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2015  
City of Jacksonville  
Ethics Program

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**JACKSONVILLE ETHICS PROGRAM AND LAWS**

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# Jacksonville Ethics Program and Laws

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**Jacksonville Ethics Commission  
May 2015**

**Joe Jacquot, Chair** (Public Defender)

**Larry Pritchard** (Sheriff)

**Rhonda Peoples-Waters** (Ethics Comm.)

**James Young** (Ethics Comm.)

**Dr. George Candler** (Council)

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## DEFINITIONS

**1. Ethics:** the study of morals, what is right and wrong; how to act in personal relations. Here are some basic ethics traits: wisdom, courage, truthfulness, respect, fairness, loyalty. If you are treated unfairly at work, or someone tells you a half-truth, it is stressful; we know it's not right, but what can we do about it? Successful organizations handle internal ethics problems quickly; groups with poor leadership have constant issues with staff and ethics.

**2. Government Ethics:** these are the ground rules on how to act to avoid conflicts of interest and abuse of power in your role as a government employee or official. Conflicts of interest occur when your personal life and your government job intersect and conflict. Abuse of power occurs when you use your position in a way to benefit yourself. Let's look at some examples of issues in government ethics:

### *Issues*

- many people are in need of help in a flood zone--the Mayor's aide sends the City work crews to the homes of important government officials first;
- after a contract is awarded to a company, an employee involved in the process quits and goes to work for the company;
- after voting in favor of a football team's request for funding, two City Council members leave the meeting early to have dinner with the football team's lobbyist and executives;
- elected officials receiving free trips and tickets from lobbyists;
- a city employee working part time for a company bidding for a contract from the City;
- the city manager hiring a family member to be her assistant;

**3. Corruption:** the abuse of public office for private gain. Corrupt acts, depending on where you live and what laws apply, can be legal or illegal. If citizens see a government employee or official doing something through their office to get themselves special benefits, they will (along with the newspaper) consider that "corrupt", even though technically, it may not violate any existing law.

### *Examples of Corruption:*

- an official taking a \$500 bribe to vote a certain way (the classic example of illegal corruption);
- a Department Head having a retirement party for himself; his staff collects \$20,000 from vendors doing business with the agency for the party (technically legal in some jurisdictions; but many would think it was corrupt, regardless);
- theft of government equipment (illegal corruption);
- failure to widely advertise a bid so that a favored company can get the contract;

- the Mayor of the City asking a company that just won a city contract to hire her nephew.

**4. Institutional Corruption<sup>1</sup>:** This is a situation where the integrity of the entire organization is affected. It is defined as influences (power and money) in an economy of influences (not just one person doing it--the whole group operates this way); it must also decrease the effectiveness of the organization and decrease public trust. What is interesting is that the acts are LEGAL. If there is institutional corruption in your government, there can still be many good people working there, but the structure of the government is set up so that there is not complete loyalty to the citizens--powerful influences act on the government and shift priorities away from the citizens.

To illustrate, imagine that a government employee's purpose should be focused 100% on the needs of the citizens, the "people". This will be shown as "north" on this compass:



But instead, powerful influences come into play, like a magnet, and get the official or employee to shift their loyalty to these other influences, pulling them off of true north--their commitment to the citizens:



This can be completely legal and good people can participate in it. ("It's just the way things are done around here.")

It's just that instead of serving the citizens, the loyalty of the government employees and officials is now primarily focused on helping these more powerful influences.

We must still must rely on individuals (either internally as employees or externally as citizens) to reverse this institutional corruption. But first you must recognize when it is happening. Have you ever seen a decision that was good for the citizens, the people, reversed or cut back for political reasons? Many times, if people voice objections to what is happening, they are told

"we have checked with the lawyers and this is completely legal"; yes, but is it the right thing to do?

