



# Ethics 101

*(includes public servant conflict of interest training)*

City of Columbus, Indiana  
Ethics Resolution 2025-20  
*(updated in December 2025)*

Human Resources

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# Ethics Goals

- Duties should be carried out impartially.
- Decisions and policy should not be made outside of proper channels of city government.
- Public office/public employment should not be used for private gain beyond official compensation.
- Actions, transactions, or involvements should not be performed or engaged in which have the potential to, or the appearance of, becoming a conflict of interest.

# The Ethics Resolution applies to . .

- **Elected Officials of the City of Columbus**
- **Public Servants-** *“Public Servant means, broadly, anyone working for the City and includes any Elected Official, Appointee, Department Head, or Employee.”*
- **Training Requirements-** *within 12 weeks of appointment or hire, and then every two years for Full Time Employees, Elected Officials, and other Public Servants (appointees); must put records of training on file with Clerk or Corporation Counsel*

# Training Requirements (cont'd)

- Can be in person or virtual, and be structured various ways, but ethics training “shall include a review of criminal offenses against public administration (IC 35-44-1), Access to Public Records Act, and the Open Door Law” (sec. 140 of resolution)
- Important **Criminal Statutes:**
  - Official Misconduct IC 35-44.1-1-1 (most common charge)  
Nutshell: 1) commits an offense in the performance of official duties. 2) Also: “fails to deliver public records and property to a successor in official commits Official Misconduct, a level 6 felony.” 3) Also: asks for and accepts any lawful property (cash, cars, tickets, lodging, travel, etc). 4) Also: has a monetary interest in a transaction based on official information which is not made public.
  - Bribery IC 35-44.1-1-2
  - Ghost Employment IC 35-44.1-1-3
  - Conflict of Interest IC 35-44.1-1-4
  - Profiteering from a Public Service IC 35-44.1-1-5
- Also note: federal **Hatch Act** (*applies to municipal employees who participate in activities funded by federal grants & loans*) (*there have been two Hatch Act complaints in the last 20 years- we resolved both of them*)

# Advisory Opinions

“Any questions regarding the applicability of this Code of Ethical Conduct to an official, Appointee, Employee, including Employees of the Columbus Police Department or the Columbus Fire Department, or situation, may be directed to the Human Resources Director or the City's Corporation Counsel. Any questions regarding the applicability of this Code of Ethical Conduct related to a Councilor shall be directed to the President of the Common Council.”

# **Advisory Opinions- Important Protection for Public Servants!**

State Board of Accounts (SBOA) and even Special Prosecutors and the State Police have reviewed written internal City of Columbus Advisory Opinions, and SBOA has specifically deferred to those opinions when determining compliance.

Please reach out to Human Resources, Corporation Counsel, or your Council President (for City Council only) to obtain a written advisory opinion.

# Conflicts of Interest- Section 80 & 90 of the Resolution have been updated- Let's Review

All *elected officials and appointees* shall complete **State Form 54266, the Uniform Conflict of Interest Disclosure Statement**, as amended from time to time, annually no later than February 1st and have on file with the City Clerk's Office. (Discuss process of submitting to Board or Commission or Board of Works/Attorney assigned and then to Clerk.) (Employees shall submitted as needed- seek Counsel from Board/Commission Attorney when needed- or do we want all inquiries to go to Corporation Counsel?)

Public Servants shall conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the Agency's decision-making. In addition to avoiding actual conflicts of interest as defined by Indiana law, Public Servants shall avoid situations that create the appearance of impropriety.

A Public Servant shall not participate in discussion, deliberation, or vote on any matter where:

1. The Public Servant, their business, or their employer may reasonably be expected to bid, apply, or compete for a contract, incentive, or other benefit arising directly from the matter under consideration; or;
2. The Public Servant's business or employer is engaged in activities that are in substantial competition with any entity whose interests will be directly and materially affected by the matter under consideration.

# Conflicts of Interest – Contracts

- An official or councillor, appointee, or employee; or a member of an official's, councillor's, appointee's, or employee's immediate family; or a relative of an official or councillor, may not knowingly have a financial interest in a contract made by that official's, councillor's, appointee's, or employee's agency (certain exclusions apply).
- All officials, councillors, and appointees shall complete a Uniform Conflict of Interest Disclosure Statement (State form 54266 (R/ 6-12 / Form 236) or its amended form, on an annual basis no later than January 31, and submit said form to the city attorney and the Clerk-Treasurer's Office. Employees shall submit them on an as needed basis.

# Conflicts of Interest- Potential Method to Resolve Contracts Conflict of Interest Per Resolution sec. 90(c)

Prohibition against conflicts of interest does **not** apply where the following steps are taken:

The Public Servant completes a written statement, affirmed under the penalty for perjury, disclosing the existence of the financial interest before the Contract is executed. The written statement shall include, at minimum, (1) an affirmation that the Public Servant does not participate in contracting authority for the involved contract; (2) an affirmation that the contract was made in compliance with all applicable purchasing ordinances and statutes; and (3) a statement making full disclosure of related financial interests. The Public Servant files this statement, not later than fifteen (15) days after the final action on the contract or purchase, with the state board of accounts and the clerk of the Bartholomew County Circuit Court.

