

Introduced By: Council Member Christine Hoffman

Adopted: February 3, 2020

RESOLUTION NO. 2048-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach is committed to accountable and responsible governance, personal integrity, and the highest standards of ethical conduct from its public officials in performance of their official public duties; and

WHEREAS, Federal and Florida laws and the Florida Commission on Ethics provide mandatory laws, regulations and guidance for public officials in carrying out their public responsibilities and to maintain public trust and integrity in local government; and

WHEREAS, the Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes, contains standards of ethical conduct and disclosures applicable to public officers and employees, among others, in local government; and

WHEREAS, it is the intention of the City Council for the City of Jacksonville Beach that all public officials, including elected officials, appointed officials and members of boards, commissions, and committees perform their duties in compliance with all requirements of Florida laws, the City Charter and a City Code of Ethics for Public Officials; and

WHEREAS, the City Council expects all City public officials to comply with all ethics laws, and it recognizes the value and importance of adopting a City Code of Ethics to provide additional guidelines, expectations and requirements for all public officials serving the City that will benefit public trust, City staff and City residents, taxpayers, and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

SECTION 2. That the City of Jacksonville Beach hereby adopts and immediately implements its City Code of Ethics for Public Officials as it is presented in Attachment A to this

Resolution and as it may be revised and amended by the City Council from time to time in the future.

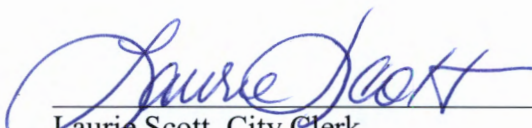
SECTION 3. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

SECTION 4. This Resolution and the Code of Ethics for Public Officials shall take effect immediately upon its adoption.

AUTHENTICATED this 3rd day of February, 2020.



William C. Latham, Mayor



Laurie Scott, City Clerk

CODE OF ETHICS for PUBLIC OFFICIALS
(City Council, Appointed Officials, Boards, Commissions, Committees)

DECLARATION OF POLICY

It is the policy of the City of Jacksonville Beach to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of the City of Jacksonville Beach are entitled to have fair, ethical, and accountable local government. As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and law that guide the work of public officials. Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Jacksonville Beach hereby adopts a Code of Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. The Code of Ethics expresses standards of ethical conduct expected for all public officials, including elected officials (City Council), appointed officials (City Manager and City Attorney), and members of boards, commissions, and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

APPLICABLE LAWS AND POLICIES

A. Responsibility of Public Office

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City of Jacksonville Beach, and avoiding actions that are inconsistent with the best interests of the City. All persons, claims, and transactions coming before the City Council or any City board, commission, or committee, shall be assured of fair and equal treatment.

B. Compliance with Law

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state, county, and municipality, and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Florida Constitutions, Florida statutes and City ordinances.

C. Conduct of Officials

The professional and personal conduct of public officials shall be above reproach and avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, committees, City staff, or the public.

D. Performance of Duties

1. Public officials shall perform their duties in accordance with the processes and rules of order established by the City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

2. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.
3. Public officials shall not undertake actions or communications that subvert an action formally taken by City Council.

E. Public Meetings

Public officials shall prepare themselves for all meetings, both public and shade. Officials shall listen courteously and attentively to all public discussion before the body, and focus on the business at hand. Officials shall refrain from:

- interrupting other speakers
- making personal comments not germane to the business of the body
- taking or making phone calls
- reading or sending texts
- participating in any other actions that would interfere with the orderly conduct of meetings
- using inappropriate language
- arriving late to scheduled meetings and briefings

F. Decisions Based on Merit and Evidence

Public officials shall base their decisions on the merits and substance of the matter at hand, and on competent and substantial evidence when performing in a quasi-judicial capacity.

G. Communication

Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process. In the context of quasi-judicial proceedings, before final action or vote are taken on the matter, the public official must disclose any ex-parte communication he or she received, identifying the party and the substance of the subject matter that was communicated. Any written form of ex-parte communication must be made a part of the record before final action or vote is taken.

