

Ethics Program – Jacksonville, FL

“State” of Ethics



Created by,

Rich Brooks, Florida Coastal School of Law
Shannon Blankenship, Florida Coastal School of Law
Eric Burke, Florida Coastal School of Law
Jaclyn Jones, Florida Coastal School of Law

Interns

Jacksonville Ethics Office
Carla Miller, Ethics Officer

Table of Contents

Florida City Summaries	3
Broward County, FL	3
Miami-Dade, FL	5
Orange County, FL	8
Palm Beach, FL	9
U.S. City Summaries	11
Consolidated City/County Examples	11
<i>Anchorage, AK</i>	<i>11</i>
<i>Honolulu, HI</i>	<i>13</i>
<i>Kansas City, KS</i>	<i>15</i>
<i>Nashville/Davidson County, TN</i>	<i>17</i>
<i>New Orleans, LA</i>	<i>19</i>
<i>Philadelphia, PA</i>	<i>20</i>
<i>San Francisco, CA</i>	<i>23</i>

Florida City Summaries

Broward County, FL

Executive Summary

Voters created the Broward County Ethics Commission in November 2008 solely to establish a Code of Ethics for the Board of Broward County Commissioners. The formation of the Ethics Commission was the result of corruption and arrests within the County Commission and voter initiative. The Ethics Commission proposed and presented an Ethics Code (herein after The Code) to the County Commissioners in February 2010. The Ethics Commission ends in August 2010, upon the meeting of the County Commissioners office to accept the Code. If the County Commission does not accept the current Code of Ethics proposed by the Ethics Commission it will go to voter referendum in November 2010. It will most likely be accepted. The Code also creates the Office of Inspector General to investigate and provide for the enforcement of the Code.

The Ethics Commission itself has no budget or power over the County Commissioners, the Inspector General in Broward County will take the position of “Ethics Watchdog” there. The Ethics Commission itself is comprised of 11 volunteers. Each County Commissioner appoints one (1) member from their respective district. The Broward County League of Cities appoints two (2) countywide members.

The Inspector General is chosen by a Selection-Oversight Committee comprised of the Chief Judge, State Attorney, and the Public Defender of the 17th Judicial circuit, and the Special Agent in charge of Miami Regional Operation Center of Fl. Law Enforcement and the Dean of Nova Southeastern Univ. Law Center. Any members of this Committee who are unable or unwilling to participate may appoint a designee to take their place. An underlying and clear aspect of the Code is to keep the Inspector General and his duties independent from the power of the County Commissioners in appointment and removal. The Inspector General’s main job is to be a “watch dog” of the Board of County Commissioners, their staff, and relatives to make sure they interact properly with lobbyist, do not accept gifts which might improperly affect their position and follow the Code’s Ethics training requirements.

The Code states that the Government shall fund the Office of Inspector General and that the Board of County Commissioners shall provide sufficient and adequate financial support for the Inspector General. The costs of investigations may be paid in part by a .25% fee imposed of the contract price added to each county contract, as well as a fee on lobbyist registration.

Contact Person:

Name:

Email:

Demographics of City

- Population: 1,751,234 (2008)
- Government Structure: Incorporated City/County
 - o 31 incorporated cities
 - o Board of County Commissioners is the Legislative Body
- Yearly City Budget: \$3.3 Billion

Organizational Structure of Ethics Commission

- **History of Creation:**
 - o Created after citizens voted to create a Code of Ethics for the County Commissioners in 2008
- **Commission Budget:** No Direct Budget for Commission
- **Composition of Commission:** Comprised of 11 volunteers
 - o Established by County Charter Section 11.08
 - o Each county commissioner appoints one member from their respective district
 - o The Broward County League of Cities appoints 2 members

- **General Activities**
 - Serve in a temporary capacity to draft a Code of Ethics to be accepted as a citywide ordinance.
 - The Commission will disband when the county commission accepts the proposed Code of Ethics.
 - If the county fails to pass the proposed ethics code, the proposed code will go to the ballot for a citizen vote in the 2010 November Election

