Citizen Charter Review Committee  
January 25, 2018  
6:00 p.m. - 8:00 p.m.  
Leon County Courthouse  
Commission Chambers, 5th floor

AGENDA

I. Call to Order

II. Approval of January 18, 2018 Meeting Minutes

III. Public Hearings
   a. Increasing Campaign Contribution Limits for Local Elections as Proposed by the Citizen Charter Review Committee  
   (Vincent S. Long)
   
   b. Code of Ethics Requirement as Proposed by the Citizen Charter Review Committee  
   (Vincent S. Long)
   
   c. Employment of the County Attorney as Proposed by the Citizen Charter Review Committee  
   (Vincent S. Long)

IV. Adjournment

The next public hearing of the Citizen Charter Review Committee will take place on Thursday, February 1, 2018 at 6:00 P.M.
I.

CALL TO ORDER
II.

APPROVAL OF JANUARY 18, 2018 MEETING MINUTES
The Leon County 2017-2018 Citizens Charter Review Committee (CRC) met on January 18, 2018 at 11:30 a.m. in the Commission Chambers with Committee members Ted Thomas, Catherine Jones, Neil Fleckenstein, Reginald Ellis, Michael Eurich, Anice Prosser, Casey Perkins, Lee Hinkle, Kim Williams and William Graham present. Committee members Ken Hart, Shane Hopkins, Gordon Thames and Jay Revell were absent. Also present were County Administrator Vince Long, County Attorney Herb Thiele, Deputy County Administrator Alan Rosenzweig, Deputy County Attorney LaShawn Riggans, Special Projects Coordinator Heather Peeples, and Deputy Clerk Rebecca Vause.

I. Call to Order: Chair Hinkle called the meeting to order at 11:30 a.m.

II. Approval of Minutes: A motion to approve the January 11, 2018 minutes was offered by Michael Eurich and seconded by Anice Prosser. The motion carried 10-0 (Ken Hart, Shane Hopkins, Gordon Thames and Jay Revell absent).

III. Remarks of Interested Citizens:

Chair Hinkle confirmed there were no citizens to address the CRC.

IV. Proposed Charter Amendments for Committee Consideration

Chair Hinkle reminded the Committee that a simple majority vote of the CRC was needed to move the proposed amendments to the next phase.

a. Protections for Water Resources

County Administrator Long introduced the item. He advised that the state has exclusive authority over water consumption; however, counties may establish environmental standards related to water quality protection. He noted that a detailed memorandum from Deputy County Attorney Riggans on responsibilities of the state and counties as they pertain to the regulation of water quality is included in the Committee’s agenda packet, as well as information on the actions of the 2010 Charter Review Committee by which countywide minimum environmental standards were established. He conveyed that the County will continue to evaluate opportunities to improve water quality and staff had no specific regulations to recommend at this time for inclusion in the County Charter.

Mr. Williams asked if there were any identified water quality issues to be cited in the Charter by which to oblige the County Commission to review or make improvements routinely.

County Administrator Long provided an overview of a number of actions the Board has taken to address water quality, such as leveraging opportunities to facilitate neighborhood conversions from septic to sewer services and actively evaluating pilot programs for alternative programs septic. He submitted that he did not believe a charter amendment was needed to ensure this issue remains on the Board’s radar.

Mr. Fleckenstein inquired if there are water quality issues facing the County that are not being addressed by regulations or current programs.
David McDevitt, Development Support and Environmental Management Director, responded that the implementation of minimum countywide environmental standards and recent changes to the Comprehensive Plan has enhanced the means by which the County treats residential development in the lake protection area. He advised that staff is not aware of any additional regulations needed at this time.

Mr. Fleckenstein also ascertained from Mr. McDevitt that the County is adequately protected on issues such as oil drilling or fracking, as the County does not have a land use designation that would allow such events to occur.

Mr. Thomas submitted that, while regulations against pollutants affecting water quality are needed, an ordinance would be the more appropriate and effective venue.

Ms. Jones clarified that Commissioner Bill Proctor (who brought this issue forward) had asked for the establishment of a citizen board to look at water resource issues for the region. She confirmed with County Attorney Thiele that the County has no jurisdiction that would overcome state regulations and authority of the Water Management Districts. He also relayed that the County has a very active Water Resources Committee in place.

