

Introduced November 28, 1978
by Councilman Wood; seconded
by Councilman Barthelemy.
Amended December 26, 1978.

Item number 78-11-45

ORDINANCE

NO. 1105

CODE OF ETHICS

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8 BE IT ORDAINED by the City Council of the City of
9
10 Slidell:

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12 Section 1. Declaration of Policy

13 The proper operation of the municipal government requires
14 that officers, officials, and employees of the City be independent,
15 impartial and responsible to the people; that decisions and policy
16 be made in the best interest of the people, the community, and the
17 government; and that the public have confidence in the integrity
18 of its government.
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26 Section 2. Scope of the Code

27 This code shall apply to all officers, officials and
28 employees of the City, whether elected or appointed, whether paid
29 or unpaid and the code applies to the members of any board, com-
30 mittee or commission of the City. The judge of the Slidell City
31 Court is expressly excluded from the provisions of this ordinance.
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38 Section 3. Definitions

39 (a) "Interest" means direct or indirect financial or
40 personal benefit accruing to a public officer or employee as a
41 result of a contract or transaction which is or may be the subject
42 of an official act or action by or with the City except for such
43 contracts or transactions which by their terms and by the sub-
44 stance of their provisions confer the opportunity and right to
45 realize the accrual of similar benefits to all other persons and/or
46 property similarly situated.
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55 For the purpose of this code, a public officer or
56 employee shall be deemed to have a personal interest in the affairs
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61 (1) the following persons, whether related to him
62 by blood or marriage: parent, grandparent; child; grandchild;
63 uncle of the first degree; aunt of the first degree; first cousin;
64 spouse; niece or nephew.
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1 (2) Any person or business entity with whom a
2 contractual relationship exists with the public officer or em-
3 ployee.
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7 (3) Any business entity in which the public
8 officer or employee is an officer, director, or employed by.
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10 (4) Any business entity in which the stock of,
11 or legal or beneficial ownership of, in excess of five (5%) per-
12 cent of the total stock or total legal and beneficial ownership,
13 is controlled or owned directly or indirectly by the public
14 officer or employee.
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20 (b) "Official act or action" means any legislative,
21 administrative, appointive or discretionary act of any officer or
22 employee of the City or any agency, board, committee or commission
23 thereof.
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28 (c) "Business entity" means any business, proprietor-
29 ship, firm, partnership, person in representative or fiduciary
30 capacity, association, venture, trust or corporation.
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34 (d) "Public officer or employee" means any person,
35 officer or employee holding a position by election, appointment,
36 or employment in the service of the municipality, whether paid or
37 unpaid, including members of any board, committee or commission
38 thereof.
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45 Section 4. Code of Ethics
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47 (a) The requirements herein set forth shall consti-
48 tute a code of ethics establishing reasonable standards and guide-
49 lines for the ethical conduct of public officers and employees of
50 the City.
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54 (b) Interest in contract or transaction. No public
55 officer or employee having the power or duty to perform an offi-
56 cial act or action, related to a contract or transaction which is
57 the subject of an official act or action of the City, shall
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61 (1) have or thereafter acquire an interest in
62 such contract or transaction, or
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1 (2) have an interest in any business entity
2 representing, advising, or appearing on behalf of, whether paid or
3 unpaid, any person involved in such contract or transaction, or
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5 (3) have accepted present or future employment
6 with a person or business entity involved in such contract or
7 transaction, or
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9 (4) have solicited, accepted or granted a present
10 or future gift, or favor from or to a person involved in such con-
11 tract or transaction, except as provided in Section 4(c).
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13 (c) The prohibition against gifts or favors in
14 Section 4(b) shall not apply to:
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16 (1) an occasional non-pecuniary gift worth less
17 than fifty (\$50.00) dollars.
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19 (2) an award publicly presented in recognition
20 of public service,
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22 (3) any gift which would have been offered or
23 given to him if he were not a public official or employee,
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25 (4) any campaign contribution, or
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27 (5) entertainment, to include meals and drinks,
28 not to exceed the sum of one hundred (\$100.00) dollars a day.
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30 (d) Preacquisition of interest. No public officer
31 or employee, with respect to any contract or transaction which is
32 or may be the subject of an official act or action of the City,
33 shall acquire an interest in such contract or transaction at a
34 time when the public employee believes or has reason to believe
35 that it will directly or indirectly be affected by an official
36 act or action of the City.
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38 (e) Disclosure of information. No public officer
39 or employee shall, without proper legal authorization, disclose
40 confidential information concerning the property, government or
41 affairs of the City, or use such information to advance the finan-
42 cial or other private interest of himself or others.
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44 (f) Incompatible service. No public officer or
45 employee shall engage in private employment when such employment
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1 is compatible with the proper discharge of his official duties,
2 unless otherwise permitted by law and unless disclosure is made
3 as provided in this code.
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7 (g) Public contracts. No public officer or employee
8 who in his capacity as such officer or employee participates in
9 the making of a contract in which he has a private pecuniary
10 interest, direct or indirect, or performs in regard to that con-
11 tract some function requiring the exercise of discretion on his
12 part, shall enter into any contract with the City unless:
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18 (1) the contract is awarded through a process
19 of public notice and competitive bidding, or
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22 (2) The ethics board waives the requirement
23 of this Section after determining that it is in the best interest
24 of the City to do so.
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28 (h) Public property. No public officer or employee
29 shall request or permit the unauthorized use of City-owned
30 vehicles, equipment, materials, or property for personal conven-
31 ence or profit. The term "personal convenience" shall not apply
32 to Police vehicles assigned to Police employees by the Chief of
33 Police when these vehicles are operated within the policy
34 of the Slidell Police Department.
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43 Section 5. Exceptions to Code.
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45 (a) It shall not be deemed a violation of the
46 standards of the Code if the interest of a public officer or em-
47 ployee in a person or business entity is a contractual obligation
48 of less than \$500.00 which has not been preceded by any other
49 obligation, discharged, or existing, between the parties, and
50 which is not the first in a series of two or more loans or debts
51 which either of the parties is under an obligation to make or
52 incur.
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60 (b) A commercially reasonable loan made in the
61 ordinary course of business shall not be deemed to create an
62 interest in violation of this Code.
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66 (c) A contract for a commercial retail sale, even
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1 though over the value of \$500.00, shall not be deemed to create
2 an interest in violation of this Code.
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5 Section 6. Disclosure of Interest in Legislative Action.
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7 (a) Any member of the council who has a financial
8 interest or personal interest in any proposed legislation before
9 the council shall disclose on the record of the council the nature
10 and extent of such interest.
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12 (b) Any other official or employee who has a finan-
13 cial or personal interest in any proposed legislative action of
14 the council and who participates in discussion with or gives an
15 official opinion or recommendation to the council, shall disclose
16 on the record of the council the nature and extent of such in-
17 terest.
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26 Section 7. Ethics Board.
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28 (a) There is hereby created an ethics board to con-
29 sist of nine (9) members. The membership of the ethics board shall
30 consist of nine (9) electors who shall be domiciled in and resi-
31 dents of the City of Slidell. The city attorney shall be the
32 legal advisor of the ethics board.
33

