

RESOLUTION NO. 11-18

A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, DECLARING ATLANTIC BEACH'S SUPPORT OF THE DUVAL DELEGATION 2011 BILL J-6 RELATING TO ETHICS AND TRANSPARENCY, APPLYING IN ITS ENTIRETY TO THE CITY OF ATLANTIC BEACH WITH THE EXCEPTION THAT; IN ORDER TO PRESERVE ATLANTIC BEACH'S HOME RULE AS AN INDEPENDENT MUNICIPALITY THE CITY OF ATLANTIC BEACH SHALL ADOPT A SEPARATE CODE OF ETHICS FOR THE CITY OF ATLANTIC BEACH AND SHALL NOT BE SUBJECT TO CHAPTER 602 ETHICS OF THE JACKSONVILLE MUNICIPAL CODE.

WHEREAS, the proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the people, the community and the government; that public office not be used for personal gain, and that the public have confidence in the integrity of its government, and

WHEREAS, public perception of our local government is at a record low, there is deep felt, nationwide, pervasive and growing climate of mistrust for public officials with residents feeling disengaged from their local government officials, and

WHEREAS, the lack of community education defining ethics and the expectations of public servants increases ethical challenges, and

WHEREAS, good ethical behavior is essential to effective government operations, and

WHEREAS, local government should emphasize and enforce a high standard of ethical expectations at all levels of public service, and

WHEREAS, the J-6 bill is the culmination of a citizen led directive with wide spread support from citizen groups such as the Jacksonville Community Council, Women League of Voters and the Concerned Taxpayers of Duval County who in their support declared "that a strong ethics officer is essential to a strong ethics commission and in the end it saves taxpayer money", and

WHEREAS, the State Ethics Commission handles certain offenses under Florida Law, Chapter 112 and has no jurisdiction to assist local ethics commissions or to enforce local ethics laws and an offense of a state law violation, would go to the state for handling, and a local ethics offense would be handled here, locally, with the Duval County Ethics Commission, there is no duplication in this area, and

WHEREAS, the training and education of Ethics translates into prevention of offenses, and

WHEREAS, this bill strengthens an existing framework within the county government to aide in education, intervention and investigation, which the taxpayers of Duval County are and have been supporting for many years, and

WHEREAS, the citizens of Atlantic Beach are also citizens and taxpayers of Duval County, have contributed taxes for many years for these services and are deserving of these same county services, and

WHEREAS, an amendment excluding Atlantic Beach would prohibit its citizens from utilizing these services, limiting local oversight and accountability, and

WHEREAS, the denial of the citizens of Atlantic Beach access to these services would be tantamount to taxation without representation, and

WHEREAS, the cost burden of creating and maintaining a separate Ethics Commission, Officer and Hotline for Atlantic Beach alone after Atlantic Beach taxpayers have already contributed to the funding of these services at the county level would represent double taxation and be cost prohibitive, and

WHEREAS, the County of Duval has spent over two years working on assuring the Ethics Officer, Commission and Hotline become independent in their duties in order to provide citizens a means to ensure their representatives are responsible to their office, duties and constituents, and

WHEREAS, the City Ethics Office has been effective in improving ethical standards within Jacksonville city government, and

WHEREAS, the Jacksonville Council in recognizing the importance of this issue to providing its citizens with good and fair government passed this legislation unanimously, and

WHEREAS, the Duval Delegation supports this legislation and requested the City of Atlantic Beach Commission consider this issue and reach a consensus.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH:

The City of Atlantic Beach fully supports the Duval Delegations passing of the 2011 J-6 Bill relating to Ethics, with removal of the amendment excluding Atlantic Beach from this legislation and adopting an amendment which provides for Atlantic Beach in this legislation and provides for each and every independent municipality within the County of Duval's consolidated government the right to adopt and be governed by its own code of ethics with all of the support and privileges provided by the County wide Ethics Commission, Ethics Officer and Ethics Hot Line.

PASSED AND ADOPTED by the City Commission of the City of Atlantic Beach this
____ day of February, 2011.

