ETHICS PROGRAM &
ETHICS OFFICER SYSTEM

JACKSONVILLE, FLORIDA

ETHICS OFFICERS

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THE JACKSONVILLE ETHICS PROGRAM

On June 4, 1999, the Jacksonville City Council enacted a comprehensive Ethics Code for the City. The Code assembled ethics related ordinances that had been scattered throughout the municipal codes into one location within the Jacksonville Ordinance Code, and created many new laws that apply to all city employees. It also established aspirational goals for the conduct of city employees.

In the Code, ethics is defined as "the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens."

The Ethics Code created Ethics Officers (Steve Rohan, Office of General Counsel, and Carla Miller, a private attorney) to encourage compliance with the Code, coordinate ethics training and develop citywide programs for the attainment of the aspirational goals of the Code. Some of these goals are: honesty; keeping promises; being fair; treating people with respect and the pursuit of excellence. In addition, every department has an ethics officer, known as a Department Ethics Officer, who reports to the city's Ethics Officers and assists with the ongoing training of all city employees.

In 2003, the City of Jacksonville opened an Ethics Office. The office serves as an educational resource where the ethics questions and concerns of city officials and employees can be answered promptly. It is staffed by the Ethics Program Coordinator. Training for elected officials is organized through the Ethics Office with the assistance of the Office of General Counsel. In 2002, the City's Public Information Office teamed up with the Ethics Officers and the Human Resources Department to create an ethics training video. The 29-minute video is a parody of the television show "Survivor", where two tribes must deal with ethics issues such as secondary employment, acceptance of gifts, and use of city property and time. It is shown to all new employees at orientation.

Highlights of the Ethics Code include:

- The Ethics Code creates an ethics officer who will have duties to encourage compliance with the Code, coordinate ethics training and develop citywide programs for the attainment of the aspirational goals of the Code. Additionally, each city department will have an ethics officer (known as a Departmental Ethics Officer).

- The Code incorporates existing state law provisions on financial disclosure and gifts and makes them applicable to additional categories of city employees, including all appointed employees.

- The Code creates a new campaign ethics law for city employees.

- The Code places restrictions on city employees who have other employment or interests which may cause a conflict of interest and requires all appointed employees to participate in official investigations.

- The Code expands the role of the Jacksonville Ethics Commission in monitoring compliance with training requirements and financial and gift reporting requirements.

JACKSONVILLE ETHICS CODE

Chapter 602, Ordinance Code

Selected Sections

PART I

602.101..... Legislative intent and declaration of policy; aspirational goals.

PART IX - JACKSONVILLE ETHICS COMMISSION

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CHAPTER 602
JACKSONVILLE ETHICS CODE

PART I

602.101 Legislative intent and declaration of policy; aspirational goals. It is declared to be the policy of the city of Jacksonville that all officers and employees of the city or an independent agency are public servants of the people and hold their positions for the benefit of the public. These public servants shall perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees shall strive to meet the highest standards of ethics consistent with this Code, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. This Code shall serve not only as a basis for discipline of public servants who violate these provisions, but also as an aspirational guide for conduct.

The city of Jacksonville consolidated in 1968 in an attempt to create a more responsible government. Since that time, various provisions from state and local law have been created or adapted to guide the ethical behavior of local public servants. This Code coordinates existing laws, adds new provisions outlining guidelines for appropriate behavior, and includes new substantive provisions which impose higher standards and expectations on public servants. Although the people of Jacksonville have learned from and responded to past mistakes, there should be an aspiration to much higher standards.

Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior.

It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens. There needs to be a proactive approach in strengthening the emphasis on ethics and in guiding city officers and employees in upholding them. To preserve and maintain the integrity of responsible government and its decision-making process, the City of Jacksonville believes it is necessary that the identity, activities and expenditures of certain persons who engage in efforts to influence officers and employees of the city on matters within their official cognizance, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions and requirements of this Code shall apply to every person who attempts to influence government action, unless such person is clearly exempt herefrom by an express provision hereof.

With the above in mind, the city of Jacksonville hereby adopts the following goals for the city Ethics Program:

(a) Promulgate and implement a comprehensive approach to ethics and integrity in Jacksonville government.

(b) Promote public confidence in public officers and employees and the ethical operation of government.

(c) Promote and ensure compliance with local, state, and federal ethics law.

(d) Centralize laws and regulations on the ethical conduct of city officers and employees.

(e) Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of city officers and employees.

