

CITIZENS' ETHICS GUIDE



City of Tallahassee

Independent Ethics Board

300 S. Adams Street, Box A-25
Tallahassee, Florida 32301-1731
850-891-8036

HOTLINE: 850-891-8813

Ethics Officer

Julie Meadows-Keefe is the City's first Ethics Officer. She began this role on October 1, 2014. After the passage of a Charter Amendment in 2014 which created an Independent Ethics Board, the Board voted to hire Julie as its first Independent Ethics Officer. She reports directly to the Board, comprised of representatives of the community. Julie assists the Board as they fulfill their mission to promote the actual and perceived integrity of our city government and to prevent unethical conduct before it occurs. She graduated Stetson University with a BA in Political Science and then from Florida State University College of Law, where she served on the law review.



Julie is always eager to speak to citizens and organizations about the work of the Independent Ethics Board. Please contact her if you'd like her to address your organization. Additionally, if you'd like to learn more about the City's Independent Ethics Board or want to report a concern, you can contact her at ethics@talgov.com or call (850) 891-8036.

Meetings

Board meetings are held in the City Commission Chambers on the second floor of City Hall, 300 South Adams Street, Tallahassee, Florida.

TABLE OF CONTENTS

	<u>Page</u>
Ethics Officer	1
Meetings	1
Table of Contents	2
I. About This Guide	4
II. Introduction to Government Ethics	5
III. History of the Tallahassee City Government Ethics Program	7
Citizen Action	7
IV. Independent Ethics Board: Up and Running	9
A. Monthly Meetings	9
B. Education	9
C. Advisory Opinions	9
D. Self-initiation	9
E. Referral of matters.	9
V. City Ethics Code	10
A. Hiring	10
B. Loyalty Oath	10
C. Funding the Independent Ethics Officer	10
D. Administration of the Ethics and Fraud Hotline	10
E. Ethics Education Required	10
F. Elected Officials Financial Disclosure Requirement	10
G. Lobbyist Must Disclose Clients	11
H. Disclosure of certain job offers	11
I. Stricter Abstention Requirement	11
J. Misuse of Public Position	11
K. Solicitation or Acceptance of Gifts	11
VI. Employee Expectations	12
VII. The Complaint Process	12
VIII. Transparency	13
A. Public Meeting Laws	14
B. Public Records Laws	14

IX.	Campaign Contribution Refund Program	14
X.	Moving Forward	14
XI.	Contact Information	15
XII.	More Information About Ethic Topics	15
	City of Tallahassee Logo	16
	Downtown City of Tallahassee Map	17
	Mission Statement	18
	Independent Ethics Board Pictures	19
	December 2015 Board Meeting	
	December 2016 Board Meeting	

City of Tallahassee Independent Ethics Board

City Ethics in Tallahassee: A Guide for Citizens and Employees

*“To promote the actual and perceived integrity of our City government
and to prevent unethical conduct before it occurs.”*

I. About This Guide

This Guide will help you understand the City of Tallahassee’s Ethics program. It will not describe every rule or every situation that occurs in local government. Instead, it is intended as a general guide to the ethics code for the public and City employees. This Guide starts with a look at state and local government ethics. Next, you'll read about the City of Tallahassee’s Ethics Program and Independent Ethics Board. You'll also be informed about different ethics violations and how you can report them. Finally, you’ll understand how the City operates under Florida's broad public records and open meetings laws. Government Ethics is a complex topic; therefore, this document presents an overview. One notable element in Florida’s Ethics Code is that Counties and Cities may adopt their own, stricter ethics laws. The City of Tallahassee has a unique, stricter ethics code and structure with an Independent Ethics Officer and Independent Ethics Board. The City’s Independent Ethics Board (“Board”), resulted from a citizen effort led by Citizens for Ethics Reform. Citizens signed enough petitions to get the Board initiative on the ballot for a vote in November 2014. The measure passed with over sixty-seven percent of the vote. Thus, the Board was established and met for the first time on March 23, 2015. The Board’s mission is “To promote the actual and perceived integrity of our City government and to prevent unethical conduct before it occurs.” Since then, the Independent Ethics Officer and Board continue to work with the City to make a more ethical City government.

