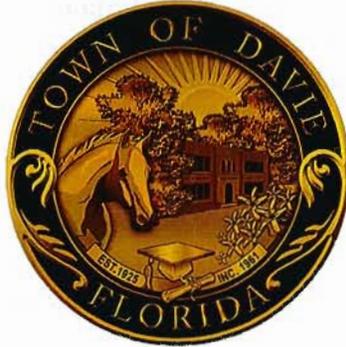


**TOWN OF DAVIE
HUMAN RESOURCES DEPARTMENT**



**CONFLICT OF INTEREST
SOP #20-005**

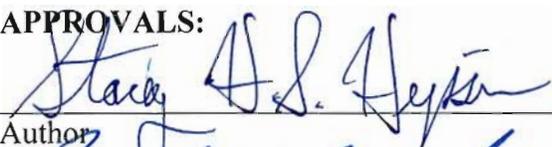
September 19, 2012

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	July 21, 2010	Human Resources	Initial Release
2	September 19, 2012	Human Resources	Revision

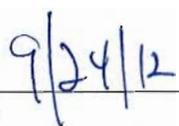
APPROVALS:



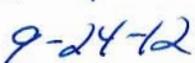
Author



Town Administrator



Date



Date

1-1. POLICY.

No Town of Davie employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest (F.S. 112.311 (5)). Additionally, Town elected officials and employees shall comply with Broward County Code of Ethics for Elected Officials (Ordinance # 2011-19) which became effective January 2, 2012.

1-2. SCOPE.

This operating procedure applies to all employees of the Town of Davie (Town) in the Regular Service (regardless of probationary or other status), as well as all Executive, Part-Time, Seasonal employees, and volunteers.

1-3. PROCEDURE.

- a. CONFLICTS OF INTEREST - "Conflict" or "Conflict of Interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest. This policy is inclusive of all outside personal or business relationship that affords present or future financial benefits to an employee, an employee's family, or to individuals that the employee has financial/business ties which may be determined by the Town Administrator or designee as a conflict of interest.
 - b. The following situations shall be considered as potential areas of "conflict" and may be considered as a "conflict of interest" for Town of Davie employees:
 1. Employees who may be in a position to influence Town decisions must refrain from relationships that may adversely affect their judgment in dealing with Town vendors/suppliers or with other public agencies.
 2. To engage in a private business or financial relationship that may secure advantage for goods, services or influence due to the employee's position with the Town of Davie.
 3. To perform any services, either as an officer, director, agent, sole proprietor, partner, stockholder (if owning in excess of 10% of securities outstanding), employee, paid consultant or advisor, for another person or entity that is doing or seeking to do business with the Town of Davie or another public entity, except with the knowledge and consent of the Town of Davie in written form signed/approved by the Town Administrator or designee.
 4. To purchase, rent or lease any realty, goods and/or services (including equipment, facilities, etc.) on behalf of the Town of Davie from persons or entities which he or
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she is related or in which or she has an interest; or to make any such purchase or lease otherwise than generally on the basis of price, quality, and service.

5. An employee, or any member of the employee's immediate family, owning a financial interest in an entity that is doing or seeking to do business with the Town of Davie, except when such interest consists of ownership of widely held and traded securities in corporation.
6. An employee or his/her immediate family, acting in a private capacity, renting, leasing, or selling any realty, goods or services to the Town of Davie or any political subdivision thereof.
7. To corruptly use or attempt to use his/her official position or any property or resource that may be within his/her trust, or to perform his/her official duties, to secure a special privilege, benefit, or exemption for themselves or others.

c. RESPONSIBILITIES FOR CONFLICT OF INTEREST

1. If any of these potential conflicts are possible, the employee is obligated to advise his/her immediate supervisor and fill out the appropriate conflict of interest form as soon as they have knowledge of the potential conflict.
2. If the Department Director and/or Town Administrator is of the opinion that said conflict is of such a nature that it hinders the operations of the Department and/or the Town, then a decision will be made and appropriate action will be taken to correct the situation.