_Catherine Jones moved, seconded by Neil Fleckenstein, approval of Option 3: Take no further action at this time. The motion carried10-0 (Ken Hart, Shane Hopkins, Gordon Thames and Jay Revell absent)._
Ted Thomas moved, seconded by Reggie Ellis, approval of Option 3: Take no further action at this time. The motion carried 9-1 (Catherine Jones in opposition and Ken Hart, Shane Hopkins, Gordon Thames and Jay Revell absent).

V. Adjournment:
Chairman Hinkle thanked the CRC for its work thus far and reviewed the schedule going forward.

Chairman Hinkle recalled that the CRC has advanced the following proposed amendments to public hearing:
1. Increase campaign contribution limits for local elections.
3. Modify the hiring/firing of the County Attorney.

Due to the progress of the CRC, Chair Hinkle recommended that the CRC begin its public hearings on January 25, 2018. She stated that the hearings would begin at 6:00 p.m. in the Commission Chambers. She reminded the CRC that, upon conclusion of the third hearing, a vote to transmit the proposed amendments to the County Commission will be taken; which will require 10 affirmative votes. She encouraged all Committee members to attend all three public hearings.

The Committee adjourned at 12:11 p.m.

________________________________________________________________________
Lee Hinkle, Chair  
Leon County Charter Review Committee

Rebecca Vause, Deputy Clerk
III.

PUBLIC HEARINGS
LEON COUNTY
CITIZEN CHARTER REVIEW COMMITTEE

NOTES FOR AGENDA ITEM A
Citizen Charter Review Committee

Agenda Item A
January 25, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
       Herbert W.A. Thiele, County Attorney

Title: Increasing Campaign Contribution Limits for Local Elections as Proposed by the Citizen Charter Review Committee

| Review and Approval:       | Vincent S. Long, County Administrator  
                           | Herbert W.A. Thiele, County Attorney  |
|---------------------------|---------------------------------------|
| Department/Division Review:| Alan Rosenzweig, Deputy County Administrator  
                           | LaShawn Riggans, Deputy County Attorney  |
| Lead Staff/Project Team:  | Heather Peeples, Special Project Coordinator  
                           | Sara Pratt, Management Intern  |

Summary:
This is a public hearing on the proposed charter amendment language striking Article II sec. 2.2 sub. (7) and Article III sec. 3.4 Limitation on Campaign Contributions. This change would increase campaign contributions to the state limit of $1,000.

Staff Recommendation:
Option #1: Conduct the first of three public hearings to consider the proposed charter amendment (Attachment #1).
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting of November 16, 2017, the Committee voted 8-4 to request an agenda item related to campaign contribution limits in the Leon County Charter. On November 30, 2017, staff presented the agenda item and the Committee voted 7-5 to proceed to the next step in the proposed charter amendment process by requesting that staff prepare proposed charter amendment language striking Article II sec. 2.2 sub. (7) and Article III sec. 3.4 both titled Limitation on Campaign Contributions.

On January 11, 2018, staff presented the proposed charter amendment language as well as requested information regarding campaign fund balances of individual candidates from previous elections (Attachment #2). The Committee voted 9-4 to request that staff schedule the proposed charter amendment language for public hearing. The three public hearings have been scheduled for January 25, February 1, and February 8, 2018 at 6:00 p.m. in the Leon County Commission Chambers.

Analysis:
Campaign contribution limitations were not included as part of the original 2002 Charter. At that time, Florida Statutes established $500 as the campaign contribution limit. The 2009-2010 Charter Review Committee recommended a charter amendment reducing the campaign contribution limit from $500 to $250 for County Commission and County Constitutional officers (Attachment #1). The Board of County Commissioners placed the proposed charter amendment on the November 2010 General Election ballot which was approved by 65.5% the local electorate.

Subsequent to the adoption of the Leon County Charter Amendment in 2010, the Florida Legislature in 2013 increased the campaign contribution limit for individuals and political committees from $500 to $1,000. Of Florida’s 67 counties, 64 follow the current state law of a $1,000 campaign contribution limit.

The Committee’s proposed charter amendment would remove Article II sec. 2.2 sub. (7) and Article III sec. 3.4 Limitation on Campaign Contributions from the Leon County Charter. These provisions apply to the Leon County Board of County Commissioners and Constructional Officers respectively, and both provisions read as follows:

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.