The Agency involved makes a certified written statement. The Statement shall include, at minimum, (1) whether the contract amount or purchase price was the lowest amount or bid offered; (2) reasons as to why the vendor, contractor, or service provider was selected; and (3) a statement that the unit satisfies any other requirements under I.C. §5-22 or I.C. §36-1-12.

Written statements shall be affirmed under the penalty of perjury and submitted to the unit responsible for said Public Servant and then ultimately to the approving body of the unit and accepted in a public meeting prior to final action on the contract or purchase.

# Use of City Property

- A public servant shall not use city property or personnel for any purpose other than for official city business or as allowed under the city's *de minimis* personal use policy; however, nothing in this Code of Ethical Conduct shall prohibit use of property that is available to the public on equal terms to the public (such as park facilities) or the use of take-home vehicles for the Columbus Police Department, Columbus Fire Department, or other City Employees as provided by approved policy.

# Benefiting from or divulging confidential information

- A Public Servant or former Public Servant ***shall not materially benefit*** from Confidential Information except as permitted by law.
- A Public Servant ***shall not divulge*** Confidential Information except as permitted by law.

# Sec. 20. Gifts: favors: service, entertainment: travel expenses: waivers.

a. A Public Servant, or the immediate family thereof, shall not knowingly solicit, accept, or receive a gift, favor, entertainment, or travel expense, from a Person who has a Business Relationship with the Public Servant's Agency or who is seeking to influence an action by the Public Servant in his or her official capacity.

- Gifts may include (but not be limited to):
  - 1. real property;
  - 2. the use of real property;
  - 3. tangible or intangible personal property;
  - 4. the use of tangible or intangible personal property;
  - 5. a preferential rate or terms on a debt, loan, goods, or services (which rate is below the customary rate and is not either a government rate available to all other similar situated government employees or public officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin);
  - 6. forgiveness of indebtedness;
  - 7. lodging or parking, food or beverage;
  - 8. membership dues;
  - 9. registration fees other than those subject to 9.34.030(b)(14);
  - 10. tickets to events, performance or facilities;
  - 11. services provided by persons pursuant to a professional license or certificate;
  - 12. other personal services for which a fee is normally charged by the person providing the services;
  - 13. any other similar service or thing having an attributable value not already provided for in this section.

# Gifts (cont.)

- **Gifts do not include:**
  - Any single gift, favor, entertainment, or travel expense less than \$50 or annual cumulative for \$250 (from all sources)
  - Gifts to members of the immediate family that the official, councillor, appointee, or employee may benefit from if given in the normal course of the family member's employment
  - Any gift, favor, entertainment, or travel expense from an employer of the official, councillor, appointee, or employee's spouse not offered in the normal course of business that has a cumulative value of less than \$500 annually.

# Gifts (cont.)

- **Gifts do not include (cont):**
  - Gifts, favors, entertainment, or travel expenses from relatives, or a person with whom the individual has an ongoing social relationship that existed before the official, councillor, appointee or employee was elected, appointed or employed by the City and/or agency, so long as the gifts or other items of value are paid for personally by the giver, rather than a business or political entity, and not deducted as a business expense.
  - Gifts, favors, entertainment or travel expenses from public agencies or public institutions; however, such gifts, favors, entertainment or travel expenses shall be utilized for the benefit of the city, and not solely for the benefit of one's self or relatives

# Gifts (cont.)

- **Gifts do not include (cont):**
  - Food or beverage consumed at a **public** meeting to which at least six (6) individuals are invited; a meeting will be considered public if:
    - The event is a reception or other gathering that 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;
    - The official, councillor, appointee or employee is giving a speech or participating in a presentation in his or her official capacity; or
    - The meeting has a formal educational program that the official, councillor, appointee or employee is attending to assist him or her in performing official duties;

# Gifts (cont.)

- **Gifts do not include (cont):**
  - Food, beverage, entertainment, parking, lodging, or registration fees accepted in furtherance of activities to benefit the city related to an economic development effort, including job growth or retention, an area needing redevelopment, and securing convention and visitor business, approved in advance by the mayor or the majority of the City Council
  - Mementos or souvenirs
  - Political contributions subject to I.C. 3-9-2 that are reported in accordance with the law

# Gifts (cont.)

- **Gifts do not include (cont):**
  - Discount and other promotional programs made generally available and approved in advance by the city operations and finance director or the city attorney
  - Property accepted as a gift to the city and logged by the City Controller
  - Donations to an IRS, Section 501(c)(3) Organization, set up through a city agency
  - Any item of value for which face value or reasonable fair market value is promptly paid

# Gifts (cont.)

- **Gifts do not include (cont):**
  - Registration fees for a local community charitable fundraiser event
  - Solicitation for a charitable or non-profit agency
  - Reasonable and customary gifts directed to and/or shared with an agency in celebration of a Holiday (i.e. cookies, fruit, flowers, etc...)

