

POLICY STATEMENT  
CONFLICT OF INTEREST, CODE OF ETHICS, GIFTS  
Adopted September 6, 2011  
(Reviewed January, 2017)  
(Last Reviewed October, 2018)

I. CONFLICT OF INTEREST

1. In General. It is the policy of the City of Urbandale that elected officials, commission members, board members, committee members, employees and professional consultants (“City Officials”) shall not use their official position or the knowledge gained therein in such a manner that a conflict would develop between the City’s interest and their personal affairs. These individuals shall avoid any conflicts between their personal and outside interests and the interests of the City and shall avoid any conduct which might adversely affect or appear to affect the exercise of their official judgment.
2. Personal Financial Interests. All City Officials should avoid participating financially, directly or indirectly, in any business enterprise which might influence or be thought to influence their official decisions or actions. In determining whether particular outside employment or activity creates an unacceptable conflict of interest, the official should follow these guidelines:
  - a. The outside employment should not involve the City’s time, facilities, equipment or supplies or the use of the City’s badge, uniform, business card or other evidences of office or employment. This prohibition does not extend to off duty police officers who provide authorized private duty security.
  - b. The outside employment should not involve the receipt of compensation or other consideration by an individual for performing his/her regular duties for the City.
  - c. The outside employment should not be subject to the official control, inspection, review, audit, or enforcement authority of the individual during the performance of his/her regular duties for the City.
3. Gratuities. All City Officials, and the members of their immediate families, should avoid accepting any payments, gifts, favors, special discounts, or other benefits of value from any party doing business with the City, seeking to do business with the City, acting as a lobbyist or involved in a regulatory or policy matter in front of an official body of the City, except as allowed under Section III.2 of this policy.
4. Outside Affiliations. No City Official shall hold a position with any other business enterprise or governmental body which would conflict with or reasonably might conflict with the proper performance of his or her civic duties or responsibilities or which might tend to influence his or her impartial judgment with respect to dealings between the City and such other business enterprise or governmental body.

5. Employee Practices. A City Official shall not use any property which belongs to the City of Urbandale for any private purpose nor shall any City Official perform any non-employment related duties while on City time.

A City Official shall not have interest, direct or indirect, in any contract or job of work or material or the profits thereof of services to be furnished or performed for the City unless he or she meets one of the exceptions as delineated in Code Section 362.5 of the Iowa Code. A contract entered into in violation of this section is void.

No City Official will allow nor be involved in making purchases for any employees or individuals for their personal use.

No City Official shall lease any property to the City.

No City Official shall endorse commercial products by agreeing to use his/her photograph, endorsement or quotation in paid or other commercial advertisements, whether or not for compensation.

Any City Official making an unreasonable purchase or one otherwise outside of the normal purchasing procedures may, at the direction of the City Manager, be held personally liable for payment of the expenditure.

Any City Official found guilty of violating any of the above provisions will be subject to disciplinary action, which may include termination.

6. Disclosure. If at any time a commission member, a board member or any employee of the City or member of their immediate family finds that he or she has or is considering the assumption of a financial interest or outside relationship which reasonably might involve a conflict of interest with the City, it shall be his or her duty to make timely disclosure of the facts to the appointing authority. Under such circumstances, except as otherwise instructed by the City at the full disclosure of the facts, the individual should refrain from exercising responsibility in any matters concerning the City which reasonably might be considered to be affected by self interests.

## II. CODE OF ETHICS

1. In General. All City Officials should be dedicated to the highest standards of honor and integrity in public service. The effectiveness of City Officials depends on their ability to maintain the public's trust and confidence. Through their daily actions, officials depict the character of the City of Urbandale. Additionally, these individuals should be forthright in their dealings with the public and should remember that they hold office for the benefit of their constituents. Finally, local officials must create public confidence where it is lacking and maintain it at all times by demonstrating a sincere adherence to ethical standards.

2. Administrative Practices. All City Officials should exercise extreme caution in handling public funds. The investment of idle funds by appointed officials should be consistent with the policies approved by the City Council. City Officials should avoid unnecessary risks in their investments and should strive to protect the investment principle whenever possible. City Officials should aggressively pursue any instances of fraud or mismanagement of public funds.

City Officials have a duty to report violations of law or of the City's ethical standards, if they have compelling evidence to support allegations of violations. Such report should be made in confidence, in order to protect the rights of the accused and to avoid jeopardizing any necessary investigations.

In order to maintain the public's trust, appointed officials may not hire a family member to work in any subordinate classification. Additionally, relatives of elected officials, appointed commissioners, appointed board members, or appointed committee members may not be hired for full time or part time employment in any department in which their relation has a direct policy making or advisory role. Relatives shall be defined as wife, husband, child, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandparent, grandchild and any other relative living in the same household.

The integrity of the hiring process will be maintained if elected and appointed officials do not interfere with the selection process in any manner that may benefit a relative. These City Officials should refrain from the practice of recommending any relative for employment or expressing an improper interest in the hiring process.

Discrimination based on race, color, religion, creed, sex, sexual orientation, gender identity, genetic information, national origin, ancestry, citizenship, political affiliation, age, disability, marital status, or status as a covered veteran should be aggressively opposed. No individual should be denied employment or service as a result of any of these characteristics.