34 (b) The members of the ethics board shall be appoint-
35 ed by the City Council. Terms of office shall be three (3) years,
36 except that when the initial appointments are made, three (3)
37 members shall be appointed for one year, three (3) for two (2)
38 years, and three (3) for three (3) years.
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40 (c) The ethics board shall elect its own chairman
41 and vice chairman and shall develop written rules of procedure
42 which shall be submitted to the City Council for approval.
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44 (d) The ethics board may make recommendations with
45 respect to amendments to this code of ethics ordinance.
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47 (e) Upon the sworn complaint of any two persons un-
48 related to each other by blood or marriage alleging facts which,
49 if true, would constitute improper conduct under the provisions
50 of this ordinance, the board shall conduct a private hearing. The
51 persons filing the complaint must be willing to appear before the
52 ethics board to testify in support of their complaint under oath.
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1 The ethics board may, in the course of the hearing, or otherwise,
2 consult with all persons in any way involved in any complaint
3 before them and the person against whom any such complaint has
4 been filed shall have the right to counsel and to call witnesses
5 in his own behalf. Following the hearing, the ethics board shall,
6 in written findings of fact and conclusions based thereon, make
7 a determination concerning the propriety of the conduct of the
8 subject official or employee and, if appropriate, refer the matter
9 to the City Council.
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11 (f) Any person or persons filing a complaint which
12 is adjudged by the ethics board to be without foundation in fact
13 shall be subject to the penalties provided in Section 12, herein,
14 for the violation of this ordinance.
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16 Section 8. Prohibition of Appointment of Spouse.
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18 No spouse of a public officer or employee shall accept
19 or serve on any board, commission or committee of the City. This
20 Section shall not be applied to appointments made prior to
21 January 1, 1979.
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23 Section 9. Advisory Opinions.
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25 (a) Where any public officer or employee has a
26 doubt as to the applicability of any provision of this code to
27 a particular situation, or as to the definition of terms used
28 herein, he may apply to the ethics board for an advisory opinion.
29 The officer or employee shall have the opportunity to present
30 his interpretation of the facts at issue and of the applicabil-
31 ity of provisions of the code before such advisory opinion is
32 made.
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34 (b) Such opinion until amended or revoked shall be
35 binding on the City, the City Council, and the ethics board in
36 any subsequent actions concerning the public officer or employee
37 who sought the opinion and acted on it in good faith, unless
38 material facts were omitted or misstated in the request for the
39 advisory opinion.
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41 (c) Any advisory opinion prepared by the ethics
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1 board shall be made public. However, the name of the person re-
2 questing the opinion and the names of all persons or business
3 entities mentioned in the opinion shall be deemed confidential
4 information and shall not be disclosed by the ethics board unless
5 the public officer or employee waives such confidentiality or
6 where the ethics board deems the public official to have failed
7 to act in good faith in requesting the opinion or in conforming
8 with the opinion or to have failed to act in conformance with the
9 opinion.