# Honoraria

- Honorarium means a payment of money for an appearance, a speech or an article, but does not include payment or reimbursement of travel expenses.
- A public servant shall not personally accept an honorarium for any activity that may be considered part of his or her official duties; however, a public servant may accept an honorarium on behalf of the city. In addition, a public servant may personally accept an honorarium for activities not done in connection with his or her official duties and that are prepared on his or her own time.

# Political Activity and Patronage

- An appointee or employee shall not engage in political activity during their scheduled city work time, or with city resources.
- No official, councillor, appointee, or employee may request or compel political activity by a person under threat or promise of official action or inaction. No official, councillor, appointee, or employee may promise an appointment or employment as a reward for any political activity.
- A department head or director of an agency, appointees, and employees with final purchasing authority shall not solicit political contributions from persons with a business relationship with his or her agency on behalf of any candidate for elected office, unless that individual is a candidate for elected office himself or herself, and in that case, not during their scheduled city work time.
- It shall not be a violation of this section specifically or this chapter generally for any official, councillor, appointee, or employee:
  - To encourage another official, councillor, appointee, or employee to work the polls in an official position; however, no appointee's appointment or employee's performance assessment or employment may be affected by an appointee's or employee's decision to work the polls; or
  - To work the polls in an official position on city time as approved by his or her department head or director.

# Additional or Excess Compensation

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

- For the sale or lease of any property or service to a person with a business relationship with the councillor or an official's, appointee's, or employee's agency that substantially exceeds that which the councillor, official, appointee, or employee would charge in the ordinary course of business; or
- For the performance of official duties other than as provided by law.

# Employment Restrictions

An official, appointee, or employee shall not knowingly:

- Accept outside employment involving compensation of substantial value if the responsibilities of that employment:
  - Are inherently incompatible with the responsibilities of his or her position (incompatibility can include simply causing a **disruption** in the workplace because of the existence of their secondary job or causing the community not to trust a person in a forward facing position or lose respect/faith in the agency- we urge departments to assess with the help of HR and Corporation Counsel before limiting outside employment); or
  - Require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual's ability to perform those duties would be substantially impaired; *(note: in 2024, Mike DeArmitt, Alex Whitted and Arlette Tinsley encountered a situation with an Employee who owned a business- a conflict with city work so central to tasks of an employee performed for the city that the job description had to be substantially re-structured or the person would not be able to work for the city, because of his secondary business. It was also discussed- the employee selling his business, and another potential contract was not pursued).*
- Accept outside employment or engage in business or professional activity that would require the individual to disclose confidential information that was gained in the course of city employment.

# Nepotism

Individuals who are family members may not be employed by an agency in a position that results in one (1) family member being in the direct line of supervision of the other family member (*certain exclusions apply*).

The City uses a nepotism form we created to outline alternative means of supervision. State Board of Accounts has expressed a preference for written alternative means of supervision documentation.

Most situations can be managed. Family of Department Heads are encouraged to work for other departments at the City if they want to grow their career to levels of supervision, but temporary summer jobs can be managed with alternative forms of supervision. Family of an elected official cannot report directly to an elected official but can work for the City. Elected Officials are encouraged to remove themselves from involvement in supervision, assignments, complaints of their family members.

The new 2025 resolution requires more documentation- we have modified the nepotism form for elected officials- must be put on file with the Clerk.

# Conduct

- Each public servant shall demonstrate the highest standards of conduct, personal integrity, respect and honesty in all of their activities in order to inspire public confidence and trust.
- Each public servant shall undertake their duties in a fair and impartial manner, refraining at all times from discrimination or the dispensation of special privileges.

# Ethics Problem #1

- **Question:** *May a city employee accept an invitation to go bow-hunting, with a volunteer board member to the city and on land owned by the volunteer board member, and accept during the course of the hunting event, a ride in a vehicle, coffee and other drinks, and food? The volunteer board member to the city may or may not, in his private sector employment in the financial services industry, have contract/bond work for the city. The city employee and the volunteer board member met after employment began for the employee because of the volunteer board work. They have common interest, like bow-hunting, and this would be a social occasion. Spouses are not part of the planned event.*

# Ethics Problem #2

*Question: May a Firefighter:*

- *1) use his own time (not on city time)*
- *2) teach CPR/first aid type lessons*
- *3) to private individuals*
- *4) within a firestation*
- *5) using his own equipment*
- *6) to earn money as a private individual*

# Ethics Problem #3

- *Question: When a city employee is visiting a factory or place of business as a representative of the City, particularly a business in Columbus with an owner originally from a culture where official gift-giving is a cultural practice, may the city employee accept a publicly-given gift, so as not to offend the owner of the business?*

# Ethics Problem #4

Off duty city employees cut down 25 trees using city equipment, at the request of a local non-profit corporation, as the non-profit wanted the land cleared. The employees cut the wood for fires, and used it personally at their homes. The non-profit suggested that, as they didn't want to pay to haul the wood away or staff the land for sale of the wood.

- Did a violation of the ethics rule occur? What would you need to know to determine if an ethics rule occurred?
- DISCUSSION QUESTIONS:
  - Does it matter that the employees were off duty when they did the work?
  - What if the wood had been sold, and used for snacks for the government office?
  - What do you think the best outcome could be in this situation? Are there ways to handle this ethically?