The City of Tallahassee expects ethical behavior from its officials and employees. Tallahassee’s ethics program works to assist public officials and employees to do what is right for citizens. Government employees must always put the citizen first and never use their jobs to get special benefits for themselves or their families. The Board

undertakes many activities to advance its mission including monthly meetings, review and suggested revisions of City policies and procedures, educational efforts within City government and the Community. The Board reviews, revises and suggests additional City Ethics Code provisions; best practices of similar Boards and evaluates its processes and bylaws to improve them; and, also seeks to actively engage with citizens about the Board's role and respond to citizen ethics concerns and inquiries.

II. Introduction to Government Ethics

Ethics are rules of behavior based on a set of principles, values, codes, and beliefs. These principles may come from a person's faith, family, education or experience. Government ethics is different than the various standards people use to make everyday decisions about their lives. In Florida, government ethics starts with its Constitution that says, "public office is a public trust." In 1968, the Florida Legislature was one of the first states to adopt its Ethics Code. Florida went on to establish the Florida Commission on Ethics in 1976 to set and enforce standards of ethical conduct and disclosures applicable to all public officers, employees, candidates, lobbyists, and others involved with Florida's state and local government.

The Florida Ethics Code applies to both state and local government. Public servants violating the state Ethics Code can be fined, lose benefits and/or their job. Most public officials and employees are trustworthy. However, when government employees or officials are unethical, citizens are disappointed and lose trust in government. Even if officials and employees promise to act ethically, they don't always use good judgment. Ethics laws serve as guardrails for public officials and employees. Government ethics laws include language to prevent or discourage corruption. Corruption is any action inconsistent with properly conducting oneself in a public job. If a public officer acts knowingly and dishonestly for a wrongful purpose, they are acting "corruptly" or "with corrupt intent."

Ethics laws also use terms like:

- **Misuse of position.** When a government job is misused, it is improperly used to benefit the employee, official or their families. You may hear misuse called “using public office for private gain.” For example, a City Commissioner can’t use their office to fundraise for a nonprofit organization.
- **Conflict of Interest.** A conflict of interest occurs when someone's private interest leads to disregard of a public duty or interest. For example, if someone on the Parks and Recreation Advisory Board owns a company that wants to provide volleyball camps in a City park, the board member should not vote or participate in any discussion about the issue.
- **Gifts.** Some people in government are "Reporting Individuals" which means they file forms to disclose certain gifts known as public disclosure reports. These “Reporting Individuals” are not required to disclose family gifts; however, non-family members might give officials gifts, food, trips or other items of value. There is a \$100.00 limit on gifts from vendors, bidders/proposers, lobbyists or principles or employers of lobbyists. If someone gives them a gift worth over \$100.00, they must disclose the gift. Lastly, City employees cannot be “tipped” for their services to citizens.
- **Disclosure.** At various times, Reporting Individuals file forms divulging certain gifts, assets, and possible conflicts of interest.
- **Appearance of Impropriety.** Appearances matter; therefore, government officials and employees should consider how an action looks to others before they act. Even if something is legal, it might fail “the smell test” if citizens found out about it. For example, a City employee should not stop at a convenience store to buy beer in a City vehicle wearing a shirt with a City emblem on it. Even if the employee is on a break and plans to drink the beer at home, this gives the “appearance of impropriety.”
- **Outside employment.** If an employee or official has a second job, they must make sure it does not interfere or conflict with their government job. They can’t use government time or resources to perform the second job.
- **Subsequent Employment.** Ethics laws require certain people leaving public service to wait before using government connections in their new jobs.
- **Political Solicitations.** Elected officials running for reelection or another public office can’t use their current office or its resources to campaign or ask for donations.
- **Rules about lobbyists.** Lobbyists are people paid to advocate for laws, rules, or business that advance the interests of their clients or industry. Lobbyists must register with the City if they lobby the City Commission.
- **Nepotism.** This means that someone employs their relatives in certain positions. Family members can work for the same organization as long as they do not supervise a family member or in the same work unit.