Organizational Structure of Oversight Staff

- **Independent Inspector General (Proposed in “Code of Ethics” Legislation 1-19)**
 - Appointed by a 5 member temporary Selection Oversight Committee comprising of the following
 - Chief Judge of 17th Cir. or their designee
 - State Attorney of 17th Cir. or their designee
 - Public Defender of 17th Cir. or their designee
 - Special Agent in charge of Miami Regional Operation Center of FL. Dept of Law or their designee
 - Dean of Nova Southeast University Law Center or their designee
 - Serves a 4 year term
 - Selection Committee reconvenes 6 months before the office is to become open to begin the new selection process.
 - Authority of office extends over the Board of County Commissioners
 - Reports confirmed violations of the code to the state attorney, or to the State Commission of Ethics
 - **Removal:** Can only be removed by the Selection-Oversight Board which meets annually to review the work of the IG office.
 - **Budget:** Comprised of a .25% fee imposed on all county contracts
 - IG is also allowed to request a reasonable budget to cover operating expenses
 - **Duties:**
 - Enforce the County Code of Ethics
 - Investigate Violations of Code
 - Training and Education
 - **Areas Covered;**
 - Gifts
 - Pre/Post Employment
 - Lobbyists
 - Campaign Finance

Controlling Law

- Broward County Charter Section 11.08
- Proposed County Ordinance 1-19 by Ethics Commission

Miami-Dade, FL

Executive Summary

The Miami Dade ethics commission was created via citizen referendum in 1996, which modified the home charter of Miami Dade to include an independent ethics commission. Subsequent county legislation enacted the independent Ethics Commission and Inspector General. Since that time, the Ethics Commission and its related posts have become an integral part of the government as evidenced by their budget of over \$2 million dollars. While the commission is entitled to conduct its own investigations, the office of the Inspector General takes the primary responsibility to act as an independent investigator on behalf of the commission and reports directly to the commission or the appropriate law enforcement. Today, the commission employs 17 people and provides a number of services including community outreach and ethics educational services.

Contact Person:

Kerry Rosenthal (Chair), Robert Meyers (Executive Director):

Phone: 305-579-2594

Email:

Demographics of City

- Population: 2,467,618 (2009)
- Government Structure: Two Tiered Federation
 - o 1st Tier – County Government
 - Responsible for all things metropolitan in nature
 - Maintains a County Wide Ethics Commission
 - o 2nd Tier – Small City/Municipality Governments
 - Provide local police forces
 - Collect local taxes
 - Also have local ethics commissions
 - 34 incorporated cities
- Yearly City Budget: \$4.9 Billion

Organizational Structure of Ethics Commission

- **History of Creation:**
 - o Home Charter was amended in 1996 after a citizen initiative to amend the home charter to create an independent ethics commission.
- **Commission Budget:** \$2.2 Million (2009)
- **Composition of Commission:**
 - o 5 member commission
 - Chief Judge of 11th Cir. Appoints 2 members meeting the requirements
 - Former Federal Judge, U.S. Magistrate, or State Judge
 - Former U.S., State, or County attorney, OR Assistant U.S., State, or County Attorney.
 - Dean of University of Miami School of Law OR Saint Thomas University School of law
 - Appointee must be experienced in the field of ethics
 - Director of the Florida International University Center for Labor Research and Studies has one appointment.
 - Miami-Dade County League of Cities may appoint 1 member whom has previously held a public office
 - o Each appointee serves a 4 year term that may be repeated
- **General Activities**
 - o Duties (Sec. 2-1072 of Code for details)

- Advising
- Enforcement of:
 - Citizens Bill of Rights
 - Ethics Ordinances
 - Lobbying
 - Commission has power to suspend lobbyist for failure to comply with regulations
 - Campaign Financing & Practice
 - Conflicts of Interest
 - Commission is permitted to levy fines of \$500 for first violation and \$1000 for second violation
 - Examples:
 - Gifts
 - Post employment
 - Nepotism
- Ethics Education
- Legislative Analysis and Review

