ORDINANCE NO. O-2007-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", CREATING ARTICLE X, TO BE ENTITLED "CODE OF ETHICS"; PROVIDING FOR A CODE OF ETHICS FOR ELECTED AND APPOINTED CITY OFFICIALS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; INCORPORATING CHAPTER 112, FLORIDA STATUTES, AS AMENDED FROM TIME TO TIME; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 112.311, et seq., Florida Statutes, known as the Code of Ethics for public officers and employees, was enacted because the public interest requires that the public be protected from conflicts of interest and unethical conduct by elected and appointed public officers; and

WHEREAS, the City Commission of the City of Tamarac, Florida, desires to enact a Code of Ethics governing the City's public officers in the performance of their designated duties; and

WHEREAS, this City of Tamarac Code of Ethics is intended to apply to the day-to-day conduct of elected and appointed public officials of the City of Tamarac; and

WHEREAS, this Code of Ethics will serve as a valuable reference guide for all those in whom the public has placed its trust; and

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WHEREAS, the City Commission of the City of Tamarac has determined that the enactment of a City Code of Ethics is in the best interests of the citizens of the City of Tamarac, protects the integrity of City government, fosters public confidence in the actions of the City, and will assist in ensuring that the City's elected and appointed officials abide by the highest ethical standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, THAT:

Section 1: The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: The City Commission of the City of Tamarac hereby amends Chapter 2 of the City's Code of Ordinances, entitled "Administration", by specifically amending Article V of the City's Code of Ordinance, entitled "Conflicts of Interest", as follows:

Article V. Conflicts of Interest

Sec. 2-262. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Officer means any elected or appointed official.

Employee means any employee of the city, the city attorney, and other employed attorneys, .

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...

Sec. 2-271. Gifts

No ~~officer or~~ employee shall receive, directly or indirectly, any compensation, reward or gift of even nominal value from any source except compensation from the city for any service, advice, assistance or other matter related to the governmental processes of the City.

Sec. 2-275. Code of Ethics

Notwithstanding and in addition to the provisions of this Article, elected and appointed City officials shall be subject to the Code of Ethics set forth in Chapter 2, Article X of the City's Code of Ordinances

Section 3: The City Commission of the City of Tamarac hereby amends Chapter 2 of the City's Code of Ordinances, entitled "Administration", by specifically creating Article X of the City's Code of Ordinance, to be entitled "Code of Ethics", as follows:

Article X. Code of Ethics

Sec. 2-400 Short title.

Section 2-401 through Section 2-408 shall be known and cited as the "City of Tamarac Code of Ethics for Public Officers."

Sec. 2-401. Intent and purpose.

The purpose of this article is to strengthen the quality of representative government through ethical principles governing the conduct of the city's elected and appointed officials. It is important to assure that, that the policies and decisions made by public officers are made through established processes of government, that public officers do not utilize public office for private or personal benefit, that public officers avoid action which creates the appearance of impropriety, and that the public have confidence in the integrity of city government and the City's public officers.

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Sec. 2-402. Definitions. References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

(a) *Business entity* shall have the meaning ascribed in Section 112.312(5), Florida Statutes.

(b) *Candidate* shall have the meaning ascribed in Section 112.312(6), Florida Statutes.

(c) *Conflict* or *conflict of interest* shall have the meaning ascribed in Section 112.312(8), Florida Statutes.

(d) *Gift* shall have the meaning ascribed in Section 112.312(12), Florida Statutes.

(e) *Public officer* shall mean elected and appointed officials and shall include the meaning ascribed in Section 112.313(1), Florida Statutes.

(f) *Relative* shall have the meaning ascribed in Section 112.312(21), Florida Statutes.

Sec. 2-403. Acknowledgment.

All public officers of the city and candidates for city elective office, upon appointment, election, or qualifying, are strongly encouraged to submit a signed statement to be provided by the City Clerk acknowledging that they have received, read, understand, and agree to be bound by the City of Tamarac Code of Ethics for Public Officers.

Sec. 2-404. Applicability of Chapter 112, Florida Statutes.

Nothing in the City of Tamarac Code of Ethics for Public Officers shall be interpreted or construed as conflicting with Section 112.311 et seq., Florida Statutes, as amended from time to time, which is also applicable to public officers of the City. This article is intended to supplement state law provisions governing ethics in government.

Sec. 2-405. Standards of conduct.

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In furtherance of the public trust assumed by public officers of the City upon their election or appointment to public office, the following standards of conduct shall be applicable to public officers of the City:

(a) Each public officer shall be dedicated to the concepts of effective and democratic local government, respecting the principals and spirit of representative democracy, and setting a positive example of good citizenship by scrupulously observing the letter and spirit of applicable laws, rules, and regulations.

(b) Each public officer shall pledge himself or herself to affirm the dignity and worth of the services rendered by City government and to maintain a constructive, creative, and practical attitude towards urban affairs incorporating a deep sense of social responsibility as a public servant.

(c) Each public officer shall be dedicated to the highest ideals of honor and integrity in all public and personal relationships and shall conduct themselves in a manner which maintains and promotes public confidence in City government.

(d) Each public officer shall recognize that the main function of local government, at all times, is to serve and promote the best interests of the public.

(e) Each public officer pledges to support and carry out public policy in furtherance of the Mission Statement of the City.

(f) Each public officer pledges to keep the community informed on the affairs of City government, emphasize and practice friendly and courteous service to the public, and seek to improve the quality and image of public service.

(g) Each public officer pledges that he or she will not misuse the office or position, will not participate in debate on any matter which may come before the City Commission for decision and which may benefit a family member, client, or business acquaintance, and will not seek or accept any personal profit or gain, or unwarranted favor or privilege for himself or herself, or any relative or other person.