H. Conflict of Interest

1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship, which may give the appearance of a conflict of interest. In accordance with law, officials shall disclose investments, interests in real property, sources of income and gifts, and shall abstain from participating in deliberations and decision-making where conflicts may exist.
2. Public officials shall not engage in or accept private employment or render service for private interests when such employment or service:
 - a. is incompatible with the proper discharge of his/her official duties;
 - b. impairs independence of judgment or action in the performance of official duties;
 - c. is contrary to the interests of the City.
3. Public officials should avoid action or speech, whether or not specifically prohibited, which might result in or create the appearance of:
 - a. using public office for private gain;

- b. offering preferential treatment to any person;
- c. impeding City efficiency or economy;
- d. being contrary to the interests of the City;
- e. losing complete independence or impartiality;
- f. making a City decision outside of official channels;
- g. degrading public confidence in the integrity of the City.

I. Gifts, Gratuities, and Favors

Public officials shall comply with the requirements of Section 112.3148, Florida Statutes, relating to the acceptance and reporting of gifts, gratuities, and favors.

J. Confidentiality of Information

Public officials shall not disclose or furnish to anyone any information concerning City property, personnel, litigation, or proceedings of the City, other than public information or with legal authorization that was obtained as a result of their positions with the City. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing information that would place the official or the recipient in a vantage position over the general public and thereby constitute a violation of public trust. Confidential information shall include, but not be limited to, any written information which is not subject to disclosure pursuant to Chapter 119, Florida Statutes, or any other statutory exemption regarding public records or any oral information which was not discussed at a public meeting.

K. Use of Public Resources

1. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel, or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.
2. A public official may use the City's name, letterhead, logo, or seal only when it would be perceived as representing the City of Jacksonville Beach or the body as a whole and only with the prior consent of Council. However, this provision will not prohibit individual councilmembers from using City letterhead and resources to write personal congratulatory letters. Letters of recommendations, references, endorsements, and such, may be written by councilmembers on City letterhead, with a copy being provided to each councilmember.
3. A public official shall not utilize the City's name, letterhead, logo, or seal for the purpose of endorsing any political candidate, business, commercial product, or service.

L. Representative of Private Interests

As stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City. Public officials of boards, commissions, and committees shall not appear before their own bodies or before the City Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.

M. Advocacy

Public officials shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their abilities when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body or the City of Jacksonville Beach, nor give the inference that they do.

N. Policy Role of Members

Public officials shall respect and adhere to the Council-Manager form of government as outlined in the City Charter and Council's Policies and Procedures with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with advice, information, and analysis provided by the public, boards, commissions, committees, and City staff. Except as provided by City Charter or ordinance, councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, or impair the ability of staff to implement Council policy decisions.

O. Independence of Boards, Commissions, and Committees

The value of independent advice and recommendations of boards, commissions, and committees to the public decision-making process is of such significance, that members of Council shall refrain from using their position to influence unduly the deliberations or outcome of board, commission, and committee proceedings.

P. Harassment

The City strongly disapproves of and does not tolerate harassment of any kind. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment will be promptly and carefully investigated in accordance with the City's applicable Workplace Violence and Sexual Harassment policies.

Q. Positive Work Place Environment

Public officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Officials shall recognize their roles in dealings with City employees (as established by Charter) and refrain from creating the perception of inappropriate direction to staff.