In some cases, ethical misconduct becomes a criminal offense. These cases are prosecuted by state, and sometimes federal, officials and can lead to criminal penalties including prison.

III. History of the Tallahassee City Government Ethics Program

In 2008, Tallahassee audited the ethics program and found it was effective and encouraged ethical City government. Later, the City Commission created a citizen's Ethics Advisory Panel and selected the panel from a pool of interested citizens. The Panel's task was to prepare a report to the City Commission by April 1, 2013. The Report examined the City's existing Code of Ethics, oversight, education, complaint reporting procedures, financial disclosures, and other ethics topics. The Ethics advisory panel focused on improving the City's existing strong ethical culture. In creating the Ethics Advisory Panel, the City Commission demonstrated its commitment to making ethics a high priority. The Panel met over a period of eight months, reviewed numerous documents, heard presentations from City officials and held two public hearings where citizens shared their ideas. Some key Panel recommendations included:

- Enhance and promote an existing hotline as an Ethics and Fraud Hotline to make it easy for citizens and employees to share potential violations and concerns;
- Establish a "one-stop shop" of ethics information on the City's website to promote additional transparency and easy access to information;
- Identify a way for Elected Officials to disclose additional information beyond State-mandated disclosures, such as land ownership and business relationships with current or prospective City vendors or employees;
- Strengthen abstention requirements when an Elected Official has a possible private gain or loss resulting from a vote; and,
- Hire an Ethics Officer to serve as a central point of contact on ethics matters.

The City Commission supported the Panel's recommendations. On October 1, 2014, the City's first Ethics Officer, Julie Meadows-Keefe, was hired. The Panel also recommended the preparation of the Guide that you are reading now, which is intended to help employees and citizens understand local ethics laws.

Citizen Action

As the City of Tallahassee worked to enhance its ethics program, citizens and organizations wanted more enhancements to the City ethics program and code. After citizens approved the Charter Amendment in November 2014, the City worked immediately to put the changes in place.

The Charter Amendment requires the City of Tallahassee's Independent Ethics Board consist of the following appointees:

- 1 Appointed by the City Commission;
- 1 Appointed by the State Attorney;
- 1 Appointed by Florida State University;
- 1 Appointed by FAMU;
- 2 Appointed by the Board; and,
- 1 Appointed by the Public Defender (as of January 1, 2019)

Qualifications for member appointment to the Board include the appointee must: 1) be a registered voter in Tallahassee and have some knowledge of government ethics; and, 2) file annual financial disclosure documents with the Supervisor of Elections. The first full board meeting occurred on March 23, 2015, and the Chair and Vice-Chair were elected. The Ethics Officer reports to the Board; however, the person is a City employee, and taxpayers pay the Board's operational costs. The Charter Amendment requires that the Board have this structure.

Once the Board had its appointed members in place, it started working on its key tasks to include:

- Reviewing and developing a City Ethics Code;
- Adopting bylaws and due process procedures;
- Managing existing ethics and fraud hotline;
- Managing and coordinating ethics education;
- Recommending resolutions, ordinances or charter amendments;
- Investigating complaints and levying civil penalties;
- Employing staff and supervising the Ethics Officer;
- Administering the Campaign Contribution Refund Program (CCRP);
- Ensuring independence and impartiality; and,
- Providing for the maximum practicable input from citizens and community organizations.

The Charter amendment also reduced and set a limit of \$250 campaign contributions that Mayoral or Commission candidates can accept. Lastly, the Charter Amendment established a taxpayer-funded Campaign Contribution Refund Program that allows City residents to receive up to a \$25.00 refund if they donate to a candidate running for City office.