Organizational Structure of Oversight Staff

- **Executive Director**
 - Selected and hired by the Ethics Commission
 - Must be a member in good standing of the Florida BAR
 - Oversees Ethics Commission
 - Coordinates a system of departmental Ethics Officers
 - Executive Director Staff
 - Staff General Council
 - Two Advocates
 - Staff Auditor
 - Staff Attorney
 - Six Investigators
 - Two Community Outreach Coordinators
 - Administrative Coordinator
 - Administrative Assistant
 - One Intern
- **Independent Inspector General**
 - Appointed by a temporary “Inspector General Selection Committee” and confirmed by County Commissioners
 - Serves a 4 year term that may be renewed for an additional 4 years with no limit on successive terms by the county commissioners
 - May be removed by the Ethics or Commission
 - Office may be completely removed by a 2/3 vote of county commission.
 - Has power to initiate investigations of county affairs of past and present
 - Has power to subpoena witnesses, administer oaths, and require production of records.
 - Violations of Fraud are reported directly to law enforcement
 - Violations of county ordinances are reported to the Ethics Commission
- **County Council Auditor**
 - Employed by County Commissioners
 - Duties include
 - Financial and compliance audits
 - Economy and efficiency audits
 - Program results audits
 - Contract audits
 - Special Studies
 - Follow-up reports
 - Fiscal analyses of County policies, service, and contracts
- **Budget for Each office (CALL ABOUT THIS)**

Controlling Law

- Charter “Citizens Bill of Rights” states that the county shall create an independent ethics commission on public trust.
- County Ordinance 2-1066 officially creates the independent ethics commission
- County Ordinance 2-11.1 discusses Conflict of Interest proceedings under ethics commission.

Orange County, FL

Executive Summary

On January 9, 2007, the Board of County Commissioners of Orange County, Florida (BCC) created a Task Force on Ethics and Campaign Finance Reform to explore the need for local regulation in the areas of ethics and campaign finance. On January 29, 2008, the Task Force presented its final report to the BCC which included 16 recommendations in the area of local ethics reform. The BCC desired to enact more stringent local regulations in the area of disclosure and standards of conduct for its officers and employees. In early 2009, the BCC adopted many of these higher standards of conduct and enhanced disclosure requirements in the Orange County Code of Ordinances. However, to date the countywide implementation of the new ethics oversight body has not materialized. Ethics oversight in Orange County remains on the municipality level, while the county charter and ordinances have set out well defined ethical and campaign finance standards.

Contact Person:

NAME:

Phone:

Email:

Demographics of City

- Population: 1,086,480 (2009)
- Government Structure: County, Municipality, Unincorporated
- Yearly City Budget: \$3 Billion +

Organizational Structure of Ethics Commission

- **History of Creation:**
- **Commission Budget:** \$212,580
- **Composition of Commission:**
 - o General Activities

Controlling Law

Palm Beach, FL

Executive Summary

In response to the presentment of the Palm Beach County Grand Jury regarding investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorneys Office to draft ordinances creating a local code of ethics and establishes an Office of Inspector General and Commission on Ethics. This code will apply to all employees, elected officials, and appointed individuals providing a more stringent regulatory framework than the state Code of Ethics

Contact Person:

Alan Johnson (Ethics Director):

Phone: 561-233-0725

Email: ethics@pbcgov.org

Demographics of City

- Population: 1,287,344
- Government Structure: Consolidated City/County
- Yearly City Budget: \$605,013,179

Organizational Structure of Ethics Commission

- **History of Creation:**
- Created in 2010 after the city's grand jury on County Governance and Public Corruption instructed the city attorneys to draft ordinance language that would create effective ethics oversight.
- **Commission Budget:**
- **Composition of Commission:**
 - o To ensure independence, the Commission on Ethics members will be appointed by one university president and four collegial bodies, not one of which is subject to the jurisdiction of the Commission on Ethics.
 - o The board will be composed of a former law enforcement official with experience investigating white collar crime or public corruption, an attorney with experience in ethics regulation, an ethics educator, a certified public accountant and a former elected official.
 - o The Commission on Ethics, along with one representative each from the State Attorney and Public Defender, will select the Inspector General.
 - o Commission Members serve staggered terms of four years each
 - o Members may be removed for good cause upon a supermajority of the remaining Commissioners.
 - o **General Activities**
 - Lobbyist Registration Ordinance 2003-018
 - Prohibited Conduct:
 - Solicitation and Acceptance of Gifts or Honorarium
 - Unauthorized Compensation
 - Misuse of Public Position
 - Disclosure or Use of Certain Information
 - Prohibited Employment and Business Relationships
 - Doing business with ones own agency
 - Conflicting Employment or Contractual Relationship
 - Employees Holding Office