If approved by the Leon County electorate, candidates for the Leon County Board of County Commissioners or a Constitutional Office would be required to follow Section 106.08 of the Florida Statutes which states that, except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of $1,000 for candidates for county office.
Options:

1. Conduct the first of three public hearings to consider the proposed charter amendment.
   
   *Voting Threshold: Simple Majority Vote*

2. Provide staff with additional direction.
   
   *Voting Threshold: Simple Majority Vote*

Recommendation:

Option #1.

Attachments:

1. Proposed Charter Amendment

2. January 11, 2018 Item, “Increasing Campaign Contributions for Local Elections”
ARTICLE II. - ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.2. - Legislative branch.

(1) **The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large Commissioners elected on a countywide basis by the electors of the County. Elections for all seven (7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.

(2) **Redistricting.** Redistricting of County Commission district boundaries shall be in accordance with general law, changed only after notice and a public hearing as provided by general law.

(3) **Salaries and Other Compensation.** Salaries and other compensation of the County Commissioners shall be established by ordinance, and salary shall not be lowered during an officer's term in office.

(4) **Authority.** The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate.

(5) **Vacancies.** A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

(6) **Administrative Code.** The County Commission shall adopt an administrative code in accordance with general law.

(7) **Limitation on Campaign Contributions.** No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.
ARTICLE III. - ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. - Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. - Non-partisan elections.

(1) **Non-Partisan Offices.** The Supervisor of Elections shall be non-partisan.

(A) **Non-Partisan Election Procedures.** If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

(B) **Qualification by Petition.** A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. - Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) **Audit Committee.** There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Sec. 3.4. - Limitation on campaign contributions.

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.
Citizen Charter Review Committee

Agenda Item #5A

January 11, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Increasing Campaign Contribution Limits for Local Elections

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<td>Sara Pratt, Management Intern</td>
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Summary:
This item provides proposed charter amendment language striking Article II sec. 2.2 sub. (7) and Article III sec. 3.4 Limitation on Campaign Contributions (Attachment #1). This change would increase campaign contributions to the state limit of $1,000.

Staff Recommendation:
Option #4: Committee direction.
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting of November 16, 2017, the Committee voted 8-4 to request an agenda item related to campaign contribution limits in the Leon County Charter. On November 30, 2017, staff presented the agenda item (Attachment #1) and the Committee voted 7-5 to proceed to the next step in the proposed charter amendment process by requesting that staff prepare proposed charter amendment language striking Article II sec. 2.2 sub. (7) and Article III sec. 3.4 both titled Limitation on Campaign Contributions.

The Committee also requested that staff bring back additional information regarding the approval rate for the Charter amendment in the 2010 General Election, which limited campaign donations to candidates for County Commission and Constitutional Officers to $250 per contributor, and the options for the disposition of surplus funds of candidates and campaign fund balances of individual candidates from previous elections.

Analysis:
Article II sec. 2.2 sub. (7) and Article III sec. 3.4 Limitation on Campaign Contributions applies to the Leon County Board of County Commissioners and Constitutional Officers respectively. Both provisions of the Leon County Charter read as follows:

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.

Limitations to campaign contributions was proposed by the 2009-2010 Citizen Charter Review Committee and adopted by the voters in 2010. The final vote count for the amendment during the 2010 General Elections was as follows:

YES: 57,558 (65.53%)
NO: 30,275 (34.47%)

Should Article II sec. 2.2 sub. (7) and Article III sec. 3.4 be stricken from the Charter, candidates for the Leon County Board of County Commissioners or a Constitutional Office would be required to follow Florida law, Section 106.08 F.S., which sets the campaign finance limit to $1,000.
Analysis of Surplus Funds by Candidates

Per the Committee’s request, the Supervisor of Elections Office provided campaign fund balances for the 2012, 2014, and 2016 election cycles as reflected in Attachment #3. Campaign fund balances are the funds that remain following an election. However if a negative balances remains, it must be addressed by the campaign after an election has ended.

Attachment #3 provides the complete analysis of candidates subject to the County’s $250 campaign limit or the state limit of $1,000. In addition, the analysis reflects the City of Tallahassee’s 2014 Charter Amendment which lowered the contribution limit for City Commission Candidates from $1,000 to $250 beginning in 2016. The following provides a brief summary of the data contained in Attachment #3.

Candidates Subject to a $250 Campaign Limit

- Over the last three election cycles, 30 County Commission candidates and 26 Constitutional Officer candidates were subject to the County’s $250 Campaign Limit.