ATTEST:

Donna Bartle, City Clerk

Mike Borno
Mayor, Presiding Officer

Approved as to form and correctness:

ALAN C. JENSEN, ESQUIRE
City Attorney

Duval Delegation Bill 2011 J-6

J-6

AN ACT RELATING TO THE CHARTER OF THE CITY OF JACKSONVILLE, AS ESTABLISHED IN CHAPTER 67-1320, AND RECODIFIED IN CHAPTER 92-341, LAWS OF FLORIDA, ALL AS AMENDED; RELATING TO ETHICS, THE CITY OF JACKSONVILLE'S ETHICS CODE, AND THE CITY OF JACKSONVILLE'S ETHICS COMMISSION; AMENDING ARTICLE 1 TO ADD A CHAPTER 2 (ETHICS) TO ESTABLISH AN ETHICS POLICY, TO AUTHORIZE THE ESTABLISHMENT OF AN ETHICS CODE AND AN ETHICS COMMISSION, AND TO PROVIDE THAT THE CITY'S CONSTITUTIONAL OFFICERS SHALL BE SUBJECT TO THE ETHICS CODE; REPEALING SECTION 18.10 OF THE CHARTER; PROVIDING AN EFFECTIVE DATE.

Section 1. Article 1, Charter, Amended. Part A, Article 1, of the Charter of the City of Jacksonville, as established in Chapter 67-1320, and recodified in Chapter 92-341, Laws of Florida, all as amended, is amended to divide Article 1 into chapters, to title Chapter 1 (Consolidated Government), and to create a new Chapter 2 (Ethics), all to read as follows:

CHARTER LAWS

CHARTER OF THE CITY OF JACKSONVILLE

ARTICLE 1. GOVERNMENT AND ETHICS

CHAPTER 1. CONSOLIDATED GOVERNMENT

Section 1.101. Consolidated government.

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Section 1.102. Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and Town of Baldwin.

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CHAPTER 2. ETHICS

Section 1.201. Declaration of Ethics Policy

The proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the people, the community and the

government; that public office not be used for personal gain, and that the public have confidence in the integrity of its government.

Section 1.202. Ethics Code, Ethics Commission.

The City of Jacksonville, acting in its capacity as a county, shall enact an ethics code with jurisdiction over the officers and employees of the consolidated government of the City of Jacksonville, its constitutional officers, and independent agencies and districts, whether elected or appointed, paid or unpaid, and to the officers and employees of the school district. The ethics code may, as allowed by law, supplement state ethics laws. The ethics code shall provide for an independent ethics commission, whose membership shall have appropriate subject matter expertise, and which shall:

- (a) manage a citywide ethics hotline for intakes of allegations of violations of the ethics code;
- (b) manage and coordinate the training and education of local officers and employees in state and local ethics;
- (c) have the authority to refer ethics matters to appropriate enforcement agencies;
- (d) recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying;
- (e) have jurisdiction to levy those civil fines or penalties authorized by the City Council for violations of the City's ethics code;
- (f) act as the hiring committee for the administrative staff of the ethics oversight and compliance office;

and whose enforcement power is limited to the ethics code authorized by this section and enacted by city council. A structure shall be established for the ethics commission that ensures independence and impartiality

Section 1.203 Ethics oversight and compliance office. The ethics code shall include the establishment of an independent citywide ethics oversight and compliance

office to coordinate ethics training, ethics compliance, and ethics oversight issues and to staff the ethics commission. The ethics code, ethics commission, and ethics oversight and compliance office in place at the time of enactment of this section shall continue until amended or altered by the Council.

Section 1.204 Administrative Support. Appropriate support, as determined by City Council, shall be provided to the ethics commission and to the citywide ethics oversight and compliance office to carry out its duties and responsibilities. This support shall include a mechanism to obtain documents and testimony in connection with violations of the City's ethics code.

Section 1.205. Ethics Education and Application of Ethics Laws.

Within 90 days after taking office, every elected official within the consolidated government shall complete such ethics training as may be required by the ethics code. This requirement shall apply to all elected officials within the consolidated government, including, without limitation, the Mayor, all City Council Members, all Duval County School Board Members, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Tax Collector, and the Clerk of the Circuit and County Court. Additionally, all such elected officials shall be included in the definition of the term "officer" regarding any ethics code definition referring to officers as any person elected to any City office and all such elected officials shall comply with all laws applicable to officers in the city's ethics code.

Section 2. Section 18.10, Charter, Repealed. Having enacted a new Chapter 2 to Article 1, which includes the provisions of Section 18.10 (Ethics education and application of ethics laws), Section 18.10 of the Charter of the City of Jacksonville, as established in Chapter 67-1320, and recodified in Chapter 92-341, Laws of Florida, as amended, is hereby repealed.

Section 3. Effective Date. This act shall become effective upon becoming law.