IV. Independent Ethics Board: Up and Running

In one of its first Board meetings, it adopted a mission statement. The Board's Mission Statement is: "To promote the actual and perceived integrity of our City government and to prevent unethical conduct before it occurs." The Board accomplishes its mission through activities such as monthly meetings, education, issuance of advisory opinions, and complaint investigation. These functions are covered in more detail below.

A. Monthly Meetings: The Board meets monthly, and meetings are televised on the City's Broadcast channel, WCOT. Past meetings are available for viewing on You Tube.

B. Education: The Ethics Officer annually educates the City Commission, Commission staff, and Executive Management. The Ethics Officer also provides Ethics Education to City advisory boards and councils and general staff education. Lastly, the Ethics Officer speaks to community groups regarding ethics in government. If you would like the Ethics Officer to speak to a group of which you are part, you can send an email to ethics@talgov.com.

C. Advisory Opinions. The Board has demonstrated independence by implementing a process for preparing Advisory opinions. Advisory opinions allow a City Official to ask the Board if an action they are contemplating violates the City Ethics Code. The advice is given to the official in a letter approved by the Board and signed by the Chair.

D. Self-initiation. The Board's attorney advised the Board that it can self-initiate investigations. This means that the Board does not have to wait for a member of the public to complain before it investigates a matter. The Board can meet to vote on whether it wants to start an investigation.

E. Referral of matters. If the Board does not have the authority to investigate an ethics issue, it can refer it elsewhere. For example, complaints, which came through the Ethics Office's process, resulted in a referral to the City Auditor. These audits led to process improvements and taxpayer savings.

V. City Ethics Code

Tallahassee's Ethics Code has eight main parts.

A. Hiring: The City works hard to hire and appoint ethical people. When Commissioners appoint people to Boards, they seek to appoint the most ethical and qualified individuals.

B. Loyalty Oath: In Tallahassee City government, all officials and employees swear an Oath of Office. The Oath is as follows:

I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida. I further solemnly swear or affirm that I have a commitment to the public trust, the highest standards of professionalism and ethics including a commitment to the constant appearance of propriety, always putting public trust first and never allowing personal benefit to affect my decisions and service as a public servant.

C. Funding the Independent Ethics Officer. Although the Independent Ethics Officer is a City employee, the Officer is supervised by the Independent Ethics Board. The Independent Ethics Officer educates elected officials, appointed officials and employees about state and City ethics laws, rules and policies. The officer also oversees the Board webpage and serves as a link between the City and the Board. The officer is hired, evaluated and can be fired only by the Independent Ethics Board.

D. Administration of the Ethics and Fraud Hotline. The hotline is a way for citizens to report potential ethics or fraud concerns regarding City of Tallahassee issues. The hotline number is (850) 891-8813.

E. Ethics Education Required: All elected officials, aides, appointed officials, employees and appointees to Boards receive regular ethics education.

F. Elected Officials Financial Disclosure Requirement: The Mayor and City Commissioners file annual disclosure forms with the Florida Commission on Ethics. The City also asks them to make additional disclosures on forms created and maintained by the City's treasurer clerk. These latter disclosures

include their business relationships with City vendors; business relationships with City employees; membership on corporate and not-for-profit boards; and, any land ownership in Florida or other states.

G. Lobbyists Must Disclose Clients: The City hires lobbyists to advocate for Tallahassee at the state and national level. These lobbyists must file reports of their other clients with the City to determine if there are any conflicts of interests.

H. Disclosure of certain job offers. If an elected official or certain employee receive a job offer from a City vendor, they must disclose the offer before accepting it.

I. Stricter Abstention Requirement. The City requires elected officials to refrain from voting if the item will specially benefit them. Although there is a similar requirement in state law, the City Code requires that elected officials make a reasonable effort to find out if they will specially benefit from the vote. If they benefit, they must file a form and leave the City Commission meeting during discussion of the item. If they have a business relationship with a person or company on an agenda item but have no potential gain or loss, they can participate in the discussion and vote after they announce the relationship.