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18 Section 10. Disclosure of Certain Financial Interest.

19 In addition to the financial disclosure required by
20 Section 4, the following persons shall file an initial statement
21 of economic interests within a time period specified by the ethics
22 board. Each person required to file such statements shall file
23 updated statements no later than April 30 of each year. The fol-
24 lowing persons are:

- 25 (a) all elected officials;
26 (b) city attorney;
27 (c) director of finance;
28 (d) permit officer;
29 (e) clerk of the City Council;
30 (f) executive assistant to the Mayor;
31 (g) all members of the planning commission;
32 (h) all members of the board of zoning adjustment;
33 (i) city engineer;
34 (j) city planner;
35 (k) purchasing agent;

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54 Section 11. Form of Financial Statement.

55 The person filing any statement of economic interests
56 under this ordinance shall file the statement on a form pres-
57 cribed by the ethics board and shall supply the following informa-
58 tion to the board:

- 59 (a) the name and address of the person, spouse, and
60 minor children, and all names they use in business or any profes-
61 sional practice;
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1 (b) the name of all corporations and other business
2 interests in which the person, spouse or minor children hold any
3 office, or directorship or own or control, directly or indirectly,
4 more than five (5%) percent of the outstanding stock or more than
5 five (5%) percent of other business ownership;
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11 (c) the names of the employers of the person and
12 spouse and a brief statement of the nature of the employment;
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14 (d) a description of all parcels of real estate
15 within the parish in which the person, spouse, or minor children
16 own any interest, including an option to purchase; and
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19 (e) any business or occupational license issued by
20 the City to the person, spouse, or minor children.
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23 Section 12. Penalties; Exemptions; Injunction.
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25 (a) Any public officer or employee who willfully
26 and knowingly violates any of the provisions of this ordinance
27 shall be guilty of a misdemeanor and upon conviction may be fined
28 not more than \$500.00, or be imprisoned for not more than 30 days,
29 or both.
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32 (b) The ethics board, with the consent of the City
33 Council, may exempt from the provisions of this ordinance any
34 conduct found to constitute a violation by a public officer or
35 employee, if it finds that the enforcement of this ordinance with
36 respect to such conduct is not necessary in the public interest.
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39 Section 13. Distribution of Code of Ethics.
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41 A copy of this code of ethics is to be distributed to
42 every public officer and employee of the City within thirty (30)
43 days after enactment of this code. Each public officer and em-
44 ployee elected, appointed, or engaged thereafter shall be
45 furnished a copy before entering upon the duties of his office
46 or employment.
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49 Section 14. Separability.
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51 If any provision of this ordinance is found by a court
52 of competent jurisdiction to be invalid or unconstitutional, or
53 if the application of this ordinance to any person or circumstances
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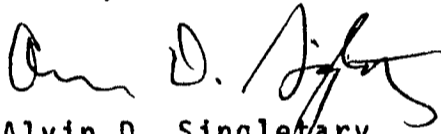
1 is found to be invalid or unconstitutional, such invalidity or
2 unconstitutionality shall not affect the other provisions or
3 applications of this code which can be given effect without the
4 invalid or unconstitutional provision or application.
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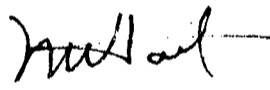
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9 Section 15. Conflict Between Charter and Existing
10 Ordinance.

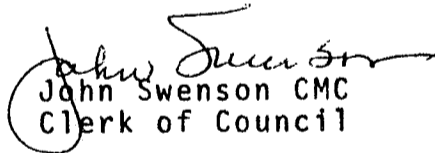
11 Should there be any conflict between this code of ethics
12 ordinance and an existing or subsequent ordinance or should there
13 be any conflict between this code of ethics ordinance and the
14 Slidell City Charter, the provisions of the existing or subse-
15 quent ordinance and the Slidell City Charter shall prevail over
16 those provisions contained in this code of ethics ordinance.
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25 ADOPTED this 26th day of December, 1978.

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28 **DELIVERED** December 27th 1978
29 2:30 P^m to the Mayor
30
31 **RECEIVED** December 28th 1978
32 10:00 P^m from the Mayor
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39 Alvin D. Singletary
40 Councilman-at-Large
41 President of the Council

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45 M. W. Hart
46 Mayor
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John Swenson CMC
Clerk of Council