CODE OF ETHICS
for
PUBLIC OFFICIALS
(City Council, Boards, Commissions, Committees)

DECLARATION OF POLICY

It is the policy of the City of Palm Bay to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of Palm Bay are entitled to have fair, ethical, and accountable local government.

As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and law that guide the work of elected officials and members of appointed boards, commissions, and committees (public officials). Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Palm Bay hereby adopts a Code of Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation.

APPLICABLE LAWS AND POLICIES

A. Responsibility of Public Office

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of Palm Bay, and avoiding actions that are inconsistent with the best interests of the City. All persons, claims, and transactions coming before the City Council or any City board, commission, or committee, shall be assured of fair and equal treatment.

B. Compliance with Law

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state, county, and municipality, and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Florida Constitutions and city ordinances.

C. Conduct of Officials

The professional and personal conduct of public officials shall be above reproach and avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, committees, City staff, or the public.

D. Performance of Duties

1. Public officials shall perform their duties in accordance with the processes and rules of order established by the City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

2. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

E. Public Meetings

Public officials shall prepare themselves for the public issues, listen courteously and attentively to all public discussion before the body, and focus on the business at hand. Officials shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfere with the orderly conduct of meetings.

F. Decisions Based on Merit

Public officials shall base their decisions on the merits and substance of the matter at hand.

G. Communication

Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

H. Conflict of Interest

1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship, which may give the appearance of a conflict of interest. In accordance with law, officials shall disclose investments, interests in real property, sources of income and gifts, and shall abstain from participating in deliberations and decision-making where conflicts may exist.

2. Public officials should avoid action, whether or not specifically prohibited, which might result in or create the appearance of:

- using public office for private gain;
- offering preferential treatment to any person;
- impeding City efficiency or economy;
- losing complete independence or impartiality;
- making a City decision outside of official channels;
- affecting adversely the confidence of the public in the integrity of the City.

I. Gifts, Gratuities, and Favors

Public officials shall comply with the requirements of Section 112.3148, Florida Statutes, relating to the acceptance and reporting of gifts, gratuities, and favors.

J. Confidentiality of Information

Public officials shall not disclose or furnish to anyone any information concerning City property, personnel, litigation, or proceedings of the City, other than public information or with legal authorization, that was obtained as a result of their positions with the City. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing information that would place the official or the recipient in a vantage position over the general public and thereby constitute a violation of public trust. Confidential information shall include, but not be limited to, any written information which is not subject to disclosure pursuant to Chapter 119, Florida Statutes, or any other statutory exemption regarding public records or any oral information which was not discussed at a public meeting.

K. Use of Public Resources

1. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel, or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.

2. A public official may use the City's name, letterhead, logo, or seal only when it would be perceived as representing the City of Palm Bay or the body as a whole and only with the prior consent of Council.

However, this provision will not prohibit individual councilmembers from using City letterhead and resources to write personal congratulatory letters. Letters of recommendations, references, endorsements, and such, may be written by councilmembers on City letterhead, with a copy being provided to each councilmember.

3. A public official shall not utilize the City's name, letterhead, logo, or seal for the purpose of endorsing any political candidate, business, commercial product, or service.

L. Representative of Private Interests

As stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City. Public officials of boards, commissions, and committees shall not appear before their own bodies or before the City Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.

M. Advocacy

Public officials shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their abilities when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body or the City of Palm Bay, nor give the inference that they do.

N. Policy Role of Members

Public officials shall respect and adhere to the Council-Manager form of government as outlined in the City Charter and Council's Policies and Procedures with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with advice, information, and analysis provided by the public, boards, commissions, committees, and City staff. Except as provided by City ordinance, councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, or impair the ability of staff to implement Council policy decisions.

O. Independence of Boards, Commissions, and Committees

The value of independent advice and recommendations of boards, commissions, and committees to the public decision-making process is of such significance, that members of Council shall refrain from using their position to influence unduly the deliberations or outcome of board, commission, and committee proceedings.

P. Harassment

The City strongly disapproves of and does not tolerate harassment of any kind. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment will be promptly and carefully investigated in accordance with the City's Sexual Harassment Policy.

Q. Positive Work Place Environment

Public officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Officials shall recognize their roles in dealings with City employees and refrain from creating the perception of inappropriate direction to staff.

R. City Attorney to Render Opinion on Request

Whenever any public official, subject to this policy, is in doubt as to the proper interpretation or application of this Code of Ethics policy, that official may submit to the City Attorney a full written statement of the facts and questions. The City Attorney shall then render a written opinion to such official and shall publish these opinions without use of the name of the official advised unless such official permits the use of a name.

FLORIDA STATUTES (CHAPTER 112, PART III)

A. Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees, prescribes appropriate standards of ethical conduct for employees and elected and appointed officials. The city has adopted state law and incorporated it in the Palm Bay Code of Ordinances as Section 34.10. The City of Palm Bay Code of Ethics is to be used as a supplement to the statutes. Should any conflicts exist between the codes, the more stringent language of the two shall prevail.

B. Public officials required to file an annual financial disclosure form, submitted in accordance with Section 112, Florida Statutes, shall file a copy with the Office of the City Clerk.

IMPLEMENTATION

A. The Code of Ethics for the public officials of the City of Palm Bay is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for candidates for the City Council, newly elected officials, and appointed members of boards, commissions, and committees.

B. Officials entering office will receive a statement certifying they have read and understand the City of Palm Bay Code of Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Ethics whether or not the statement is signed.

C. The Code of Ethics shall be reviewed annually by the City Council, boards, commissions, and committees. Recommendations received from the review shall be considered by the City Council. The Code of Ethics shall be updated, as necessary, in November of even-numbered years.

COMPLIANCE AND ENFORCEMENT

A. The City of Palm Bay Code of Ethics expresses standards of ethical conduct expected for the public officials of the City Council, boards, commissions, and committees. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

B. 1. A person making a complaint against a public official of violation of this policy shall submit the complaint, in writing, to the City Attorney who will determine legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complainant and signed under oath or affirmation by the person filing the complaint.

2. If the City Attorney determines that legal sufficiency exists, the City Attorney shall hire and appoint a Hearing Officer to determine if probable cause of violation(s) of this policy exists. If the Hearing Officer determines that probable cause of violation(s) of this policy does exist, the Hearing Officer shall report that finding to the City Council.

3. The City Council shall make a final determination upon a majority vote of all members, except for any member which is the subject of a complaint. No hearing shall be bound by the strict rule of evidence, and the standard of proof required for a final determination of violation of this policy shall be a preponderance of evidence. At the discretion of the City Council, sanctions may include reprimand or censure, or removal or exclusion from leadership positions, governing board, and other official positions or duties that do not conflict with Florida Statutes.

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