

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE 2009-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2007-06, THE “ETHICS CODE” FOR THE TOWN OF LOXAHATCHEE GROVES, TO PROVIDE FOR ADDITIONAL RESTRICTIONS ON THE ABILITY OF TOWN COUNCIL MEMBERS TO EITHER CONTACT OR COMMUNICATE WITH INDIVIDUALS OR ENTITIES THAT HAVE PETITIONS OR APPLICATIONS PENDING WITH THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 18, 2007, pursuant to Section 9 of the Town Charter, the Town Council adopted Town of Loxahatchee Groves Ordinance No. 2007-06, also known as the Town of Loxahatchee Groves Code of Ethics; and

**WHEREAS**, following consultation with Town staff, and discussion amongst the Town Council, the Town Council desires to amend the Town’s Code of Ethics to provide for additional restrictions on the ability of Town Council Members to either contact or communicate with individuals or entities that have petitions or applications pending with the Town; and

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has determined that the enactment of this amendment to the Town Code of Ethics is in the best interests of the citizens of the Town of Loxahatchee Groves, protects the integrity of Town government, fosters public confidence in the actions of the Town, and will assist in ensuring that the Town's elected and appointed officials abide by the highest ethical standards; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

**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.** That Article I of the Town of Loxahatchee Groves Code of Ordinances, entitled “Code of Ethics”, as enacted pursuant to the adoption of Town Ordinance 2007-06, be, and the same is hereby amended to read as follows:

**ARTICLE I. CODE OF ETHICS.**

**Sec. 1-20 Short title.**

This article shall be known and cited as the "Town of Loxahatchee Groves Code of Ethics for Public Officers."

**Sec. 1-21. Intent and purpose.**

The purpose of this article is to strengthen the quality of representative government through ethical principles governing the conduct of the Town'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 Town government and the Town's public officers.

**Sec. 1-22. Definitions.** References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

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

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

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

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

*Public officer* shall have the meaning ascribed in Section 112.313(1), Florida Statutes.

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

**Sec. 1-23. Acknowledgment.**

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

**Sec. 1-24. Applicability of Chapter 112, Florida Statutes.**

Nothing in the Town of Loxahatchee Groves 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 Town. This article is intended to supplement state law provisions governing ethics in government.

**Sec. 1-25. Standards of conduct.**

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

(a) *Core Values.* Each public officer pledges his or her commitment to the Core Values of the Town of Loxahatchee Groves, as follows:

- (1) *Leadership by example.* A public officer will display leadership by:
  - A. Subscribing to the Town of Loxahatchee Groves Code of Ethics for Public Officers; and
  - B. Promoting a sense of community, community values, and community spirit and by embracing diversity within the community, while focusing on the importance and values of family; and
  - C. Practicing a "can do" attitude rather than an attitude of negativity; and
  - D. Developing vision or focus on the future, and supporting the achievement of vision; and
  - E. Being responsive; and
  - F. Having fun and enjoying one's role as a public officer of the Town; and
  - G. Recognizing and fostering leadership throughout the Town government and the residential and business communities of the Town; and
  - H. Balancing statesmanship and political and professional goals; and

- I. Maintaining a positive image, while working towards the best interests of the Town and its citizens.
- (2) *Empowerment (mindset/orientation) attitude.* A public officer will display an empowerment attitude by:
- A. Encouraging citizens to be active, responsible partners in Town government that function with public officers of the Town to achieve a shared vision; and
  - B. Empowering Town administration to continuously improve the quality of and the services provided by Town government; and
  - C. Encouraging entrepreneurship by governing the Town as a successful, ethical business model; and
  - D. Maximizing revenue while minimizing tax burdens on citizens.
- (3) *Customer focus and involvement (volunteerism/action).* A public officer will encourage and promote customer focus and involvement by:
- A. Encouraging citizens and residents to be involved in government and bridging the gap between Town government and community; and
  - B. Promoting specific avenues by which citizen input is gathered and information is disseminated by the Town; and
  - C. Encouraging citizen involvement in decision-making; and
  - D. Supporting data-based decision-making.
- (4) *Continuous improvement.* A public officer will work towards continuous improvement through:
- A. Self-improvement through education, personal growth, and personal learning; and
  - B. Supporting process improvement in Town systems and key process improvements through knowledge-based decision-making; and

- C. Supporting and encouraging personal wellness and professional development throughout Town government; and
- D. Supporting innovation through technology; and
- E. Promoting effective use of customer feedback to improve quality of government and the providing of government services.