(f) Establish a system to train city officers and employees to encourage compliance with these standards and to also provide for periodic review, education and certification on ethics.

(g) Enact an Ethics Officer system that will continue to evolve and update our city's ethics program and to provide guidance and education to all city departments.

(h) Educate city officers and employees to avoid the appearance of impropriety.

Through this comprehensive code and the above-stated goals, the city will strive to elevate the level of ethics in local government, to provide honest and responsible service to the citizens of Jacksonville, and to maintain the confidence and trust of the public that this government serves.

PART IX

JACKSONVILLE ETHICS COMMISSION

602.901 Jacksonville Ethics Commission. There is hereby created the Jacksonville Ethics Commission, the purpose of which is to provide a local forum for consideration and investigation of ethical problems and issues.

602.902 Membership, terms, appointment. The Commission shall be composed of nine members each of whom shall serve for two-year terms. The terms of the members shall be so staggered that the terms of no more than five (5) members shall expire in any one year. No person shall serve more than four consecutive full terms.

One member shall be appointed by each of the following: the City Council, the Mayor, the School Board, the Civil Service Board, the State Attorney and the Chief Judge of the Circuit Court. The remaining three members shall be appointed by majority vote of the Commission.

No member shall be an elected or appointed official of the city of Jacksonville or any of its independent agencies. No member shall be an active state court judge or an assistant state attorney.

602.903 Duties and powers.

(a) (1) Every city officer, candidate for city office, or city employee when in doubt about the applicability and interpretation of any city ethics law to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission with a request for an advisory opinion to establish the standard of public duty. Any officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the Commission as to the application of the provisions of the ethics laws to any such employee or applicant for employment. An advisory opinion shall be rendered by the Commission, and each such opinion shall be numbered, dated and published.

(2) Such opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with references to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(b) The Commission is authorized to call upon appropriate agencies of city government for such professional assistance as may be needed in the discharge of its duties. The General Counsel shall provide legal and staffing assistance to the Commission.

(c) The Commission shall assist in the preparation of materials and programs designed to assist persons in complying with the ethics laws. The Commission shall work with the city Ethics Officer in establishing, presenting, and expanding the city's Ethics Education Program as set forth in Section 602.1001.

(d) The Commission may, on its own initiative, seek information and gather facts for the purpose of investigating any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of conduct for city officers and employees. If, as a result of such investigation, the Commission determines the need for remedial or preventative legislation, the Commission may make such recommendations to the Council as it deems appropriate.

(e) It shall be the further duty of the commission to submit to the Council periodically a report of its work and recommendations for legislation deemed necessary to improve the ethics laws and their enforcement which shall be dutifully considered by the Council.

(f) The Jacksonville Ethics Commission shall be responsible for documenting compliance with the financial disclosure, gift disclosure and ethics education and certification requirements of this Code for all officers and appointed employees.

(1) The Jacksonville Ethics Commission shall report annually the compliance or non-compliance with financial reporting, gift reporting, and ethics education and certification requirements of this Code. The annual report shall be filed with the Mayor, City Council President, City Ethics Officer and the Human Resources Director.

(2) At the close of the reporting period, the Jacksonville Ethics Commission shall notify any individual who has failed to timely comply with financial disclosure, gift disclosure, or ethics education and certification requirements of this Code and allow the individual an additional ninety (90) days to comply with these requirements. After expiration of this additional period, the Ethics Commission may issue a written or oral reprimand of non-compliance.

602.904 Cooperation of other city agencies. The services of other departments, boards and agencies of the city may be made available to the Commission at its request, subject to their ability and capacity to provide them. Other city agencies shall cooperate with the Commission in the exercise of the Commission's responsibilities.

PART X

ETHICS EDUCATION

602.1001 Ethics Education Program. Officers and employees of the city, as public servants, are considered stewards of the public's trust and should aspire to the highest level of integrity and character. Officers and employees shall be informed of their ethical responsibilities at the start of their work with the city and shall receive updates and training materials on ethics issues throughout the span of their public service, as designated by the city Ethics Officer.

(a) Every officer and employee of the city must be responsible for understanding and complying with the provisions of this Chapter.

(b) Every elected official shall attend an Ethics in Government Program within ninety days of taking office. Upon fulfillment of this requirement, each elected official will be issued a certificate of completion by the Jacksonville Ethics Commission.

(c) Every appointed employee shall attend an Ethics in Government Program within the first six months of his/her employment with the city. Upon fulfillment of this requirement, each appointed employee will be issued a certificate of completion by the city Ethics Officer.