J. No Misuse of Public Position. Elected or appointed officials cannot use or try to use their official position or city resources to get something for themselves or others.

K. Stricter Gift Restrictions. Elected and appointed officials cannot ask for gifts from a person or business doing business with the city. They also cannot accept a gift valued at over \$100.00 in total for the calendar year from any person or business doing business with the city. Although there is a similar provision in state law, the city caps the amount an official may get from any one person or business.

VI. Employee Expectations

All City policies and procedures are guidelines for behavior that the organization expects of its employees. These policies cover such topics as Nepotism, Conflict of Interest, Employment Disclosure, Acceptance of Gratuities, Political Activities, Use of City Property, Outside Employment, Licensure, and Certificates, and Use of Electronic Resources and Information Systems. The City of Tallahassee encourages its employees to consider the following three questions when making decisions:

- *Is my action legal?*
- *Is my action balanced?*
- *In taking this action how do I feel about myself?*

Asking these questions helps analyze the possible ethical consequences of a decision. If the employee lacks clarity after thoughtful consideration of these questions, he or she is encouraged to ask the Ethics Officer for advice and guidance.

VII. The Complaint Process

The Independent Ethics Board decided to make the complaint process easy. There are several ways a complaint reaches the board:

- **Complaint form:** You can find a Complaint form on the Independent Ethics Officer's website at: www.talgov.com/uploads/public/documents/ethics/pdf/eb-complaint-form.pdf. When filing a complaint, you should include all information you know on the complaint form. You do not have to give your name, and the form can be emailed to ethics@talgov.com or mail it to **Independent Ethics Officer, 300 S. Adams Street, Box A-25, Tallahassee, FL 32301-1731**. You should know that for an official to be penalized, the form must be sworn in front of a notary public. If you file an unsworn complaint it may still be investigated, and the Board may self-initiate a sworn complaint. You should know that any written document you send becomes a public record;
- **Ethics and Fraud Hotline:** If you don't want to fill out the form to file a complaint, you can call the Ethics and Fraud Hotline at 850-891-8813. You do not have to give your name. The hotline has a voicemail box where you can leave as many details as you can describing your complaint or concern. If you want to updates about your concern, please give the Ethics Officer your contact information; Or,
- **Board-Self Initiation:** The Board members can direct an investigation into an issue of concern.

When a complaint is received, it is logged, reviewed and tracked through resolution. The Complaint log is publicly reviewed at each monthly meeting of the Ethics Board. The Ethics Officer can refer a matter elsewhere for resolution. For example, employee misconduct may be referred to the City's human resources department, and criminal activity can be referred to law enforcement. If a Complaint appears to fall within the Board's jurisdiction, the Board will meet in a closed session to decide if the complaint should be investigated or prosecuted. No matter the outcome, all documents related to the complaint become public once the Board decides if the Complaint violates the City Ethics Code. If the Board determines it will prosecute the Complaint, there will be a public hearing held at the Division of Administrative Hearings. The Complaint subject is entitled to a public hearing - complete with witnesses and testimony. The Complaint subject could also settle the matter by agreeing to a fine or other discipline before a hearing. If the Board finds the person in violation of the City's Ethics Code, the Board may impose civil penalties. These penalties include:

- (1) Oral reprimand;
- (2) Written reprimand;
- (3) Written letter of instruction;
- (4) Corrective action;
- (5) Referral to appropriate agency, including but not limited to, law enforcement;
- (6) Fine not to exceed \$1,000.00 per violation;
- (7) Additional ethics training at the violator's expense;
- (8) Community service in the form of educating the public on the importance of ethical leadership; and/or,
- (9) For late filing of financial disclosures for elected officials form EB1, \$25 per day with a maximum fine of \$1,000.

The violator can also be required to pay investigative costs.

VIII. Transparency

The Independent Ethics Board is committed to transparency. Transparency in government promotes accountability and means that the public can easily see and hear what actions are performed. In Florida, a citizen's right to attend and participate in public meetings and to access public records is protected by law.