- Hiring relatives
- Post Office Employment Restrictions
- Disclosures; What needs to be disclosed and How
- Offer Advisory Opinions when potential conflict of interest arise

Organizational Structure of Oversight Staff

- Executive Director
- Counsel to the Commission on Ethics
- Appointed Advocate (to prosecute cases- may be the ED)
- Committees
 - o Personnel
 - o Education and Public Outreach
 - o Ad Hoc as needed
- Inspector General
 - o Cost of investigations defrayed by a fee equal to 0.25% of the contract price
 - o The Commission on Ethics cannot conduct investigations of alleged violations unless a person files a sworn complaint alleging a violation has occurred
 - o Ordinance establishes guidelines for an inspector general fee

Controlling Law

- Specific Code Information!!!

U.S. City Summaries

Consolidated City/County Examples

Anchorage, AK

Executive Summary

The ethics program of Anchorage Alaska has undergone a number of changes over the years with its history having ties to the 1975 creation of the unified government, not unlike Jacksonville. Their most recent “code of Ethics” was codified in 2006. The new code created an Ethics Commission to govern over the code. The commission keeps busy with the writing of advisory opinions at the request of government officials, however all opinions are kept confidential from the public. The Commission reports directly to the Mayor, Assembly, or School Board depending on the nature of the complaint.

Contact Person:

Name: Barbara E. Gruenstein (Municipal Clerk)

Phone: 907-343-4312

Email: GruensteinBE@ci.anchorage.ak.us

Demographics of City

- Population: 279,243 (2008)
- Government Structure: Consolidated City County
 - o Six “sections” of the municipality are represented in the Municipal Assembly
- Yearly City Budget: \$591 Million in expenditures in 2009

Organizational Structure of Ethics Commission

- **History of Creation:**
 - o The Municipality of Anchorage has had from unification in 1975 an Ethics Code that was based on that of the former city and borough governmental units that were combined. In the late 1990s, the Anchorage Board of Ethics began re-writing the municipal ethics code. After years of work, the Code AMC 1.15 was approved by the Municipal Assembly and enacted into law in 2006.
- **Commission Budget:**
 - o The Board of Ethics has no distinct budget of its own. The Municipal Clerk provides administrative support for the Board and funds the hiring of independent counsel when necessary. Recently stipends for the board (and for all municipal boards and commissions) were abolished for budgetary reasons.
- **Composition of Commission:**
 - o 5 member commission
 - All members of the commission are appointed by the mayor with input by the Ethics Commission Chair and confirmed by the assembly
 - At least ONE member must be a member of the Alaska BAR Association
 - Members may be removed by the Mayor at any time for cause
 - Members may also be removed by the Assembly for cause via majority vote
- **General Activities**
 - o Duties (Sec. 1.15.060 of Code for details)

- Advising
 - All opinions are CONFIDENTIAL unless the confidentiality is waived
- Education
 - Materials and programs for education of all newly elected or appointed municipal authorities
- Investigation
 - Administer oaths
 - Enlist other law enforcement
 - Reports are sent to the Mayor, Assembly, and School Board when applicable and posted online.

Organizational Structure of Oversight Staff

- **Municipal Clerk**
 - Handles the distribution and collection of complaints/forms related to disclosures
 - Provided the Ethics Board with administrative support
 - Posts opinions online
- **Municipal Attorney**
 - Provides legal council to the Ethics Board
 - In the event of a conflict, outside council must be obtained

Controlling Law

- AMC 1.15 – Code of Ethics

Honolulu, HI

Executive Summary

The Honolulu Ethics Commission advances the standards of ethical conduct in government as expressed in the Revised Charter and the Revised Ordinances of Honolulu. The purpose of these laws and the Commission's work is to improve and maintain public confidence in government officials and employees. The Ethics Commission:

- Advises and makes recommendations to city employees and officials as well as the public regarding conflicts of interest, acceptance of gifts, misuse of city resources, misuse of official position, representation of clients before city agencies, political activities, and post-employment restrictions.
- Educates city officers and employees to perform their duties in an ethical manner.
- Administers and enforces the financial disclosure requirements for city officials, employees, board and commission members, council members, and candidates for city elective office.
- Enforce the ethics laws by recommending discipline for violations.
- Administers the city's lobbying laws

Contact Person:

NAME:

Phone:

Email:

Demographics of City

- Population: 905,034 (2008)
- Government Structure: Consolidated City/County
- Yearly City Budget:

Organizational Structure of Ethics Commission

- **History of Creation:**
- **Commission Budget:**
- **Composition of Commission:**
 - o Seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.
 - o The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director, shall be included in the position classification plan.