(d) Every employee of the city shall complete an Employee Ethics Training Program within the first six months of his/her employment with the city. Current employees shall complete training as designated in a schedule developed by the city Ethics Officer. Upon fulfillment of this requirement, each employee will be issued a certificate of completion by the city Ethics Officer.

(e) The city Ethics Officer shall provide ethics education materials to appointed officials, and encourage appointed officials to attend an Ethics in Government Program.

(f) The Ethics in Government Program and Employee Ethics Training Program shall be created and delivered by the General Counsel's Office with the assistance of the city Ethics Officer and the Jacksonville Ethics Commission.

(g) The programs shall include topics as determined necessary to explain the provisions of this chapter, the Florida Statutes concerning ethics and general ethics issues. Topics may include but are not limited to:

(1) Ethics in government and aspirational goals;
(2) Campaign finances;
(3) Gifts;
(4) City contracts;
(5) Potential conflicts with city employees/ businesses;
(6) Jacksonville Ethics Commission;
(7) Public Records Law;
(8) Reporting procedures;
(9) Punishment and discipline procedures;
(10) Awards and incentives.

PART XI

ETHICS OFFICERS

602.1101 City Ethics Officer position established. The position of city Ethics Officer is hereby established. The city Ethics Officer is to be appointed by the Mayor and confirmed by the Council.

602.1102 Mission and duties of the city Ethics Officer. The mission of the city Ethics Officer is to encourage each of the officers and employees of the city to act ethically in all actions. This mission requires that the city Ethics Officer not only encourage compliance with various laws, but more importantly, encourage each employee and officer to adhere to the highest standards of ethical behavior as set forth in aspirational goals of section 602.101 of this Code. In pursuing that broad mission, the duties of the city Ethics Officer include, but are not limited to the following:

(a) Develop policies, programs and strategies to deal with all ethics-related matters;

(b) Develop training and education programs in coordination with the General Counsel and the Jacksonville Ethics Commission;

(c) Assist in the selection of departmental ethics officers;

(d) Assist departmental and agency ethics officers in training and education;

(e) Conduct meetings with any or all of the departmental and agency ethics officers as well as senior management to discuss or provide advice on ethics issues;

(f) Obtain copies of all reports and disclosures made pursuant to State law by persons subject to this Code if such reports and disclosures are substantially similar to reports and disclosures required under this Code and if a person may rely on such State report or disclosure pursuant to Section 602.455 to eliminate filing similar information under this Code;

(g) Maintain a directory of where all reports and disclosures filed pursuant to this Code may be obtained;

(h) Encourage compliance with the spirit and letter of ethics laws;

(i) Review periodically this Code and other applicable laws and regulations and recommend to the Ethics Commission appropriate changes to this Code;

(j) The city Ethics Officer shall be the liaison between the Ethics Commission and the officers and employees of the city;

(k) The city Ethics Officer may seek formal opinions from the Jacksonville Ethics Commission on interpretation of his or her duties or of this Code; and

(l) Accomplish other duties as requested by the Mayor.

602.1103 Designation of department ethics officer. The head of each executive department of the city shall appoint an employee to the position of department ethics officer with the concurrence of the city Ethics Officer. Appointment of additional personnel will be at the discretion of the Mayor. Each department ethics officer's duties are in addition to his or her principal operational role within the department.

The head of the department shall communicate the selection of the department's ethics officer to all employees in the department, while emphasizing his/her personal support for the person and the program. Employees should be encouraged to communicate directly with the Ethics Officer on issues or questions that are ethics-related.

602.1104 Responsibilities of the department ethics officer. Specific responsibilities assigned to the department ethics officer include, but are not limited to the following:

(a) Conduct periodic meetings with the department director, senior management, and employee groups to discuss or provide advice on ethics issues.

(b) Conduct a review of and disseminate within his/her department the appropriate city and department policies and regulations that relate to the Code of Ethics for employees.

(c) Assist the city Ethics Officer in the formulation of ethics awareness training sessions, conferences, and seminars that are developed for and presented to department employees.

(d) Assist the department head in the development of an overall internal ethics plan.

(e) Report compliance with the ethics code to the city Ethics Officer.

(f) Make recommendations for improvement in training to the city Ethics Officer.

(g) Accomplish such other duties as are delegated by the city Ethics Officer, including conducting investigations or complaints as authorized by the city Ethics Officer.

