

RESOLUTION 16-03

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT ADOPTING CONFLICT OF INTEREST POLICIES AND PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as the "Board") is empowered to construct, operate and maintain a Water and Sewer System (the "System") as described in Florida Statute Chapter 78-494, Laws of Florida, which was amended by chapters 93-366, 94-489, and 95-492, Laws of Florida, was codified, reenacted, amended, and repealed as Chapter No. 98-495, was amended in Chapter 2005-298; and was amended in Chapter 2015-205; and

WHEREAS, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

WHEREAS, the Board is a special independent district, and acknowledges that the board is subject to rules and regulations under Florida Code of Ethics for Public Officers and Employees, Fl Code 112;

WHEREAS, the Board wishes to adopt a Conflict of Interest Policy, in order to set forth duties, responsibilities and procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT, in public meeting assembled that the following Conflict of Interest Policy be implemented.

INTERESTED PERSON

Any member of the Board of Commissioners or any committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

FINANCIAL INTEREST

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a.** An ownership or investment interest in any entity with which the District has a transaction or arrangement,
- b.** A compensation arrangement with the District or with any entity or individual with which the District has a transaction or arrangement, or
- c.** A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the District is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not considered *insubstantial*.

A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

HANDLING CONFLICTS OF INTEREST

1. Each Commissioner is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent District or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. In compliance with the Florida Ethics Law, Chapter 112, Part III, Florida Statutes (Code of Ethics for Public Officers and Employees), and other applicable laws, a Commissioner shall abstain from voting on a measure which inures to his or her special private gain or loss.

2. For the purposes of determining whether a voting conflict exists, a “relative” includes only the Commissioner’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

3. In addition to abstaining from voting in the situations described above, the Commissioner shall disclose the conflict **PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which he or she is abstaining from voting; *and* **WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing Florida Ethics Commission Form 8B with the Secretary, who shall incorporate the signed form into the minutes of the Meeting.

4. The Florida Code of Ethics or the District’s Attorney should be consulted if a Commissioner is uncertain about abstention and conflicts of interest.

PASSED AND DULY ADOPTED by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this 16th day of December 2015.

BOARD OF COMMISSIONERS
IMMOKALEE WATER AND SEWER DISTRICT

BY: _____
Joseph Brister
Chairperson

BY: _____
Bonnie Keen
Secretary