1. Officials, acting as a resident of the City and requiring contact with City employees, shall do so in a positive, professional and courteous manner in accordance with this code.
2. Officials, acting on behalf of their employment and requiring contact with City employees, shall first contact the City Manager to determine acceptability and/or conditions of such contact. In the event contact will be frequent or routine, appropriate guidelines may be established by the City Manager so as not to hinder the Official's performance of their employment.
3. Officials, acting as a member or representative for a non-profit civic organization or group and requesting contact with City employees, shall first contact the City Manager to determine acceptability and/or conditions of such contact.
4. Officials seeking to volunteer within the City organization shall recognize that this is a privilege, and first seek authorization from the City Manager. If acceptable, the City Manager may approve a request, identifying department, division and

frequency for volunteer activities. Communication with staff while volunteering shall adhere to the context and intent of this code and City Charter. The City Manager, in his/her sole discretion, reserves the right to cancel an Official's volunteer privilege at any time.

R. Notice to Council

Should any public official become aware of potential conflicts with this Code, the public official shall notify either elected or appointed officials. In the event elected officials are notified, procedures in Section S. shall govern. In the event appointed officials are notified (City Attorney and/or City Manager), a written document shall be prepared by either or both detailing the facts of the potential conflict, and shall publish such document for the consideration of the City Council. Upon direction from the City Council, the City Attorney and City Manager shall fully investigate the potential conflict, and the City Attorney shall produce a written report of the investigation with any additional information. The written report shall then be provided to the City Council for consideration at a public hearing.

S. Notice from Council

Should any City Council member become aware of potential conflict with this Code, the Council member shall prepare a written document detailing the facts of the potential conflict, and provide such document for the consideration of the City Council. Upon direction from the City Council, the City Attorney and City Manager shall fully investigate the potential conflict, and the City Attorney shall produce a written report of the investigation with any additional information. The written report shall then be provided to the City Council for consideration at a public hearing.

T. City Attorney to Render Opinion

Whenever any public official, subject to this policy, is in doubt as to the proper interpretation or application of this Code of Ethics policy prior to a potential conflict occurring, that official may submit to the City Attorney a full written statement of the facts and questions. The City Attorney shall then render a written opinion that addresses the potential conflict to all officials without use of the name of the official advised.. If material facts relating to the potential conflict change then the public official must promptly notify the City Attorney of any changes.

U. FLORIDA STATUTES (CHAPTER 112, PARTIII)

1. Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees, prescribes appropriate standards of ethical conduct for employees and elected and appointed officials, as well as reporting and investigative procedures in response to prohibited actions. The City of Jacksonville Beach Code of Ethics is to be used as a supplement to the statutes. Should any conflicts exist between the codes, the more stringent language of the two shall prevail. Public officials are encouraged to read the most recent version of the Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.
2. Public officials required to file an annual financial disclosure form, submitted in accordance with Section 112, Florida Statutes, shall file a copy with the Office of the City Clerk, using the forms prescribed by the Commission on Ethics.

V. IMPLEMENTATION

1. The Code of Ethics for the public officials of the City of Jacksonville Beach is intended to be self-enforcing. Interpretation and enforcement of this Code lies

solely with the City Council. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for candidates for the City Council, newly elected officials, and appointed members of boards, commissions, and committees, as held.

2. Officials entering office will receive a statement certifying they have read and understand the City of Jacksonville Beach Code of Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Ethics whether or not the statement is signed.
3. The Code of Ethics shall be reviewed annually by the City Council, boards, commissions, and committees. Recommendations received from the review shall be considered by the City Council. The Code of Ethics shall be updated, as necessary, in November of even-numbered years.

W. PENALTIES

1. Code violations by Boards, Commissions, and Committees may result in the following penalties:
 - a. verbal reprimand, issued orally in open session;
 - b. written reprimand;
 - c. suspension in the form of a temporary cessation of duties;
 - d. forfeiture of appointment or position.
2. Code violations by Appointed Officials and Council members may result in the following penalties:
 - a. verbal reprimand, issued orally in open session;
 - b. written reprimand;
 - c. suspension or removal from any appointed boards or committees
3. The authority and process for removal of an Appointed Official shall be reserved for the City Charter and/or employment agreement.
4. The authority and process for removal of a seated Council member shall be reserved for the City Charter.

Adopted: February 3, 2020

Revised: NA