

RESOLUTION # 10-01

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT ADOPTING CODE OF ETHICS AND WHISTLEBLOWER POLICY; 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 authorized and empowered to construct, operate and maintain a Water and Sewer System (the "System") within the boundaries of the lands described in Florida Statute Chapter 2005-298; and

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

WHEREAS, the Board wishes to set forth policies and procedures to be followed by all board members and employees with regard to whistleblower protection;

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

CODE OF ETHICS AND WHISTLEBLOWER POLICY

PURPOSE

This policy reflects a code of conduct that requires employees of the Immokalee Water & Sewer District -“IWSD” to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of IWSD, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. It also is our responsibility to report violations of this Code in accordance with this Policy. No employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence.

POLICY

Code of Conduct

The employees of this organization are expected to adhere to high standards of ethical conduct. Although it is impossible to describe all conduct that is addressed, this policy specifically requires the following:

1. Dedication to IWSD’s mission, vision and values and recognition that the chief function of IWSD at all times is to serve the best interests of our customers and community.
2. The responsible and prudent management of IWSD’s funds and assets.
3. Honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships.
4. Full, fair, accurate and timely disclosure of relevant facts in all reports and documents dealing with regard to corporate governance and business administration.
5. Compliance with all applicable governmental laws, rules and regulations.
6. Treatment of all persons with respect, equity and fairness regardless of race, religion, gender, ability, age or national origin.
7. Respect and protection of confidential and/or privileged information to which we have access in the course of our duties.
8. Prompt internal reporting of Code violations to an appropriate person or persons within the organization.
9. Personal accountability for adherence to this Code of Conduct.

Reporting Responsibility

It is the responsibility of all employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy. Under this policy, it is a disciplinary issue for an employee to know of ethical misconduct and stay silent.

No Retaliation

No employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within IWSD prior to seeking resolution outside the organization.

Reporting Violations

The Code addresses IWSD's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Executive Director or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations of the Code of Conduct to the Executive Director, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following IWSD's open door policy, individuals should contact the Executive Director directly. If the Executive Director is implicated in the suspected fraud, then the Board Chairman should be contacted directly.

Accounting and Auditing Matters

In the event that a reported concern of complaint involves the District accounting practices or internal controls of auditing, the Executive Director shall immediately notify the Board Chairman of the complaint and work with the accounting staff until the matter is resolved. The Executive Director shall address all reported concerns or complaints regarding the District accounting practices, internal controls or auditing. A report will be made to the Board regarding pending complaints, while maintaining the confidentiality of the complainant.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Executive Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Acknowledgement and Distribution of Policy

It is the intent of IWSD to strive for high ethical conduct from all employees. Therefore, all of the employees will receive a copy of this Policy, along with any subsequent updates, and will be requested to acknowledge and sign this Code by July 1 each year. This acknowledgement will be kept on file in the personnel files.

If any phase or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

This resolution shall become effective on October 21, 2009.

PASSED AND DULY ADOPTED by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this **21st day of October, 2009**

**BOARD OF COMMISSIONERS
IMMOKALEE WATER AND SEWER DISTRICT**

BY: _____

Fred N. Thomas Jr.
Chairperson

BY: _____

Richard Rice
Secretary

ACKNOWLEDGEMENT OF CODE OF ETHICS AND WHISTLEBLOWER POLICY

Employees are expected to bring any alleged unlawful activity, policy, or practice to the attention of Immokalee Water & Sewer District and provide management with a reasonable opportunity to investigate and correct the alleged unlawful activity.

Immokalee Water & Sewer District will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of the Immokalee Water & Sewer District, that the employee reasonably believes is in violation of a law, or of accounting irregularities, or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

My signature below indicates that I have received the CODE OF ETHICS AND WHISTLEBLOWER POLICY and make a commitment to follow them.

Employee Signature

Date