- The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.
- The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.
- **General Activities**
 - The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. An advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.
 - The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.
 - Meetings of the commission shall be held at the call of the chair and the affirmative vote of a majority of the entire membership shall be necessary to take any action.

Organizational Structure of Oversight Staff

Controlling Law

Kansas City, KS

Executive Summary

Kansas City, which is encompassed by Wyandotte County, uses a very similar system to that used in Jacksonville. The city utilizes an Ethics Administrator who takes care of day-to-day operations and most clerical work for the commission. The commission is sufficiently independent as they are able to report to different members of the government depending on the nature of the complaint. Given the budget of the city, the Commission itself has a smaller budget compared to other cities we've studied. However, the salaries of the Legislative Auditor and other support staff were likely not included in the quoted number.

Contact Person:

NAME:

Phone:

Email:

Demographics of City

- Population: 154,287 (2008)
- Government Structure: Consolidated City/County
 - o Contains the following 4 cities
 - Kansas City
 - Bonner Springs
 - Edwardsville
 - Lake Quivira
- Yearly City Budget: \$250 Million

Organizational Structure of Ethics Commission

- **History of Creation:**
 - o In 1997 the consolidated government went into effect after voters approved. Later the following year, the newly elected Board of Commissioners for the unified government passed an Ethics Code establishing the office of an Ethics Administrator
 - o The first Ethics Administrator was hired within the next year, an ethics commission was appointed, and the first meeting was held in 1999.
- **Commission Budget:** Program Costs \$33,500 per year according to the ten year report filed in 2007.
- **Composition of Commission:** Five Member Commission
 - o Selected by a temporary Ethics Commission Selection Committee
 - o Appointed for a single (non-renewable) 4 year term
 - o **General Activities**
 - Advisory Opinions
 - Opinions are available to the public, however the names of the parties involved as well as any facts that would identify a party are removed to promote confidentiality
 - Enforcement of Ethics Code
 - Education of all employees falling under the jurisdiction of the commission

Organizational Structure of Oversight Staff

- **Ethics Administrator**
 - o Hired by the Legislative Auditor of the Unified Government
 - o Part time position
 - o Responsible for maintaining complaint system
 - Includes Hotline and Email reports
 - Also includes the delegation of complaints to the appropriate authority
 - Ex. Ethics Commission, Auditor, City Attorney, etc.

- Publishes Advisory Opinions of the Commission

Controlling Law

- Ordinance # O-75-09
 - Ethics Code
 - 2-251 through 2-272

Nashville/Davidson County. TN

Executive Summary

Nashville/Davidson has a similar government structure to Miami-Dade consisting of a larger overarching metropolitan government providing general public services, as well as smaller municipal governments handling “local” issues. Nashville is a smaller city with less than 1 million inhabitants, however they maintain a budget of \$1.5 billion. The Council Board on Ethical Conduct began formation in 2005 when the metro government created a task force to review other cities ethics programs and provide the city council with recommendations. The result is an “independent” ethics board that interacts with the department of law for the city. The board itself does not have a budget. Their only “employee” would be the metro clerk whom handles the clerical and administrative work for the board. The board has little power to punish directly, but recommends punishment to other city authorities such as the city council and department of law.

