mind.

SECTION 2. DEFINITIONS OF TERMS.

PUBLIC OFFICIAL—Any person that has been elected to office, appointed by the County Board, appointed to a County Committee or Commission or hired by the County to serve as a department head or assistant department head. This list includes the following:

- A. A member of the County Board or other elected official.
- B. The department head and assistant department head of each County department.
- C. A member of any County Committee or Commission.
- D. The County Administrator or like position.
- E. 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.

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 _____ County for work performed.

COMPENSATION: A payment of "anything of value" to an individual in return for that individual's services of any kind.

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.

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

GIFT: The payment or receipt of "anything of value" unless consideration of greater or equal value is provided in return.

COUNTY ADMINISTRATOR: The person that heads up the administration of the operating government of the county.

SECTION 3. ETHICAL CONSIDERATIONS.

Public officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of _____ County government hinges on the proper discharge of duties in the public interest. Public officials 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, 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. Employed public officials shall not hold such incompatible office nor shall they engage in any regular outside employment without notice to and approval by the 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 public official shall use information gained as a 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.
- C. **Solicitation of or Receipt of Anything of Value.** A public official 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 public official's duties.
- 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 shall not represent persons or associations in dealings with the county in consideration of anything of value.
- F. **Financial Interest.** Where a public official or a member of the public official's immediate family has a financial interest in any matter begin considered by the public official, such interest, if known to the public official, shall be disclosed by the public official. If the public official has such a financial interest or if the minor child of a public official has such a financial interest, the public official shall be disqualified from further participation in the matter.

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- G. County Property. No public official shall use county owned property such as vehicles, equipment, or supplies for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific county policy in the conduct of official county business.
- H. Special Consideration. No 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 public official shall exceed his or her authority, or breach the law, or ask others to do so. 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.
- J. Public Funds, etc. No public official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities.
- K. Expenses. Public officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with County policy.
- L. Donations. No 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.
- M. Official Action. No public official shall take an official action which will benefit any person or entity where such public official would not have otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.
- N. Compliance with Law. Public officials shall comply with all local ordinances and State and Federal Statutes including, but not limited to, the Criminal code, Fair Campaign Practices Act, and laws governing the functioning of counties and municipalities, their elected and appointed officials, and employees.

SECTION 4. SPECIAL CONSIDERATIONS.

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 are 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 5. HANDLING ALLEGED VIOLATIONS OF CODE OF ETHICS. (OPTIONAL)

- A. An Ethics Commission is hereby established. The Commission shall be composed of three individuals, two of whom shall be residents of the County and the third shall be a nonresident. Initial appointments shall be for terms of one, two, and three years respectively. Thereafter, appointments shall be for three year terms. The County Board shall appoint a chairperson and secretary from the Commission membership. Allegations of violations of this code against public officials, except employees who are subordinate to the County Administrator, shall be referred to the Ethics Commission for investigation. Allegations which may constitute a violation of a federal, state, or local statute shall be referred to the appropriate criminal authority. Results of the investigation of the Ethics Commission shall be reported to the County Board along with the Commission's recommendation for disposition. Thereafter, the County Board shall take appropriate action which may include censure of a _____, discipline of County Administrator, or no action. The Commission shall conduct an organizational meeting during January of each year, and thereafter meet only at the request of the County or County Administrator.
- B. Allegations against public officials who are subordinate to the County Administrator, shall be handled by the County Administrator. The County Administrator may take appropriate disciplinary action against employees violating this code.

SECTION 6. DISCLOSURE OF FINANCIAL INTERESTS.

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 office of the County Administrator, a statement containing the following:

1. 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; and
2. 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 code 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 come 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 County Administrator by the public official in an amended disclosure statement. The other stipulations of this code then apply.

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

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