*Example of Institutional Corruption:*

U.S. Congress. It was the intention of the Framers of our Constitution that Congress would be "dependent on the people alone"<sup>ii</sup>. But instead, members of Congress are playing a fundraising game that makes them dependent on big money donors and lobbyists. This shifts their focus as a group away from "the people". When a person gets elected to Congress, they are trained on their main priority: raising money to get re-elected.<sup>iii</sup> (Members of Congress were told by their political parties to devote at least 4 hours a day to fund raising.) When the financial crisis occurred in 2008, the people looked to Congress to enact laws to protect their money and their savings. Instead, billions of money flooded into Congress from the banking and financial industries. The laws were weakened to favor the banks.<sup>iv</sup>

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<sup>i</sup> For a comprehensive article on Institutional Corruption, see <http://www.lawschool.cornell.edu/research/JLPP/upload/Newhouse-final.pdf>

<sup>ii</sup> The Federalist No. 52, at 294 (Madison) (Clinton Rossiter ed. 1961)

<sup>iii</sup> Tracy Jan, "For Freshmen in Congress, Focus Is on Raising Money," *Boston Globe*, May 12, 2013. <http://www.bostonglobe.com/news/politics/2013/05/11/freshman-lawmakers-are-introduced-permanent-hunt-for-campaign-money/YQMMMoqCNxGKh2h0tOIF9H/story.html>

<sup>iv</sup> <http://www.nytimes.com/2015/01/14/business/economy/in-new-congress-wall-st-pushes-to-undermine-dodd-frank-reform.html? r=0>

## History of the Jacksonville Ethics Program and Commission

### Ordinance 92-78-1134

1. On October 27, 1992, the City Council passed Ordinance 92-78-1134 which created the Jacksonville Ethics Commission
2. The sponsor of the Ordinance was Councilman Matt Carlucci.

### Reasons for Creating Ethics Commission (as stated in the original ordinance)

1. The Consolidated City of Jacksonville was created in 1967 and began operations in 1968, in part, due to the corruption of the old government.
2. With few exceptions, the city government has been free of illegal or unethical conduct by its elected and appointed officials.
3. Even a few breaches of ethics laws can erode the trust of citizens.
4. The government must have the citizen's confidence in order to effectively operate.
5. The Florida Legislature has created a state code of ethics to be followed by all elected officials, including elected officers of the City of Jacksonville.
6. The City has its own ethics ordinances.
7. A local ethics commission could provide a valuable service to the community by providing a forum for consideration of ethics problems and questions.

### 1996 City of Jacksonville Ethics Handbook

1. In 1996, after a lengthy review of city, state and federal laws the Ethics Commission developed the first Ethics Handbook.
2. The Ethics Handbook provided a broad, general outline of the laws that are related to government ethics.

### 1999 – Ordinance 97-890

1. After the publication of the 1996 Ethics Handbook, the ethics commission continued the task of delving deeper into researching existing local, state and federal laws related to ethics.
2. The ethics commission picked up the pace of its work when Mayor John Delaney announced that he wanted to develop and pass a “Jacksonville Ethics Code.” The code was to be comprehensive and reflect the highest ethical standards and be a mode for city governments.
3. The ethics commission spent countless hours of research, deliberation and had an excellent give and take working relationship with administration and leadership of the City Council. As a result, the city's first comprehensive ethics code was passed in 1999.

### Membership of Jacksonville Ethics Commission:

1. Nine members
2. One member appointed by each of the following:
  - City Council
  - Mayor

- Public Defender
- Sheriff
- State Attorney
- Chief Judge of the Circuit Court
- Three members appointed by majority vote of the Commission

In 2010, a Charter amendment was passed on Ethics. See bill #2010-616 which called for an Independent Ethics Commission and an Office of Ethics, Compliance and Oversight.

In 2014, City Council passed a law creating the Office of Inspector General; this office and the Ethics Commission were granted jurisdiction over all agencies and officer of the Consolidated City of Jacksonville in a citizen referendum in March, 2015.



## JACKSONVILLE ETHICS CODE in PLAIN ENGLISH

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This is a **brief summary** of the ethics laws you need to know about as a COJ employee. If you think something applies to you, or you have questions, ASK !!! It is better to get questions answered before you do something. The entire Jacksonville ethics code is online at [http://www.coj.net/departments/ethics-office/ethics-code-\(current\).aspx](http://www.coj.net/departments/ethics-office/ethics-code-(current).aspx)

**THE BIG PICTURE:** Do not use your COJ position to get anything special for yourself, your family or anyone else. Corruption is defined as a public official doing something to benefit themselves or their family/business that goes against the public interest. Sometimes, things are technically “legal”, but will be perceived to be corrupt and that they were done for your own interests, not the public. So we follow not only the law, but the spirit of the law.