A. Public Meeting Laws: Florida’s unique set of public meeting laws are commonly referred to as “The Sunshine Law.” There are three basic requirements of the Sunshine law:

- (1) meetings of public boards such as the Independent Ethics Board or City Commission must be open to the public;
- (2) reasonable notice of such meetings must be given; and,
- (3) minutes of the meetings must be taken and promptly recorded.

You can find minutes of past Independent Ethics Board meetings on the Board’s webpage and are encouraged to attend local government meetings to participate or observe. Public participation is a key component to successful local government.

B. Public Records Laws: Florida’s Public Records Laws provide a right of access to the records of state and local government. Without a statutory exemption, the right of access applies to all materials received or made by local governments that relate to official business.

IX. Campaign Contribution Refund Program

The Charter Amendment included a provision for a Campaign Contribution Refund program. The program allows an individual registered City of Tallahassee elector to receive a one-time-per- election cycle refund of up to twenty-five dollars (\$25.00) donated to a Mayoral or City Commission candidate. The Charter Amendment charged the Board with the administration of the program, and the City pays refunds from general revenue.

X. Moving Forward

Tallahassee’s Independent Ethics Board is relatively new and continues to grow and respond to fulfill its mission to promote the actual and perceived integrity of our City government and to prevent unethical conduct before it occurs. Although the Board has general oversight over many ethics-related matters, it’s authority is limited to prosecution of violations of the City’s Ethics Code. This limitation is placed on the Board by the

language of the Charter Amendment. The Board depends on several components for its success:

- Citizen engagement and advocacy;
- Citizen and employee reporting of violations;
- Employee and citizen education; and,
- Commitment of every Elected Official, Appointed Official, employee and Board Member to the highest ethical standards.

XI. Contact Information

A Complaint form can be found on the Independent Ethics Officer's website at: <http://www.talgov.com/uploads/public/documents/ethics/pdf/eb-complaint-form.pdf>. You do not have to give your name. The form can be emailed to ethics@talgov.com or mailed to: **Independent Ethics Officer, 300 S. Adams Street, Box A-25, Tallahassee, FL 32301-1731.**

If you have questions regarding the ethics program, you can send an email to the Independent Ethics Officer at ethics@talgov.com or call the Ethics and Fraud Hotline at **850-891-8813.**

We hope this guide has been helpful to you and that you will become engaged in the local government process by attending a City Commission or Independent Ethics Board Meeting. You can find a calendar of upcoming meetings at: <http://www.talgov.com/main/CityofTallahasseeMasterCalendarEventDetail.aspx?calendar=y>.

XII. More Information About Ethic Topics

If you want more information about ethics topics, here are some resources for you:

- Independent Ethics Board Website: <http://www.talgov.com/Main/ethics.aspx>
- Florida Commissions On Ethics Website: <http://www.ethics.state.fl.us/>.
- City Ethics Code: https://www.municode.com/library/fl/tallahassee/codes/code_of_ordinances?nodeId=PTIICOGEOR_CH2AD_ARTIINGE_DIV3ETCO.
- History of the City's Ethics program, written by the Independent Ethics Officer:

