CITY OF SOUTH BEND

PETE BUTTIGIEG, MAYOR

OFFICE OF THE MAYOR

EXECUTIVE ORDER 1-2014

City of South Bend Ethics Code of January 1, 2012

As Amended April 19, 2013 and February 24, 2014

An executive order establishing an Ethics Code for the City of South Bend Indiana (the City) having been issued on January 1, 2012 and amended on April 19, 2013, this Executive Order hereby amends the Ethics Code and is made effective this 24th day of February, 2014.

The Ethics Code exists for the benefit of City residents. The Ethics Code as amended applies to the Mayor, appointees, employees, and officials of the City of South Bend and serves to ensure City residents that the Mayor, appointees, employees, and officials will adhere to an ethical standard that is consistent, transparent, understood, and most importantly, followed, in the Mayor's office and in the boards, commissions, departments, and offices throughout the City. New City appointees, employees, and officials are expected to read and acknowledge this Code prior to accepting the appointment or during the hiring process.

Definitions

"Confidential information" includes any and all data and information, whether in written, electronic or spoken form, to which an appointee, employee, or official has access by reason of his or her employment and which is not generally known to or readily ascertainable by others or otherwise subject to public access or disclosure by law. Any and all records, copies of records, and other property containing such confidential information are and shall remain the property of the City and must be returned promptly to the applicable board, commission, department, or office of the City upon any termination of appointment, employment or engagement of the appointee, employee, or official.

"Relative" means any person related as grandfather, grandmother, father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, uncle, aunt, husband, wife, son, daughter, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, step-grandchild, niece, or nephew.

1400 COUNTY-CITY BUILDING • 227 W. JEFFERSON BOULEVARD • SOUTH BEND, INDIANA 46601
PHONE 574/235-9261 • FAX 574/235-9892

"Honorarium" means a voluntary payment that is given to a person for services for which fees are not traditionally required.

The Gift Rule

1. An appointee, employee, or official shall not knowingly solicit, accept, or receive a gift, favor, service, entertainment, food, drink, travel expense, or registration fee (collectively, "gifts") for personal benefit from a person who:

    a. has or seeks a business relationship with the appointee's, employee's, or official's board, commission, department, or office;

    b. is seeking to influence an action by the appointee, employee, or official in his/her official capacity; or

    c. is regulated by the appointee's, employee's, or official's board, commission, department, or office.

Exceptions to the Gift Rule

2. Employees may solicit donations to the City on behalf of the City for specified purposes authorized by the Mayor, determined to be consistent with the public interest by the Corporation Counsel.

3. Notwithstanding Section 1, an appointee, employee, or official may accept:

    a. Any gift, favor, service, entertainment, food, drink, travel expense, or registration fee that has a value of less than Fifty Dollars ($50.00), provided that the appointee, employee, or official does not knowingly solicit, accept, or receive gifts, favors, services, entertainment, food, drink, travel expenses, or registration fees from the same person or his or her employer that has a cumulative value of more than fifty dollars ($50.00) in any calendar year;

    b. Gifts, favors, services, entertainment, food, drink, travel expenses, or registration fees from public agencies or public institutions; however, such gifts, favors, services, entertainment, food, drink, travel expense, or registration fees shall be utilized for the benefit of the City, and not solely for the benefit of one's self or relatives;

    c. Modest refreshments (such as coffee and donuts), greeting cards, plaques, and other similar items of little intrinsic value and items of nominal value received at public ceremonies or commemorating City business;

    d. Food or drink consumed at an event or gathering if:
        (i) The event or gathering is not arranged to solicit government procurement of goods or services from anyone who holds a public office at the federal, state, or local level; or

(ii) The appointee, employee, or official is giving a speech or participating in a presentation in his or her official capacity; or
(iii)The event or gathering has a formal educational program that the appointee, employee, or official is attending to assist him or her in performing official duties;

e. Food, drink, entertainment, travel expenses, or registration fees accepted in furtherance of activities to benefit the City or region related to an economic development effort, including job retention, expansion or attraction, reduction of blight, and securing convention and visitor business, approved in advance by the Mayor or his or her Director of Community Investment;

f. Gifts, favors, services, entertainment, food, or drinks from relatives, or a person with whom the individual has an ongoing social relationship that existed before appointee, employee, or official was appointed or employed by the City, so long as:
   (i) The gifts or other items of value are paid for personally by the giver, rather than a business entity, and not deducted as a business expense; and
   (ii) The giver is not seeking to influence action or inaction by the individual in that person's official capacity;

g. Gifts of free attendance at certain events or gatherings and food or refreshments served at such events or gatherings, provided that the Corporation Counsel has determined that the attendance is consistent with the public interest;

h. Discounts available to the public or to all City employees;

i. Rewards or prizes connected with competitions open to the general public or open to all persons at events or gatherings under subparts (d) or (g) above.

