

ORDINANCE NO. 2009-4160

An ordinance of the City of Sanford, Florida amending the *City Code of the City of Sanford* and pertaining to ethics of public officials; providing for a short title; providing for purpose and scope; providing for State law applicability; providing for an ethics policy, administration and removal from office; providing for violations; providing for continuing review of the *City Code* and State law; providing for conflicts; providing for a savings provision; providing for severability; providing for codification in the *City Code* and providing for an effective date.

Whereas, all public officials of the City of Sanford are subject to provisions of the *Constitution of the State of Florida* including, but not limited to, the following:

- (1). Article I, Section 24 *Constitution of the State of Florida* (access to public records and meetings);
- (2). Article II, Section 8 *Constitution of the State of Florida* (ethics in government);
- (3). Chapter 99, *Florida Statutes* (candidates, campaign expenses, and contesting elections);
- (4). Section 102.031, *Florida Statutes* (maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters);
- (5). Section 104.071, *Florida Statutes* (remuneration by candidate for services, support, etc.; penalty);
- (6). Section 104.271, *Florida Statutes* (false or malicious charges against, or false statements about, opposing candidates; penalty);
- (7). Section 104.31, *Florida Statutes* (political activities of state, county, and municipal officers and employees);
- (8). Chapter 106, *Florida Statutes* (campaign financing);

(9). Section 111.075, *Florida Statutes* (elected officials; prohibition concerning certain committees);

(10). Section 112.042, *Florida Statutes* (discrimination in employment; relief);

(11). Section 112.043, *Florida Statutes* (age discrimination);

(12). Section 112.044, *Florida Statutes* (public employers, employment agencies, labor organizations, discrimination based on age prohibited; exceptions; remedy);

(13). Chapter 112, Part III, *Florida Statutes* (code of ethics for public officers and employees);

(14). Chapter 119, *Florida Statutes* (public records);

(15). Section 163.367, *Florida Statutes* (public officials, commissioners, and employees subject to code of ethics);

(16). Section 286.011, *Florida Statutes* (public meetings and records; public inspection; criminal and civil penalties);

(17). Section 286.0115, *Florida Statutes* (access to local officials);

(18). Section 286.012, *Florida Statutes* (voting requirements at meeting of government bodies);

(19). Chapter 838, *Florida Statutes* (bribery; misuse of public office);

(20). Chapter 839, *Florida Statutes* (offenses by public officers and employees);
and

Whereas, the City Commission of the City of Sanford desires to further assure the citizens of the City that all City elected and appointed officials who are members of boards, commissions, committees and taskforces (whether ad-hoc or permanent) will be

required to conduct themselves in accordance with high ethical standards and thereby strengthen the quality of representative government in the government of the City.

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1: Short title. A new section of the *City Code of the City of Sanford* is created to read as follows:

This Ordinance shall be known and may be cited as the “*City of Sanford Governmental Public Officials Ethics Ordinance*”.

Section 2. Purpose and scope. A new section of the *City Code of the City of Sanford* is created to read as follows:

The purpose of this Code enacted in this Ordinance is to strengthen the quality of representative government by establishing standards that promote confidence in the integrity of City government.

Section 3. Applicability. A new section of the *City Code of the City of Sanford* is created to read as follows:

This policy applies to all City of Sanford elected and appointed officials including boards, commissions, committees and taskforces, whether ad-hoc or permanent.

Section 4. State law applicability. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). Article II, Section 8 of the *Constitution of the State of Florida* provides, in pertinent part, that “[a] public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.” The City of Sanford is committed to upholding the public trust in all respects with regard to all activities of City government.

(b). In addition to the *Code of Ethics for Public Officers and Employees* set forth in Part III, Chapter 112, *Florida Statutes*, which is hereby incorporated herein by reference, the City of Sanford enacts the ethical standards and policies set forth in this

Ordinance to supplement the provisions of State law relating to ethics in government. Nothing in this Ordinance shall be interpreted or construed as conflicting with Part III, Chapter 112, *Florida Statutes*.

Section 5. Ethics policy; administration; removal from office. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). Public officials of the City of Sanford shall adhere to the following ethical standards:

(1). Serving the public interest by:

(A). Working for the common good of the people of the City of Sanford and not for any private or personal interest. Recognizing that the main function of local government, at all times, is to serve and promote the best interests of the public.

(B). Opposing any type of discrimination and harassment.

(C). Recognizing and supporting the public's right to know the public's business. Promoting openness and transparency by adhering to the openness of Florida government which operates "in the sunshine".

(D). Remaining informed on public issues. Making decisions based on merit and substance, not on personal predilections or grounds.

(E). Respecting other opinions.

(F). Publicly sharing with other officials and the public substantive information received from sources outside of the public decision-making processes prior to taking action on a matter.

(G). Being prepared to make and stand behind decisions that may not be popular.