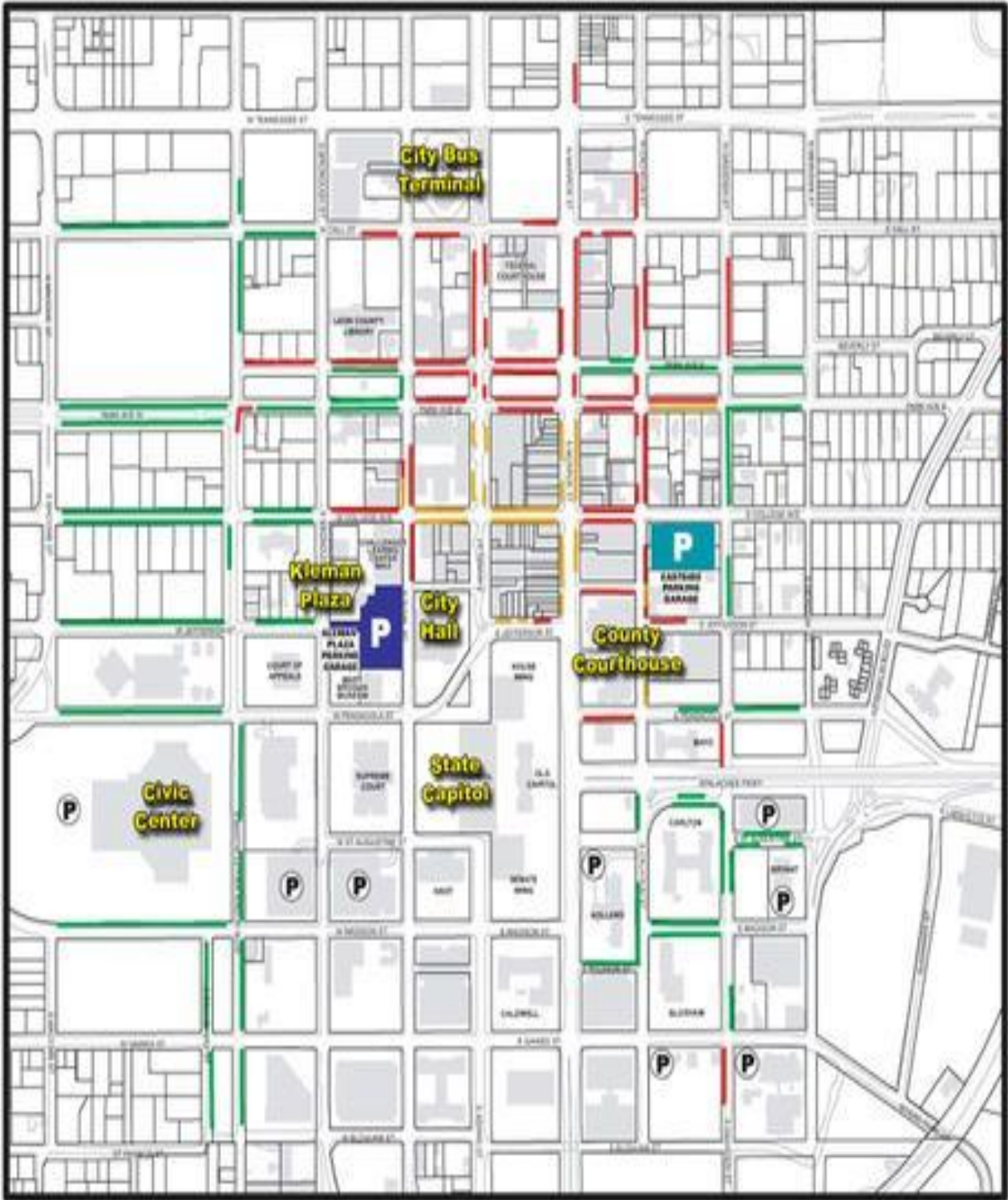
<http://www.stetson.edu/law/lawreview/media/4%20-%20Meadows-Keefe.pdf>

The Independent Ethics Board hopes that this guide helps you to better understand the City of Tallahassee's ethics program.

CITY OF TALLAHASSEE LOGO



DOWNTOWN CITY OF TALLAHASSEE



CITY HALL



MISSION STATEMENT:

“To promote the actual and perceived integrity of our City government and to prevent unethical conduct before it occurs.”

Independent Ethics Board – December 2015



Board Members Ojetayo, Davis, McNeill, Jaber, and Herring with Ethics Officer Meadows-Keefe and Board Counsel Jerry Curington

Independent Ethics Board – December 2016



Board Members Davis, Friedman, Phillips, Herring and Ojetayo with Ethics Officer