(b) 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.

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

(d) 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 Town government.

(e) 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.

(f) Each public officer pledges to keep the community informed on the affairs of Town 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 Town Council 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.

(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) Notwithstanding the provisions of Section 286.0115, Florida Statutes, as may be amended from time to time, and in full recognition of the provisions thereof, An elected public officer shall not have any contact with, in any form, nor engage in communication or discussion with applicants, petitioners, or their agents or representatives seeking action or other relief from the Town Council on matters related to a pending application or other petition. If there is no application pending, the public officer has the discretion to decide whether or not to contact or engage in communication or discussion with the applicant or petitioner or their representatives concerning a matter for which an application or petition may be submitted.

(k) 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.

(l) 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.

(m) 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 unbecoming 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.

(n) 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.

(o) Each public officer pledges to uphold and adhere to the provisions of the Charter of Town.

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

(q) Each public officer serving on the Town Council or an advisory board of the Town, 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 Town Council 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 Town Council or an advisory board and indicate that his or her appearance or written correspondence is or is not authorized by the Town Council or an advisory board. When a member of the Town Council is representing the Town Council before another governmental body, said member of the Town Council shall, at a minimum, update the other members of the Town Council and the Town manager at the next scheduled Town Council meeting.

(r) 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.

(s) No public officer shall undermine the duties, responsibilities, and role of the Town manager, as provided in the Charter and the Code of Ordinances and as assigned by the Town Council.

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

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

(v) 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 ceremonies related to official duties or Town government business.

(w) No-Consistent with the provisions of section (j), above, a public officer ~~shall be~~ is not 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. In order to make an inquiry on behalf of a citizen or interested person, the citizen or interested person, or any entity that they represent or are associated with, must not have an application or petition pending with the Town. However, no public

officer shall "influence peddle" or use his or her position as a public officer to gain favors or benefits inconsistent with Town policy or applicable law on behalf of any citizen or other person.

(x) Pursuant to Chapter 104.271, F.S., any candidate for public office who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of Chapter 104, F.S., as amended from time to time, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in Section 775.082, F.S., or Section 775.083, F.S., and, in addition, after conviction shall be disqualified to hold office.

Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the Florida Elections Commission pursuant to Section 106.25, F.S. The Florida Elections Commission shall adopt rules to provide an expedited hearing of complaints filed under this subsection. Notwithstanding any other provision of law, the Florida Elections Commission shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

**Sec. 1-26. Orientation of elected officials.**

(a) Newly elected members of the Town Council are encouraged to attend and successfully compete, within twelve (12) months of the administration of the oath of office, the Institute for Elected Municipal Officials (IEMO) or similar program deemed qualified by the Town Council.

(b) Newly elected members of the Town Council shall receive a structural orientation on Town government from the Town manager and the Town attorney within ten (10) business days of the administration of the oath of office.

**Sec. 1-27. 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 Town of Loxahatchee Groves Code of Ethics shall also be subject to censure by a four-fifths vote of the Town Council.

**SECTION 3. Severability.** Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be

considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

**SECTION 4. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

**SECTION 5. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 20<sup>th</sup> DAY OF January, 2009.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 3<sup>rd</sup> DAY OF February 2009.

ATTEST:

Matthew Lyman  
TOWN CLERK

APPROVED AS TO LEGAL FORM:

DNT  
Office of the Town Attorney

TOWN OF LOXAHATCHEE  
GROVES, FLORIDA

David Browning  
Mayor David Browning

Marge Herzog  
Vice Mayor Herzog

Autrey  
Council Member Autrey

Louda  
Council Member Louda

Lipp  
Council Member Lipp

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