- On average, 70% of these candidates ended the election cycle with a campaign surplus ranging from $20 to $46,765.

- Since 2012, the maximum funds raised by a candidate subject to the County’s $250 limit was $337,078.

- In 2016, 88% of City candidates subject to the City’s $250 campaign limit ended the election cycle with a campaign surplus ranging from $25 to $48,547.

Candidates Subject to the $1,000 Campaign Limit

- Over the last three election cycles, 77 candidates were subject to the State’s $1,000 Campaign Limit including County Judges, School Board, Superintendent of Schools, Soil and Water Conservation, City Candidates (2012 & 2014) and community development district candidates.

- On average, 69% of these candidates ended the election cycle with a campaign surplus ranging from $2 to $135,909.

- Since 2012, the maximum funds raised by a candidate subject to the $1,000 limit was $295,839.

Disposition of Surplus Funds by Candidates

The options available to candidates for disposing of surplus funds are outlined Section 106.141, Florida Statutes (Attachment #4), which states:

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:
1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of § 501(c)(3) of the Internal Revenue Code.
3. Give not more than $25,000 of the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
   a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or
   b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.
   (b) Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to the Florida Election Campaign Financing Act shall, after all monetary commitments pursuant to § 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Fund.

Unopposed candidates for a county office or any election conducted on less than a countywide basis also have the option to transfer to an office account up to $5,000 multiplied by the number of years the candidate has served in the office he/she is being elected to. Funds transferred to an office account may be used for legitimate expenses related to the candidate’s public office such as travel expenses, professional services provided by an accountant or attorney for preparation of financial disclosure filings, or fees/dues to religious, civic, or charitable organizations.

**Options:**
1. Proceed to the next step in the proposed charter amendment process by requesting that staff schedule the proposed charter amendment language for public hearing.
   *Voting Threshold: Simple Majority Vote*

2. Request additional information and analysis.
   *Voting Threshold: Four (4) Votes*

3. Take no further action at this time.
   *Voting Threshold: Simple Majority Vote*

4. Committee direction.

**Recommendation:**
Option #4: Committee direction.
Title: Increasing Campaign Contribution Limits for Local Elections
January 11, 2018

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Attachments:
1. Proposed Charter Amendment
2. November 30, 2017 Item, “Increasing Campaign Contributions for Local Elections”
4. Florida Statute 106.14; Disposition of surplus funds by candidates.
ARTICLE II. - ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.2. - Legislative branch.

(1) *The County Commission.* The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large Commissioners elected on a countywide basis by the electors of the County. Elections for all seven (7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.

(2) *Redistricting.* Redistricting of County Commission district boundaries shall be in accordance with general law, changed only after notice and a public hearing as provided by general law.

(3) *Salaries and Other Compensation.* Salaries and other compensation of the County Commissioners shall be established by ordinance, and salary shall not be lowered during an officer's term in office.

(4) *Authority.* The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate.

(5) *Vacancies.* A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

(6) *Administrative Code.* The County Commission shall adopt an administrative code in accordance with general law.

(7) *Limitation on Campaign Contributions.* No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.
ARTICLE III. - ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. - Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. - Non-partisan elections.

(1) Non-Partisan Offices. The Supervisor of Elections shall be non-partisan.

   (A) Non-Partisan Election Procedures. If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

   (B) Qualification by Petition. A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. - Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee. There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Sec. 3.4. - Limitation on campaign contributions.

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.
Citizen Charter Review Committee

Agenda Item A
November 30, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Increasing Campaign Contribution Limits for Local Elections

| Review and Approval: | Vincent S. Long, County Administrator  
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|                        | LaShawn Riggans, Deputy County Attorney |
| Lead Staff/Project Team: | Heather Peeples, Special Project Coordinator  
|                        | Sara Pratt, Management Intern          |

Summary:
To provide for a change in the Charter that increases the current $250 limitation on campaign contributions.

Staff Recommendation:
Option #4: Committee direction.
Report and Discussion

Background:

At the Leon County Charter Review Committee meeting of November 16, 2017, the committee passed a motion to request an agenda item related to campaign contribution limits in the Leon County Charter.