j. Property or honorarium accepted as a gift to the City logged by the Corporation Counsel; and

k. Any item of value for which face value or reasonable fair market value is promptly paid and for which a record of the transaction is filed with the Corporation Counsel;

Waiver

4. The Corporation Counsel may waive application of Section 1 of this rule in individual cases when consistent with the public interest. The waiver shall be in writing, shall be made available to the public, and include:

   a. The name of the appointee, employee, or official;

   b. The nature and estimated value of that which is being provided and by whom; and

   c. An explanation of why acceptance is consistent with the public interest.

Political Activity

5. No appointee, employee, or official shall engage in political activity while at work. Any appointee, employee, or official who is either a candidate for public office or engaging in activities on behalf of a candidate for public office shall abide by all state and federal laws pertaining to campaign financing and activities. This Ethics Code should not be construed to prevent lawful campaign activities.

Conflicts of Interest

6. Any civilian full-time City appointee, employee, or official who is considering entering an agreement to work or consult, in addition to his or her City duties, for financial compensation will seek approval from Corporation Counsel prior to entering into a financial agreement. If Corporation Counsel determines that the additional work would not be a conflict of interest, he or she will issue a letter to this effect and maintain a record of the name of the person or entity compensating the individual and the annual amount paid. If Corporation Counsel determines that the additional work is or might be a conflict of interest, he or she will issue a letter that describes the conflict or potential conflict and directs the appointee, employee, or official regarding actions that should and/or should not be taken to avoid actual conflict.

7. An appointee, employee, or official may not solicit or receive compensation:

    a. For the sale or lease of any property or service to a person with a business relationship with the appointee, employee, or official or an appointee's, employee's or official's board, commission, department, or office that substantially exceeds the amount that the appointee, employee, or official would charge in the ordinary course of business; or

    b. For the performance of official duties other than as provided by law.

8. A current or former appointee, employee, or official shall not disclose or materially benefit from confidential information, as defined in the City's Ethics Code, and shall use such confidential information only in the course of his or her performance of official City responsibilities.

9. An appointee, employee, or official or a member of an appointee's, employee's, or official's immediate family, may not knowingly have a financial interest in a contract made by that appointee's, employee's, or official's board, commission, department, or office. This prohibition does not apply to:

    a. An appointee, employee, or official who does not participate in or have official responsibility for any of the activities of the contracting board, commission, department, or office, if:
        (i) The contract is made after public notice or, where applicable, through competitive bidding;

(ii) The appointee, employee, or official files with the Corporation Counsel a statement making full disclosure of all related financial interests in the contract;

(iii) The contract can be performed without compromising the performance of the official duties and responsibilities of the appointee, employee, or official; and

(iv) In the case of a contract for professional services, the head of the contracting board, commission, department, or office makes and files a written certification with the office of Corporation Counsel that no other appointee, employee, or official of that board, commission, department, or office is available to perform those services as part of his or her regular duties; or

b. An appointee, employee, or official who, acting in good faith, learns of an actual or prospective violation of the prohibition in Section 9, provided that, not later than thirty (30) days after learning of the actual or prospective violation, the appointee, employee, or official makes a full written disclosure of any financial interests to the contracting board, commission, department, or office and the office of Corporation Counsel, and terminates the financial interest.

10. A relative, as defined in the City's Ethics Code, of an appointee, employee, or official shall not be employed in the same board, commission, department, or office as the appointee, employee, or official, if the relative would be hired by or supervised by, or would directly supervise, the appointee, employee, or official.

Approved and signed by me on the 24th day of February, 2014, at 9 o'clock a .m.

Mayor, City of South Bend, Indiana

Attest:

Clerk, City of South Bend, Indiana