Individuals should be appointed to City positions based on their professional qualifications. City Officials should not allow personal biases to enter the employment process. Additionally, undue influence from others outside the hiring process should be strongly resisted. All hiring decisions should conform to the City Council's personnel policies, regulations and guidelines.

Involvement in political campaigns should be at the sole discretion of the public official and public employee. There should be no undue pressure placed on officials and employees to contribute time, money, services or items of value to political campaigns. There should be no solicitation in a way which could be construed as affecting the employee's employment. Employee participation in political activities in support of candidates or ballot issues must take place on his or her own time and with his or her own equipment and supplies in accordance with Code Section 351-5.4 (68A) and 68A.505 of the Iowa Code.

3. Service Delivery. As public servants, City Officials have a responsibility to treat all persons in a respectful and courteous manner. Inquiries from the public should be addressed in a forthright manner. City Officials should also recognize the diverse backgrounds and characteristics of their constituents. This diversity should be considered a valuable asset of the community and should never be used as a reason to deny service or assistance. When appropriate, City Officials should make reasonable accommodations to ensure equitable service delivery.
4. Public Decision Making. City Officials should remain impartial in their consideration of public policies. They should not be unduly influenced by family relationships, business interests, religious affiliation or friendships in the formulation or adoption of rules, regulations, ordinances, resolutions or other policy matters. Additionally, services and programs should be provided to constituents in a fair and equitable manner.

City Officials should be non-partisan when exercising their public and official duties. They should serve as available resources for other officials and the public in a political process. Equal information must be provided to all candidates for public office.

### III. GIFTS

1. Acceptance of Gifts. A City Official or candidate, or that person's immediate family member, shall not directly or indirectly receive any gift or series of gifts from a restricted donor. A City Official or candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time. However, an otherwise prohibited non-monetary gift can be accepted if it is donated within thirty days to a public body or a bona fide educational or charitable organization.
2. Exceptions. The following gifts may be received by City Officials, candidates or members of the immediate family of City Officials, or candidates:
  - a. Contributions to a candidate or a candidate's committee.
  - b. Informational material relative to a City Official's official functions, such as books, pamphlets, reports, documents, periodicals or other information.
  - c. Anything received from anyone related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
  - d. An inheritance.
  - e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

- f. Items received from a bona fide charitable, professional, educational or business organization to which the donee belongs as a dues paying member, if the items were given to all members of the organization.
- g. Actual expenses of a donee for food, beverages, registration, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities. If any such expenses are being reimbursed or paid for by the City, then any funds should be returned to the City to eliminate double payment for such items.
- h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i. Non-monetary items with a value of \$3.00 or less that are received from any one donor during one calendar day.
- j. Items or services received at a business or educational conference, seminar or other meeting sponsored by a government organization of which the City is a member.
- k. Items or services received at a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by a government organization of which the City is a member.
- l. Funeral flowers or memorials to a church or non-profit organization.
- m. Gifts which are given to a City Official for that official's wedding or 25<sup>th</sup> or 50<sup>th</sup> wedding anniversary.
- n. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a City board, commission, committee or City Council.
- o. Gifts of food, beverages, travel or lodging received by City Officials involved in an economic development activity, in a manner consistent with the restrictions contained in Code Section 68b.22 of the Iowa Code.
- p. Gifts other than food, beverages, travel and lodging received by a City Official which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.
- q. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a City Official attends for personal or professional licensing purposes are not "informational meetings or

sessions which assist a City Official in the performance of the person's official functions" under this paragraph.

r. Honorariums presented to a City Official for providing any type of service or presentation to a non-City of Urbandale group, except when such services or presentations are being performed as part of City reimbursable time. If a City Official is being reimbursed via salary and/or travel expenses for participation in the event for which the honorarium is being presented, then the honorarium amount should be remitted to the City. Only if the event for which the honorarium is being presented, is occurring on the City Official's personal time, may the City Official retain the honorarium.

3. Definitions. For the purpose of this policy statement, the following definitions apply:

1. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

2. "Restricted donor" means a person who is in any of the following categories:

a. Is or is seeking to be a party to any one or any combination of sales, purchases, leases or contracts to, from or with the City in which the donee holds office or is employed.

b. Will personally be or is the agent of a person who will be directly and substantially affected financially by the performance or non-performance of the donee's official duty in a way that is greater than the affect on the public generally or in a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

c. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before the City and over which the donee has discretionary authority as part of the donee's official duties or employment with the City.

d. Is a lobbyist or the client of a lobbyist with respect to matters within the donee's jurisdiction.

#### IV. REAFFIRMATION OF THIS POLICY STATEMENT

1. All City Officials will be provided a copy of this statement upon initial employment and will be required to reaffirm their understanding of the policy on a annual basis. Annual reaffirmation may be in writing, or in electronic format, and will include disclosure of any known non-compliance with the policy.

- a. Failure to complete the reaffirmation will result in disciplinary action consistent with status of the City Official (ie: employee could be terminated, an appointed official could be removed from their position).
2. In the event a City Official becomes aware of any instance of non-compliance with this policy in between reaffirmation periods, the City Official should immediately report their non-compliance to the Mayor, City Manager, or Audit Committee Chairman.