Campaign contribution limitations were not included as part of the original 2002 Charter. At that time, Florida Statutes established $500 as the campaign contribution limit. The 2009-2010 Charter Review Committee recommended a charter amendment reducing the campaign contribution limit from $500 to $250 for County Commission and County Constitutional officers (Attachment #1). The Board of County Commissioners placed the proposed charter amendment on the November 2010 General Election ballot which was approved by the local electorate.

Analysis:

The Leon County Charter, Article II sec. 2.2 sub. (7) Limitation on Campaign Contributions, states that no candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in any amount in excess of $250 per election.

Of the 19 other Charter Counties, two have campaign contribution limitations within their charters:

- Alachua: $250 applicable to County Commissioners and all Constitutional Officers
- Sarasota: $200 applicable to County Commissioners and all Constitutional Officers

Subsequent to the adoption of the Leon County Charter Amendment in 2010, the Florida Legislature in 2013 increased the campaign contribution limit for individuals from $500 to $1,000. Taking into consideration Leon County, of the 67 Florida counties, 64 follow the current state law of the $1,000 campaign contribution limit.

The Florida Legislature has made several changes to its campaign financing laws that affect the amount allowed for direct contribution to an individual political candidate. In 1991, campaign contribution limits were decreased from $1,000 to $500. Campaign contribution limits stayed at the $500 level until 2013, when Governor Rick Scott signed into law House Bill 569 which restored campaign contribution amounts to $1,000. This change is reflected in current Florida law, Section 106.08 F.S. (Attachment #2), which sets the campaign finance limit to $1,000 for a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge.

According to the House bill analysis in 2013 (Attachment #2), most states and the federal government place some sort of limit on campaign contributions. As a charter county, additional limitations on campaign contributions for county commissioners and constitutional officers can be imposed through the charter, however, the maximum amount outlined in state law cannot be exceeded.
Options:
1. Proceed to the next step in the proposed charter amendment process by requesting staff prepare proposed charter amendment language related to campaign contribution limitations for the January 18, 2018 meeting.
   *Voting Threshold: Simple Majority Vote*

2. Request additional information and analysis.
   *Voting Threshold: Four (4) Votes*

3. Take no further action at this time.
   *Voting Threshold: Simple Majority Vote*

4. Committee direction.

Recommendation:

Option #4: Committee direction.

Attachments:

1. 2010 Charter Amendment Language
2. Florida Statute 106.08 Contributions; limitations on.
3. Bill Analysis of HB 569
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</table>

**City Commission contribution limits were $1000 at this time--They were reduced to $250 in 2014 by the passing of a City Charter Amendment (passed 67%-33%).**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Contribution Limit</th>
<th>Office</th>
<th>Contributions</th>
<th>Expenditures</th>
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* Negative balances for Maloy and Sprague were amended to balance out.
* Reports for Eaton resulted in follow up with the Florida Elections Commission.
<table>
<thead>
<tr>
<th>Candidate</th>
<th>Office</th>
<th>Contribution Limit</th>
<th>Contributions</th>
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</table>

City Commission contribution limits were $1000 at this time. They were reduced to $250 in 2014 by the passing of a City Charter Amendment (passed 67%-33%).
<table>
<thead>
<tr>
<th>Candidate</th>
<th>Contribution Limit</th>
<th>Office</th>
<th>Contributions</th>
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* Negative balances for Kufu were amended to balance out.
* Reports for Proctor resulted in follow up with the Florida Elections Commission.
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*Negative balances for Marshall were amended to balance out.*
The 2017 Florida Statutes

Title IX
ELECTORS AND ELECTIONS

Chapter 106
CAMPAIGN FINANCING

106.141 Disposition of surplus funds by candidates.—

(1) Except as provided in subsection (6), each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate may not accept any contributions, nor may any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

(2) Any candidate required to dispose of funds pursuant to this section may, before such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, becomes unopposed, or is eliminated as a candidate or elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days after the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and the accumulated interest earned thereon to the campaign account of the candidate for disposal under this section. However, if the funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and the accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.
3. Give not more than $25,000 of the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
   a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or
   b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to the Florida Election Campaign Financing Act shall, after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign
account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Fifty thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Ten thousand dollars, for a candidate for multicounty office.