Contact Person:

Kathryn Stephenson (Ethics Board Chair):

Phone: 615-256-8585

Email: kstephenson@tntlaw.net

Demographics of City

- Population: 626,144 (2008)
- Government Structure: Two Tiered Consolidation
 - o 1st Tier – County Government
 - Responsible for all things metropolitan in nature
 - Urban Services District – Encompasses the original city limits of Nashville from 1963.
 - General Services District – Encompasses all remaining area in Davidson County.
 - Maintains a County Wide Ethics Commission
 - o 2nd Tier – Municipality Governments
 - Provide local police forces
 - 7 consolidated municipalities
- Yearly City Budget: \$1.5 Billion

Organizational Structure of Ethics Commission

- **History of Creation:**
 - o After a number of corruption related scandals taking place in through the 80’s and 90’s and the trial of former state attorney John Ford, the county conducted an ethics study in 2005 and determined that they should move forward with the creation of Council Board of Ethical Conduct. Though originally left out of previous executive orders by the Mayor, the Council Board of Ethical Conduct was codified in 2007.
- **Commission Budget:** No Budget: Only meets as needed and depends on the Metro Clerk for support
- **Composition of Commission:**
 - o 5 member commission appointed by the following organizations
 - Nashville League of Women Voters
 - Nashville Area Central Labor Council
 - Napier-Looby BAR association
 - Nashville Area Chamber of Commerce
 - Nashville BAR Association
 - o Each member serves a 3 year term
 - o Council Elects a Chair and Vice-Chair
 - o Metro Attorney Provides Legal Council to the Board

- Exists “independently” of the Metro Council and reports to the Council, but has no authority over the council.
- **General Activities**
 - Duties (Sec. 2.222.040 (B) and 2.222.050 and .060 of Code for details)
 - Advising – Provide metro officials with advisory opinions related to current or future conduct
 - Must be specifically requested by metro government official
 - Conduct Investigation as needed into suspected violations
 - Enforcement of:
 - All government officials related to section 2.222 (Standards of Conduct, Disclosure of Interests, and Enforcement)
 - Board is allowed to recommend the following sanctions
 - Censure
 - Must be approved by majority of metro council
 - Request Resignation
 - Delegate to City Attorney for future action
 - Refer to the Director of Law for more specific Metropolitan Civil action for relief

Organizational Structure of Oversight Staff

- **Metro Clerk (Point Person)**
 - Responsible for clerical and administrative support of board
 - Organizes meetings, provides information, etc.
- **Metro Law Department**
 - Responsible for handling the collection of complaints and passes information along to Ethics Board as needed
 - Conducts initial investigation before delegation to board
 - Direct Representation of all government officials
 - Director/Metro Attorney is appointed by mayor and term terminates with the mayoral position

Controlling Law

- Karl Dean (Mayor) Executive Order #007
- City Ordinance 2.222 and related subsections through .060
- See also the Civil Services Rules on Nepotism and Employee Conduct

New Orleans, LA

Executive Summary

Although authorized by voter amendment to the city charter in 1996, the Ethics Review Board was not established until 2006 by city ordinance. Initially, most of the work appears to have been establishing the Board and the new Office of the Inspector General, which took some time to ensure adequate funding from city council. Eventually city council passed an ordinance requiring the Ethics Board and OIG joint budget be no less than 0.75% of the city's general operating budget. The Board's share of the budget is approximately \$400,000. The Board while still relatively new appears to be understaffed with only one full-time staff member. The Board's bylaws have put in place the adequate power and autonomy necessary to create an independent ethics commission.

Contact Person:

Name:

Phone:

Email:

Demographics of City

- Population: 369,141 (2009 Projected)
- Government Structure: City-Parish Government (consolidated city-county gov't)
- Yearly City Budget: \$512,578,855 (includes deficit)

Organizational Structure of Ethics Commission

- **History of Creation:** Created by voter initiative in 1996
- **Commission Budget:** \$396,058 (Ethics Review Board)
- **Composition of Commission:**
 - The board consists of seven volunteer members who serve staggered terms of seven years each. Six members were appointed by the mayor from lists of three nominees each submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. The seventh member was appointed by the mayor. Each appointment was subject to the approval by a majority of the members of the city council.
 - Staff: 1
- **General Activities**
 - The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the City of New Orleans by establishing additional recommendations for the Code of Ethics, issuing advisory opinions, promulgating rules regarding the interpretation and enforcement of the Code of Ethics, referring cases for investigation on referral or complaint, and imposing fines.