(h) Each public officer pledges not to improperly influence or attempt to influence other public officers.

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(i) A public officer shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service, or business creates a conflict with the proper discharge of his or her official duties as a public officer.

(j) A public officer shall not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with one's official duties as a public officer.

(k) Florida's Gift Law, as amended from time to time and as codified at Section 112.3148, Florida Statutes, is hereby incorporated herein by reference. A public officer shall not directly or indirectly solicit, accept, or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form if: (1) it could be reasonably inferred or expected that the gift was intended to influence the performance of a public official's duties; or (2) the gift was intended to serve as an inducement for an improper action or as a reward not otherwise permitted under Florida law.

(l) Each public officer agrees to be honest, fair, and respectful to others in performing his or her duties as a public officer and agrees to refrain from and avoid conduct creating an appearance of impropriety or which is otherwise unbefitting a public officer, including but not limited to making false accusations or personal attacks against another public officer, or behaving in a rancorous or contentious manner.

(m) A public officer shall not use the provisions of this Code of Ethics to further frivolous claims against one another. Frivolous claims shall be those forwarded with knowledge that the claim contains one or more false allegations or those made with reckless disregard as to whether the complaint or claim contains false allegations of fact material to a violation of this Code of Ethics.

(n) Each public officer pledges to uphold and adhere to the provisions of the Charter of the City.

(o) A public officer shall not knowingly violate any federal, state, or local law, rule or regulation.

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(p) Each public officer serving on the City Commission or an advisory board of the City, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the City Commission or the advisory board of which he or she is a member; and further pledges to inform the recipient(s) of the oral or written communication of any official position taken by the City Commission or an advisory board and indicate that his or her appearance or written correspondence is or is not authorized by the City Commission or an advisory board. When a member of the City Commission is representing the City Commission before another governmental body, said member of the City Commission shall, at a minimum, update the other members of the City Commission and the City Manager at the next scheduled City Commission meeting.

(q) A public officer shall not disclose confidential information acquired in one's capacity as a public officer to others or use such confidential information to further one's personal interests.

(r) No public officer shall undermine the duties, responsibilities, and role of the City Manager, as provided in the Charter and the Code of Ordinances and as assigned by the City Commission.

(s) Each public officer shall disclose all personal relationships in any instance whether there could be a conflict of interest or an appearance of conflict.

(t) Nothing herein shall be construed to apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective city office, as governed by Chapter 106, Florida Statutes.

(u) No public officer; however, shall be prohibited from giving or receiving:

(1) An award publicly presented in recognition of public service;

(2) Commercially reasonable loans made in the ordinary course of a lender's business; or

(3) Reasonable entertainment, meals, or refreshments furnished in connection with public events, appearances, or

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ceremonies related to official duties or city government business.

(v) No public officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a citizen or interested person if no fee, reward, or other thing of value is promised to, given to, or accepted by the public officer or a relative of a public officer, whether directly or indirectly, in return therefor. However, no public officer shall "influence peddle" or use his or her position as a public officer to gain favors or benefits inconsistent with City policy or applicable law on behalf of any citizen or other person.

Sec. 2-406. Orientation of elected officials.

(a) Newly elected members of the city commission shall, within twelve (12) months of the administration of the oath of office, attend and successfully complete the Institute for Elected Municipal Officials (IEMO) or similar program deemed qualified by the City Commission.

(b) Newly elected members of the City Commission shall receive an instructional orientation on City government from the City Manager and the City Attorney within ten (10) business days of the administration of the oath of office.

Sec. 2-407. Retreats.

In furtherance of the goals and purposes of the City of Tamarac Code of Ethics for Public Officers, on an annual basis, members of the City Commission shall attend at least one strategic planning retreat and City Commission retreats, as scheduled by the City Commission in consultation with the City Manager. Attendees at these retreats shall be the members of the City Commission, the City Manager, the City Attorney, and those public officers of the city whose attendance is deemed necessary by the City Manager.

Sec. 2-408. Enforcement.

Violation of any of the provisions of this article may constitute grounds for suspension or removal from office, pursuant to applicable statutory and constitutional procedures. Any advisory board member who violates any of the provisions of this article may be removed from any and all boards pursuant to applicable statutes and local ordinances. Any elected public

officer that violates the City of Tamarac Code of Ethics shall also be subject to censure by a four-fifths vote of the City Commission.

SECTION 3: It is the intention of the City Commission of the City of Tamarac, Florida that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4: If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

SECTION 5: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall become effective immediately upon adoption.

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PASSED, FIRST READING this 28th DAY OF November, 2007.
PASSED, SECOND READING this 12th DAY OF December, 2007.

By: Beth Flansbaum-Talabisco
Beth Flansbaum-Talabisco, Mayor

ATTEST:

Marion Swenson
MARION SWENSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1st Reading
MAYOR FLANSBAUM-TALABISCO yes
DIST 1: COMM. PORTNER yes
DIST 2: COMM. ATKINS-GRAD yes
DIST 3: V/M SULTANOF yes
DIST 4: COMM. DRESSLER yes

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form.

RECORD OF COMMISSION VOTE: 2nd Reading
MAYOR FLANSBAUM-TALABISCO yes
DIST 1: COMM. PORTNER yes
DIST 2: COMM. ATKINS-GRAD yes
DIST 3: V/M SULTANOF absent
DIST 4: COMM. DRESSLER yes

SAMUEL S. GOREN
CITY ATTORNEY

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SSG/JGH 9-10-07, 11-21-07
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