(c) Ten thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) Five thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) Three thousand dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate’s public office. Such expenses may include travel expenses incurred by the officer or a staff member; personal taxes payable on office account funds by the candidate or elected public official; professional services provided by a certified public accountant or attorney for preparation of the elected public official’s financial disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official’s public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in s. 106.011; fees or dues to religious, civic, or charitable organizations of which the elected public official is a member; items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official’s personal attendance at a constituent’s special event or family occasion, such as the birth of a child, graduation, wedding, or funeral; personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or expenses incurred in the operation of the elected public official’s office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall use such funds to pay for professional services provided by a certified public accountant or attorney for preparation of the elected public official’s final financial disclosure filing pursuant to s. 112.3144 or s. 112.3145, or give such funds to a charitable organization that meets the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6)(a) For purposes of this subsection, the term “same office” with respect to legislative office means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

(b) A candidate elected to state office or a candidate who will be elected to state office by virtue of his or her being unopposed after candidate qualifying ends, may retain up to $20,000 in his or her campaign account, or in an interest-bearing account or certificate of deposit, for use in his or her next campaign for the same office, in addition to the disposition methods provided in subsections (4) and (5). All requirements applicable to candidate campaign accounts under this chapter, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

(c) If a candidate who has retained funds under this subsection does not qualify as a candidate for reelection to the same office, all retained funds shall be disposed of as otherwise required by this section or s. 106.11(5) within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.
(7) Before disposing of funds pursuant to subsection (4), transferring funds into an office account pursuant to subsection (5), or retaining funds for reelection pursuant to subsection (6), any candidate who filed an oath stating that he or she was unable to pay the fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her shall reimburse the state or local governmental entity, whichever is applicable, for such waived fee. If there are insufficient funds in the account to pay the full amount of the fee, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund.

(8)(a) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and, on or before the date by which such disposition is to have been made, shall file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose thereof;
3. The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank, savings and loan association, or credit union in which the office account is located; and
4. The amount of such funds retained pursuant to subsection (6), together with the name and address of the bank, savings and loan association, or credit union in which the retained funds are located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(b) The filing officer shall notify each candidate at least 14 days before the date the report is due.

(c) Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late termination reports.

(9) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(10) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(11) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 50, ch. 77-175; s. 6, ch. 79-378; s. 60, ch. 79-400; s. 2, ch. 80-292; s. 54, ch. 81-259; s. 28, ch. 81-304; s. 1, ch. 82-404; s. 38, ch. 84-302; s. 9, ch. 85-226; s. 2, ch. 86-7; s. 6, ch. 86-276; s. 11, ch. 87-363; s. 15, ch. 89-256; s. 34, ch. 90-315; s. 15, ch. 91-107; s. 645, ch. 95-147; ss. 15, 16, 53, ch. 97-13; s. 6, ch. 2002-197; s. 20, ch. 2004-252; s. 70, ch. 2005-277; ss. 16, 30, ch. 2011-6; s. 65, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 15, ch. 2013-37.

Note.—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.
LEON COUNTY
CITIZEN CHARTER REVIEW COMMITTEE
NOTES FOR AGENDA ITEM B
Citizen Charter Review Committee

Agenda Item B

January 25, 2018

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
       Herbert W.A. Thiele, County Attorney

Title: Code of Ethics Requirement as Proposed by the Citizen Charter Review Committee

| Review and Approval: | Vincent S. Long, County Administrator |
|                      | Herbert W.A. Thiele, County Attorney |
| Department/Division Review: | Alan Rosenzweig, Deputy County Administrator |
|                           | LaShawn Riggans, Deputy County Attorney |
| Lead Staff/Project Team: | Heather Peeples, Special Projects Coordinator |
|                           | Nicki Paden, Management Analyst |

Summary:
This is a public hearing on the proposed charter amendment to provide a “Code of Ethics” requirement in the Leon County Charter.

Staff Recommendation:
Option #1: Conduct the first of three public hearings to consider the proposed charter amendment.
Report and Discussion

Background:
On November 16, 2017, the Leon County Charter Review Committee voted 12-0 to request staff to provide an agenda item with analysis related to providing for a “Code of Ethics” in the County Charter.

Following staff’s presentation of the requested item on November 30, the Committee voted 12-0 to request that staff provide additional analysis regarding other charter counties’ ethics requirements and applicability to Constitutional Officers. In addition, the Committee requested two variations of proposed charter amendment language requiring the adoption of a “Code of Ethics” ordinance, with and without applicability to Constitutional Officers.