Organizational Structure of Oversight Staff

- The Board and Office of the Inspector General will work in cooperation to enforce the City Code of Ethics and promote public faith in government ethics.
 - *The Ethics Review Board appoints the Inspector General
- Complaints may be submitted by on-line, phone, fax, e-mail, or mail.
- Subpoena powers to compel witness and document production.
- May establish additional recommendations for the code of ethics, issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the city's code of ethics, refer cases for investigation on referral or complaint, retain counsel, and impose fines.
- Office of Inspector General and Ethics Review Board Budget: \$3.4 million (approximately)
- Ethics Review Board Budget: \$396,058

Controlling Law

- Proposed amendments to laws governing the Ethics Review Board require a 2/3 vote of the city council.
- Ethics Review Board may amend its own rules by a 2/3 vote of board members.

Philadelphia, PA

Executive Summary

In 2005, the City passed legislation establishing a new, independent Board of Ethics, subject to voter approval of an amendment to the Philadelphia Home Rule Charter. Voters approved the amendment. Under the legislation, the Mayor nominates five candidates to the Ethics Board. City Council then confirmed the nominees.

The new Ethics Board has investigative and enforcement powers and jurisdiction over all of city government, which works to assure that all city officials and workers are held accountable to the same high standards. To ensure that everyone knows where the boundaries of acceptable conduct are, the Board is responsible for providing guidance and education on the ethics rules to the entire city workforce as well as to city vendors. The new Ethics Board promotes greater transparency in government by overseeing financial disclosures by city officials and by publishing campaign finance disclosures by elected officials and candidates. Provisions that permit removal of Board members only for cause and that protect the new Board's budget from cuts assure its independence.

Contact Person:

Nedda Massar

Phone: 215-686-9450

Email: nedda.massar@phila.gov

Demographics of City

- Population: 1.5 Million (2008)
- Government Structure: Consolidated City/County
 - o The city uses the "strong-mayor" version of the mayor-council form of government, which is headed by one mayor, in whom executive authority is vested. Elected "at-large," the mayor is limited to two consecutive four-year terms under the city's charter. The legislative branch, the Philadelphia City Council, consists of ten council members representing individual districts and seven members elected at large.
- Yearly City Budget: \$3 Billion

Organizational Structure of Ethics Commission

- **History of Creation:**
 - Formed in 1962
 - The Ethics Code was enacted by City Council in response to the recommendations of the 1962 Fordham Report. However, the all-volunteer Ethics Board had limited powers and responsibilities and never had staff to carry out its mission. Acting on the recommendations of the Ethics Committee of the Twenty-First Century Review Forum, in 2004 the mayor reconstituted the Board of Ethics by executive order giving the Ethics Board clear responsibilities and authorized the Board to hire staff, including an Executive Director, to help the Board carry out its duties, which include:
 - o Providing education and training to all city employees on the city's ethics rules and regulations.
 - o Reviewing financial disclosure forms filed by city officials and candidates for city offices to determine whether any conflicts of interest appear.
 - o Responding to ethics questions raised by city officials and employees.
 - o Recommending improvements or advances in laws and policies that would strengthen confidence in government and promote public trust.
- No other city in the country has trained as much of its workforce over a similar time period

- The original Board created the Ethics Board web site. The web site is a powerful resource for anyone who seeks to learn more about the ethics rules; recent ethics legislation; or about the current Board's activities and operation.
- The original Board facilitated the distribution of the Philadelphia Code of Ethics to every city official and employee in July of 2006 and rendered advisory opinions to those seeking guidance on the ethics rules and conducted a review of conduct that raised an appearance of impropriety.
- On November 27, 2006 the independent Philadelphia Board of Ethics was installed.
- A smooth transition was facilitated by the structure and foundation implemented by the original Board's work, allowing the new independent Board to seamlessly take charge of providing ethics training for all city employees, enforcing city campaign finance, financial disclosure, and conflict of interest laws, as well as rendering advice, investigating complaints and issuing fines.
 - **Commission Budget:**
 - o Appropriated by the Council.
 - o The Board may use such appropriations to hire such staff, including an Executive Director, as the Board deems appropriate to fulfill its responsibilities.
 - o Where possible without diluting the independence of the Board, the Board shall utilize the staff of existing departments and agencies, including the Law Department and the Inspector General's Office, the heads of which departments and agencies are hereby directed to provide the Board with the fullest cooperation in use of staff and resources as practicable.
 - **Composition of Commission:**
 - o (1) The Board shall consist of five members of outstanding moral and ethical credentials, to be appointed by the Mayor. Four shall be private citizens and one shall be the City Solicitor, who shall serve ex officio. The Mayor shall select one of the five members to serve as Chair.
 - o (2) The four private citizens shall serve initial terms as follows:
 - (a) One shall be appointed for a term that expires December 31, 2005.
 - (b) One shall be appointed for a term that expires December 31, 2006.
 - (c) One shall be appointed for a term that expires December 31, 2007.
 - (d) One shall be appointed for a term that expires December 31, 2008.
 - o (3) All terms thereafter shall be for four years. All members shall serve until their successors have been appointed.
 - o (4) Members may serve multiple terms, at the discretion of the Mayor.
 - o **General Activities**
 - Investigation
 - Education
 - Advising
 - Regulation of Campaign Finance

