MTECC Policy 1.1-v1

Metro Transportation Engineering & Construction Cooperative

Policy on Ethics

The Metro Transportation Engineering & Construction Cooperative (MTECC) is a public interlocal agency created by interlocal agreement pursuant to Section 163.01, Florida Statutes, among various cities in Broward County (the "Member Cities").

MTECC recognizes the importance of maintaining high ethical standards as a Board, among its employees and contractors. The public expects its government officials, employees and hired contractors to conduct MTECC's business in an ethical, honest, and open manner.

The MTECC Board, its employees and contracted staff shall act in accordance with the applicable provisions of Section 112.313, F.S. Broward County Ordinance 2015-55. MTECC's Legal Counsel will make efforts to ensure the Board, employees, and contracted staff are familiar with this Policy, and receive annual training on applicable ethics laws and regulations. All Board members, employees, and hired contractors shall be guided by the following ethical principles:

- No Board member, employee or contracted staff may accept a benefit of any sort when it could reasonably be inferred that the benefit was intended to influence a pending or future decision of the Board member, employee or contracted staff, or to reward the Board member, employee or contracted staff's past decision. Board members, employees, and contracted staff should also avoid any conduct (whether in the context of business, financial, or social relationships) that might undermine the public trust, regardless of whether that conduct is unethical or lends itself to the appearance of unethical behavior.
- No Board member, employee or contracted staff may solicit any gift if the gift is for the personal benefit of the Board member, employee, his/her family, or another employee associated with MTECC business activities as defined in the MTECC Interlocal Agency Agreement. There are limited exceptions for charitable solicitations only if the gift would fall within the limited exceptions noted in the ***Section 112.3148, F.S.*** and under Broward County Ordinance 2015-055.
- No Board member, employee or contracted staff may accept anything of value above $5 from a lobbyist, principal of a lobbyist registered to lobby a MTECC member city, any Vendor or Contractor[1] doing business or seeking to do business with MTECC, or any person or company with a matter pending before MTECC or

[1] Capitalized terms in this Section shall have the means ascribed to them in Broward County Ordinance 2015-55.

who is trying to influence MTECC, regardless of whether or not the thing is being offered or given for the purpose of lobbying.

- Board members, employees or contracted staff with Relatives as defined in Broward County Ordinance 2015-055, who are lobbyists or principals of lobbyists registered to lobby a MTECC member city, Vendors doing business or seeking to do business with the MTECC, have a matter pending before MTECC or are trying to influence MTECC should consult with MTECC's legal counselfor guidance.
- No Board member, employee, or contracted staff may accept anything of value from a non-lobbyist doing business or that has business pending before MTECC unless the thing of value falls within one of the following limited exceptions:
    - Gifts (regardless of value) from relatives (items received from relatives are excluded from the statutory definition of "gift") - unless the relative is a lobbyist or the principal of a lobbyist registered to lobby a MTECC member city, in which case the general prohibition on gifts from lobbyists applies. Employees who are married to or involved in a personal relationship with a lobbyist or the principal of a lobbyist should consult with MTECC's legal counsel for guidance.
    - Gifts (regardless of value) received from personal friends in the ordinary course of friendship (including but not limited to birthday and/or anniversary gifts and gifts of hospitality), can be accepted, provided that any such personal friend is **not**:
        - a lobbyist registered to lobby a MTECC member city; or
        - a partner, member, employer, employee, or principal of a lobbyist registered to lobby a MTECC member city; or
        - a person having a ownership or monetary interest (either individually or through a corporation or organization) in a matter pending before MTECC; or
        - a person who (either individually or through a corporation or organization) provides goods or services to MTECC under a contract or an agreement; or
        - a person who (either individually or through a corporation or organization) is seeking business from MTECC.
    - Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, if prior approval has been granted by the MTECC's Ethics Officer. However, if a lobbyist, the principal of a lobbyist registered to lobby a MTECC member city, or a vendor doing business, or seeking to do business with MTECC, is offering the gift, a Board member, employee or contracted staff may not accept the gift.
- It is not considered a gift or expenditure if the Board member, employee, or contracted staff fully reimburses the other person for the cost of the item.

Generally, full reimbursement is considered to be the cost of the item to the person providing it. In the case of lobbyists, principals, or vendors doing business, or seeking to do business with MTECC, the cost is the actual value of the item (such as face value of the admission ticket, etc.), even if the item was originally obtained at no cost. While a membership fee required to use a golf course, tennis club, dining club, or other private facility is not part of the required reimbursable cost employees must pay, the per ticket additional cost above the face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. ***Section 112.3148(7), F.S.*** and ***Rules 34-13.210, 34-13.500, and 34-13.510, Florida Administrative Code,*** provide guidance on how to value gifts and should be consulted when making payment for an event or an item that is prohibited unless its actual value has been paid. For purposes of this Policy, payment must be made at the same time the item is received or the event is attended.

- No Board member, employee, or contracted staff shall take an honorarium or anything of value for speaking appearances or articles written when the item addressed is on MTECC. Reimbursement of expenses is acceptable for travel related costs.
- A Board member, employee, or contracted staff may accept an award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service related to MTECC, if the item has no separate commercial value.
- A Board member or Executive Director of MTECC shall disclose to MTECC's legal counsel if the individual has an immediate relative (spouse, siblings, parents, children) who is a lobbyist registered to lobby a MTECC member city. The disclosure shall include the names of those immediate relatives and the names of all clients of such immediate relatives.
- A Board member or Executive Director shall recuse themselves from MTECC matters where prior dealings, finances or personal relationships could lead to the appearance of impropriety. All recusals must be in writing and provided to MTECC's Ethics Officer. Board members and the Executive Director shall exercise their best judgment in determining whether to recuse themselves and shall consult MTECC's legal counsel as necessary.

Approved by the MTECC Board:

Signed: _____
Board Chair

Effective Date: _____ (active until rescinded or updated)