602.1105 Reporting of violations by Council Auditor. The Council Auditor, in addition to the reporting requirements of Section 102.103, Jacksonville Ordinance Code, shall, when he or she has reasonable grounds to believe that a violation of the city’s Ethics Code has occurred, report the facts relating to the probable violation in writing to the General Counsel and the city’s Ethics Officer.

ETHICAL PRINCIPLES AND VALUES
For Public Servants

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I. Honesty

Public servants should be scrupulously and consistently honest by: (1) being truthful, sincere, forthright, and, unless professional duties require confidentiality or special discretion, candid, straightforward and frank; (2) not cheating, stealing, lying, deceiving, acting deviously, nor intentionally misleading another by omission, half-truth or other means.

II. Integrity

Public servants should demonstrate integrity by: (1) acting in ways that are consistent with core beliefs and assuring that practices are congruent with principles; (2) honoring and adhering to the principles of public service ethics, the mission and values of their organizations, and their own moral beliefs with courage and character regardless of personal, political, social and economic pressures; (3) expressing and fighting for their concept of what is right and upholding their convictions to the best of their ability.

III. Promise-Keeping

Public servants should demonstrate trustworthiness by: (1) keeping promises, fulfilling commitments and abiding by the letter and spirit of agreements which bind them; (2) interpreting contracts and other commitments in a fair and reasonable manner and not so as to rationalize noncompliance or create justifications for escaping a commitment; (3) exercising prudence and caution in making commitments, considering unknown or future factors which could make fulfillment of them impossible, difficult or undesirable; (4) seeking to assure that when commitments are made, the nature and scope of the obligations undertaken are clear to all parties.

IV. Loyalty

Public servants should demonstrate loyalty by: (1) advancing and protecting the interests of those with legitimate moral claims arising from personal and institutional relationships; (2) safe-guarding confidential and proprietary information; (3) resolving conflicting loyalty obligations to various parties by placing obligations to the constitution, the institution of government and fundamental principles of representative democracy above their duty to individuals; (4) refusing to subordinate other ethical obligations such as honesty, integrity, fairness and the obligation to make official and managerial decisions on the merits, without favoritism, in the name of loyalty.

V. Fairness

Public servants should demonstrate fairness by: (1) making official and managerial decisions with impartiality and professional objectivity based on consistent and appropriate standards; (2) demonstrating a commitment to justice, the equitable treatment of individuals and appreciation for diversity in all official and managerial actions; (3) exercising official and managerial authority with open-mindedness and a willingness seek out and consider all relevant information, including opposing perspectives; (4) voluntarily correcting personal or institutional mistakes and improprieties and refusing to take unfair advantage of mistakes or ignorance of citizens; (5) scrupulously employing open, equitable, and impartial processes for gathering and evaluating information necessary to decisions.

VI. Caring and Concern for Others

Public servants should demonstrate a concern for the well-being of all those affected by their actions by: (1) striving to carry out official and managerial responsibilities with a firm commitment to maximize benefits and minimize harm; (2) being caring, considerate and, to the extent compatible with official duties, kind, compassionate and generous in all their actions.

VII. Respect for Others

Public servants should demonstrate respect for others by: (1) acknowledging and honoring the right of those affected by official and managerial decisions to autonomy, privacy, and to be treated with dignity; (2) treating others with courtesy and decency; (3) exercising official and managerial authority in a way that provides others with the information they need to make informed decisions about their own lives, about matters within the scope of their professional duties, and information necessary to the exercise of citizenship responsibilities.

VIII. Responsible Citizenship

Public servants should act as responsible citizens and uphold the rule of law by: (1) honoring and respecting the principles and spirit of representative democracy and setting a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules; and (2) exercising their civic duties and rights by voting and, to the extent compatible with official duties, expressing informed views and demonstrating social consciousness and a commitment to public service.

IX. Pursuit of Excellence

Public servants should seek to perform their duties with excellence by: (1) being diligent, perseverant, reliable, careful, prepared, and informed; (2) giving a full day=s work for a full day=s pay; (3) continually seeking to develop knowledge, skills and judgment necessary to the performance of their duties.

X. Personal Accountability

Public servants should be accountable by: (1) accepting personal responsibility for the foreseeable consequences of actions and inactions; (2) recognizing their special opportunity and obligation to lead by example; (3) making decisions that take into account long term interests and the need to exercise leadership for posterity.

XI. Public Office as a Public Trust

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

XII. Independent Objective Judgment

Public servants should employ independence objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

XIII. Public Accountability

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

XIV. Democratic Leadership

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

XV. Respectability and Fitness for Public Office

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official.