Organizational Structure of Oversight Staff

- Staff: the ethics office is not located within city hall in order to retain its independence. The **Executive director** has authority to conduct all hiring and firing of dedicated staff.
 - o Positions in the office include the
 - o Executive Director,
 - o Deputy Director,
 - o General Counsel and Associate Counsel,
 - o (2) information specialists,
 - o (2) administrative assistants,

- (1) clerk
- Budget allowing, the office envisions also having an attorney to deal specifically with lobbying registration, an additional information specialist, and a technical computer position.
 - The budget is a dedicated \$2 million for the first two years. They are now approaching year five. The budget has slightly declined over the last two years and is currently \$800,000.
 - The charter has specific language within that allows the ethics office to file a mandamus against the city requesting review of the budget if the mayor decreases funding for the office so significantly that it makes them virtually ineffective.
- In Philadelphia the inspector general stands alone and is funded through the mayors office directly. They are housed in the mayor's office, but only have advisory authority after conducting investigations and refer situations to the proper department.

Controlling Law

- Philadelphia Home Charter
- Philadelphia Code Title 20. Officers and Employees
- Chapter 20-600. Standards of Conduct and Ethics

San Francisco, CA

Executive Summary

The city of San Francisco is a consolidated city-county. Through voter initiative, the city charter was amended in November 1993 to form a mandated independent Ethics Commission. The Commission is composed of five members appointed by five separate city officers and officials, with a new member being appointed each year, thereby ensuring the commissioner's independence. As of 2009, the Ethics Commissions budget has grown to almost \$5.5 million and employs a staff of 19 full-time and 3 part-time employees. The Commission's duties include: filing and auditing of campaign finance disclosure statements, campaign consultant registration and regulation, lobbyist registration and regulation, filing officer for statements of economic interest, administration of the Whistleblower program, investigations of ethics complaints, enforcement education and training, and providing advice and statistical reporting.

Contact Person:

Name:
Phone:
Email:

Demographics of City

- Population: 809,977
- Government Structure: Consolidated City-County
- Yearly City Budget: \$6,586,787,453 (2009)

Organizational Structure of Ethics Commission

- **History of Creation:** 1993 by voter initiative
- **Commission Budget:** \$5,453,874 (2009)
- **Composition of Commission:**
 - Appointed one each by Board of Supervisors, Mayor, Assessor, City Attorney, District Attorney
 - 6 years terms, with one member's term ending each year
- **General Activities**
 - o See City Charter Appendix C3.699-11

Organizational Structure of Oversight Staff

- Ethics Commission Composition: 5 Commissioners, 19 Staff Members, 3 Temporary Staff Members, 4 Interns
- City/County Council Auditor*
 - Fraud, Waste and Abuse
 - Complaints may be reported by phone or by submitting a form report.
 - Interaction with other bodies
- The Executive Director may compel by use of subpoena witness testimony or document production. The Commissions may hold hearings to determine whether probable cause exists to believe that violations have occurred.
- Powers: Cease and desist orders, file documents or reports, issue fines up to \$5,000 per violation or three times the amount the guilty party failed to report/expend/received, or refer the case to a law enforcement agency.
- Ethics Commission Campaign Fund: \$3,212,056
- Ethics Commission: \$2,241,818
- Total Budget: \$5,452,874 (2009)
- See City Charter Appendix C3.699-11

Controlling Law

- The creating law under the Charter
- Enacting law under the city ordinance