### DANGER AREAS:

1. **GIFTS:** Taking anything of value for you or your family; if over \$100, this can be an ethics violation (ex.: Vendor gives you 2 tickets to a concert; value \$120)
2. **ASKING FOR GIFTS:** Don’t ask people interacting with the city for anything (that is, a vendor; a lobbyist or someone doing business with the city.)
3. **MISUSE OF POSITION:** don’t try to get any special advantages for you or your family or anyone else as a result of your city position. (“do you know who I am??”) *Section 602.401*
4. **DOING BUSINESS WITH THE CITY:** if you or your family wants to do business with the city, check ahead of time on the rules for this.
5. **SECONDARY EMPLOYMENT:** anything you do to earn money outside of your COJ job has to be reported; be careful; there cannot be any conflict with your city duties and you cannot work for a company that does business with the city. (Ask for your specific situation.)
6. **SUNSHINE LAW:** public meetings must be noticed, open to the public and minutes taken. (Most meeting just between city employees do NOT fit in this category.) All city business in written format is a “public record”; don’t throw away documents; don’t use personal email accounts for city business.

**JAX ETHICS CODE:** This is an outline; for specific situations, please contact the Ethics Office.

- a) **MISUSE OF POSTION.** Do not misuse your position to get anything special for yourself or anyone else.
- b) **CONFIDENTIALITY.** Do not disclose confidential city information. *602.401*
- c) **LENDING MONEY.** Do not lend or borrow money from those you work with, see *602.401 (c)* for details. (\$100 is the limit if you are in the chain of command with the person; \$500 for anyone else.)
- d) **CLAIMS AGAINST THE CITY.** Be careful if you or your family are involved in any legal actions or claims against the city. See *602.402* for specifics.

- e) MOONLIGHTING. (outside employment). If you are FULL TIME you must disclose your outside employment and get approval for it. (There is an HR form for this.) The outside employment of “appointed” employees is posted on the internet. *602.403.*
- f) FUTURE EMPLOYMENT. Don’t accept a job or apply for a job if this could impact on your judgment as a current COJ employee. *602.404*
- g) PAST JOBS: if you start a job with the city, be careful of any connections to your former employer; you cannot be involved in contracts with your former employer. *602.405*
- h) BIDS/CONTRACTS WITH THE CITY. If you have any interest in a city bid or contract, you must disclose this. *602.406*
- i) OBSTRUCTION OF CITY MEETINGS. This law lists 8 specific ways a COJ employee is prohibited from intimidating, obstructing or generally disrupting a city hearing or proceeding or public meeting. Also, you cannot do anything to prevent a person from appearing or speaking at city meetings. *602.407*
- j) AFTER YOU LEAVE THE CITY: When you leave COJ employment, do not get involved in city matters that you had a part in when you were a COJ employee. If you were involved in making a contract decision for the city in excess of \$250,000, you can’t go work for that company. (Read 602.411 and.412 for details).
- k) GIFTS. Don’t take gifts in excess of \$100 from anyone doing business with the city; applying to do business; or a lobbyist or their employer. You cannot take gifts from any one person or business in excess of \$250 per calendar year. The best policy is just not to take any gifts. *602.701-3* (this is also state law)
- l) “GIFTS TO THE CITY”. If a gift comes in to your department, it is a “gift to the city” and is reported monthly and posted on the internet. *602.701(c)*
- m) HONORARIA. This is money to speak or write for an organization. In some cases, you cannot ask for this to happen and in some cases, it is prohibited. You can sometimes get reasonable expenses paid. Ask. *602.704* (also state law)
- n) LOBBYISTS. They need to register before they can try to influence any governmental decision making in the city. *602.801*
- o) ETHICS EDUCATION. All employees must be trained on ethics laws when they start employment. *602.1001*

#### STATE LAW

- p) NEPOTISM. You can’t hire, promote, advocate for your relatives to get a city job in your agency or one you might have control/influence over. (*Florida Law, 112.3135*)
- q) DOING BUSINESS WITH YOUR AGENCY. Don’t. Ask!
- r) CONFLICTING EMPLOYMENT. Don’t have any relationship or a contract with a business that interacts with your department or the city. Ask for specific situations.