(H). Respecting and supporting the will and decisions of the commission, board, committee or task force as a whole. Disclosing personal opinions.

(2). Guarding the public trust by:

(A). Not misusing the office or position. Guarding against conflicts of interest or the appearance thereof, such as nepotism, improper outside employment, use of office for financial or personal gain, or the acceptance of unlawful gifts.

(B). Not taking advantage of services or opportunities for personal gain that are not available to the public in general.

(C). Not using public resources which are not available to the general public, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

(D). Supporting open discussion and debate and make policy decisions publicly. Avoiding improperly influencing or attempting to influence other public officers, employees or government decisions.

(E). Promoting faith and confidence that government authority will be implemented in an even-handed and ethical manner. When appropriate, stepping aside to avoid the appearance of impropriety, even though a technical conflict may not exist. Place the good of the community at the forefront of consideration.

(F). Preventing mismanagement or misappropriation of public funds by establishing and maintaining strong fiscal and management controls.

(G). Respecting and protecting privileged and confidential information consistent with the laws of the State relating to public records.

(H). Empowering City administration to continuously improve the quality of and the services provided by City government.

(3). Respecting the Constitution and the law by:

(A). Complying with Federal, State and local laws, rules and regulations.

Upholding and adhering to the provisions of the *City Charter*.

(B). Promoting constitutional principles of equality, fairness, responsiveness and due process of law in protecting citizens' rights and ensuring that all actions are taken in a non-discriminatory manner.

(C). Working to improve and change policies that are counterproductive and obsolete.

(D). Providing the public with an administrative means for dissent, assurance of due process, and safeguards against reprisal.

(4). Demonstrating personal integrity by:

(A). Maintaining truthfulness, honesty and fairness and not compromising them for advancement, honor or personal gain.

(B). Respecting colleagues, other elected officials and the public. Avoiding conduct unbecoming a public officer including activities such as making false accusations or levying personal attacks against another public officer.

(C). Taking responsibility for one's own errors.

(D). Refraining from attempting to undermine the duties, responsibilities, and role of the City Manager, as provided in the *City Charter* and the *City Code*.

(E). Having fun and enjoy one's role as a public officer of the City, and allowing others to do likewise. Celebrating successes as a team regardless of to who credit is attributed.

(5). Promoting an ethical organization by:

(A). Enhancing organizational capacity for open communication, creativity, and dedication.

(B). Promoting ethical behavior and hold individuals and organizations accountable for their conduct.

(C). Promoting principles that protect against arbitrary and capricious actions.

(D). Promoting organizational accountability through appropriate controls and procedures.

(b). The Mayor and City Commission have the primary responsibility to assure that ethical standards are understood and met by the public officials of the City and that the public can continue to have full confidence in the integrity of City government.

(c). A City public official serving on a board, commission, committee or task force of the City who violates any of the provisions set forth in the Code enacted by this Ordinance may be removed from office, in the absence of a *City Charter* provision, in accordance with the provisions of Section 112.501, *Florida Statutes*, relating to municipal board members and their suspension or removal.

Section 6. Violations.

Violations of the Code enacted by this Ordinance will be processed and adjudicated under the provisions of applicable statutory and constitutional procedures. City officials to whom this Ordinance applies, and who violate any of the provisions of

the Code, may be subject to sanctions including but not limited to, reprimand, suspension or removal.

Section 7. Continuing review of City Code and State law.

The City Manager is directed to accomplish, in conjunction with the City Attorney, a continuing review of the *City Code* and the policies of the City of Sanford to ensure that the City maintains a current and effective ethics code appropriate with the needs of the City.

Section 8. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. Savings.

The prior actions of the City of Sanford in terms of the regulation of the ethical standards of City public officials are hereby ratified and affirmed.

Section 10. Severability.

(a). If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

(b). It is not the intent of this Ordinance to conflict with any applicable State law. If any Section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to so conflict; it shall be construed to have been the legislative intent to enact this Ordinance without such conflict and the remainder of this Ordinance, after

exclusion of such part of parts, shall be deemed and held to be valid as if such part or parts had not been included therein.

Section 11. Codification.

This Ordinance shall be codified in the *City Code of the City of Sanford*; provided, however, that Sections 8, 9, 10, 11 and 12 shall not be codified. The Code Codifier is granted broad and liberal authority to change section numbers in the current *City Code* and other appropriate actions as set forth in Section 1-10 of the *City Code*.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 9th day of February, 2009.

**City Commission of the City of
Sanford, Florida, Seminole County,
Florida**

Linda Kuhn, Mayor

Attest:

Janet Dougherty, City Clerk

Approved as to form and
legality:

William L. Colbert, Esquire
City Attorney

Certificate

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. 4160, Passed and Adopted by the City Commission of the City of Sanford, Florida, on the 9th day of February, 2009, was posted at the front door of the City Hall in the City of Sanford, Florida, on the 12th day of February, 2009.

Janet R. Dougherty