d. GIFTS AND GRATUITIES

1. No employee shall solicit or accept, directly or through any other person, anything of value to the recipient including but not limited to a gift, payment, loan, reward, promise of future employment, favor, or service, when the employee knows, or with the exercise of reasonable care, should know, that it is given to influence the employee in a vote, decision, recommendation or other act to be taken by the employee in the course of their employment with the Town of Davie.
 2. No Employee shall accept gifts, gratuities or loans, other than that of a minimal value, from non-governmental organizations, business concerns, or individuals with whom the employee or the Town of Davie has an official relationship regarding the business of Town government. No employee may accept any gift, loan, etc. of any dollar amount from one of these entities if the employee knows, or with the exercise of reasonable care, should know, that it is given in order to influence the employee in a vote, decision, recommendation, or other act to be taken by the employee in the course of their employment with the Town of Davie.
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3. Any gift received by an employee other than that of minimal value and which is intended as an expression of appreciation to the Town of Davie shall be deemed to be the property of the Town and shall be treated as public property. All such gifts shall be deemed to have been accepted in the employee's capacity as a Town of Davie employee.
4. This gift policy shall not prohibit employees from accepting social courtesies at functions which they attend in an official capacity as invited guests because of their official position with the Town of Davie, or social courtesies at receptions hosted by private entities at meetings of government officials such as The Hurricane Conference, ICMA, FAC and/or similar meetings. The term "social courtesies" encompasses food and beverages generally shared by the larger group attending such function.
5. Nothing in this policy shall alter the responsibilities of employees who are subject to the requirements of Chapter 112, Florida Statutes.
6. The term "gift" shall have the meaning ascribed to it in Section 112.312 F.S.
7. The term "minimal value" for the purpose of this policy shall be defined by Section 112.3148 F.S. The acceptance of such items and the valuation thereof is left to the reasonable determination and discretion of the employee.

e. CONFLICT OF INTEREST DECLARATION

1. All employees, upon employment with the Town of Davie will be required to complete and sign a "Conflict of Interest Declaration Form". The Form requires that all employees identify situation(s) that could possibly give the appearance of a conflict of interest.
2. If an employee's position/situation changes, the employee is required to disclose in writing a full description of any activity, interest, or relationship on my part that may create or appear to create a conflict of interest under the provisions of the policy, as soon as practicable, but not more than thirty (30) days, after the inception of the activity, interest, or relationship. Any/all subsequent disclosures must be reported on the "Conflict of Interest Declaration Form". Forms will be filed within the employees' personnel files.

f. VIOLATIONS/CONFLICTS OF INTEREST

Employees found in violation of this policy and/or those employees found to have a conflict of interest, not previously declared and approved (in written form by the Town Administrator or designee), may be subject to disciplinary action up to and including dismissal.

g. DISCLOSURE OF INFORMATION

1. Information that is obtained in the course of the official duties of an employee shall not be released by any employee unless the employee is charged with the responsibility as a part of his/her official duties.
2. Employees may not, either directly or indirectly, use their official position with the Town or information obtained in connection with their employment for private gain or personal benefit.
3. Employees found in violation of this policy may be subject to disciplinary action up to and including dismissal.

h. FINANCIAL DISCLOSURE TO THE FLORIDA COMMISSION ON ETHICS/SECRETARY OF STATE

1. In accordance with the Florida Statutes, Chapter 112 and Article II, Section 8 of the State Constitution, full and public disclosure of financial interests and clients represented will be required of all Town employees in the following positions:
 - (i) Mayor;
 - (ii) Council Members;
 - (iii) Town Administrator;
 - (iv) Assistant Town Administrator;
 - (v) Intergovernmental Affairs Manager;
 - (vi) Town Attorney;
 - (vii) Building Official/Chief Building Inspector;
 - (viii) Police Chief;
 - (ix) Fire Chief;
 - (x) Town Clerk;
 - (xi) Budget and Finance Director;
 - (xii) Procurement Manager;
 - (xiii) Utilities Director; and/or
 - (xiv) Any designated employee that has the authority to make any purchase on behalf of the Town of Davie exceeding \$15,000.00.
 2. DISCLOSURE - The Florida Statutes, Chapter 112.3144(2) states that "the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":
 - (i) Jewelry;
 - (ii) Collections of stamps, guns and numismatic properties;
 - (iii) Art objects
 - (iv) Household equipment and furnishings;
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- (v) Clothing;
 - (vi) Other household items; and
 - (vii) Vehicles for personal use.
3. FORMS - Forms for compliance with the full and public disclosure will be provided for the employees outlined above by the State of Florida Secretary of State. Notification, instructions, requirements for/of disclosure, and deadlines for filing the disclosure will be provided to the individuals by the Secretary of State with the forms for compliance.
 4. PENALTIES - Penalties are outlined within the Florida Statutes, Chapter 112.317. The provisions state that "any failure to file any disclosures" required within Chapter 112 by an employee can constitute grounds for disciplinary action, up to and including dismissal. The provisions also state that employees found in violation can be subject to "forfeiture of no more than one-third salary per month for no more than 12 months; a civil penalty not to exceed \$5,000; and/or restitution of any pecuniary benefits received because of the violation committed."
 5. DETERMINATION OF VIOLATIONS - Violations and penalties will be determined by the State of Florida, Commission on Ethics. If the Commission on Ethics recommends a civil penalty or restitution, the Attorney General will bring a civil action to recover such penalty.
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