On January 11, following consideration of both variations of language, the Committee voted 13-0 to request that staff schedule the public hearings for the proposed charter amendment language requiring the Board of County Commissioners to adopt a “Code of Ethics” ordinance not applicable to Constitutional Officers (Attachment #1). The three public hearings have been scheduled for January 25, February 1, and February 8, 2018 at 6:00 p.m. in the Leon County Commission Chambers.

Analysis:

In July 2002, to provide further specification related to ethical standards for Leon County Commissioners and employees, the Board adopted the Leon County Policy 03-05 “Ethics Code.” The policy has been amended three times to further promote transparency and address potential conflicts including the addition of provisions related to real estate transactions. The County’s “Ethics Code” is applicable to the Board of County Commissioners, County employees, and members of appointed boards and committees.

All local “Code of Ethics” must be at least as stringent as Chapter 112, Part III, F.S., which is applicable to all public officials, officers, and employees in the state. However, charter counties may adopt provisions more stringent than state law. Of the 20 charter counties in Florida, seven have provisions in their charter that require the adoption of an ethics ordinance: (1) Broward, (2) Clay, (3) Duval, (4) Miami-Dade, (5) Palm Beach and (6) Seminole. In addition, (7) Orange County, includes the specific provisions of their “Code of Ethics” within the county charter.

If approved by the Leon County electorate, the Committee’s proposed amendment would require the Board of County Commissioners to adopt a “Code of Ethics” ordinance. Similar to the County’s Lobbying Regulations Ordinance, the adoption of the “Code of Ethics” as an ordinance elevates the importance and visibility of the County’s existing ethics policy. In addition, a “Code of Ethics” ordinance preserves the County’s ability to be responsive to the needs of the community by allowing future changes to be made by ordinance rather than charter amendments.
The proposed charter amendment language is included below.

SECTION X.X CODE OF ETHICS
In order to provide a high level of transparency and ethical conduct under charter government, the Board of County Commissioners shall enact by ordinance a Code of Ethics no later than the first County Commission meeting in December 2019. The Code of Ethics shall prescribe standards of conduct for members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics shall include, but is not limited to, standards of conduct, provisions defining offenses, prescribing penalties within the limits allowed by law, and establishing lobbyist regulations. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

Options:

1. Conduct the first of three public hearings to consider the proposed charter amendment.  
   *Voting Threshold: Simple Majority Vote*

2. Provide staff with additional direction.  
   *Voting Threshold: Simple Majority Vote*

Recommendation:

Option #1.

Attachments:

Citizen Charter Review Committee

Agenda Item #5B

January 11, 2018

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Code of Ethics

<table>
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<tr>
<th>Review and Approval:</th>
<th>Vincent S. Long, County Administrator</th>
<th>Herb W.A. Thiele, County Attorney</th>
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<td>Lead Staff/ Project Team:</td>
<td>Heather Peeples, Special Projects Coordinator</td>
<td>Nicki Paden, Management Analyst</td>
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Summary:
This item provides additional information and analysis related to providing for a “Code of Ethics” in the Leon County Charter. Per the Committee’s request, this item also provides proposed charter amendment language including language for a “Code of Ethics” which applies to Constitutional Officers

Staff Recommendation:
Option #5: Committee direction.
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting of November 16, 2017, the Committee voted 12-0 to request that staff provide an agenda item with analysis related to providing for a “Code of Ethics” in the County Charter.

On November 30, following staff’s presentation of the requested agenda item (Attachment #1), the Committee voted 12-0 to request that staff prepare proposed charter amendment language for consideration at the Committee’s January 11, 2018 meeting. Additionally, the Committee requested information and analysis regarding other counties whose charter requires the adoption of a “Code of Ethics.”

Analysis:
All local “Code of Ethics” must be at least as stringent as Chapter 112, Part III, F.S., which is applicable to all public officials, officers, and employees in the state. However, charter counties may adopt provisions more stringent than state law. Of the 20 charter counties in Florida, seven require the adoption of an ethics ordinance: (1) Broward, (2) Clay, (3) Duval, (4) Miami-Dade, (5) Palm Beach and (6) Seminole. In addition, (7) Orange County, includes the specific provisions of their “Code of Ethics” within the county charter.

Per the committee’s request, staff has attached provisions from each counties’ charter regarding the “Code of Ethics” requirement (Attachment #2). Applicability of these counties’ ethics code to elected Constitutional Officers varies.

- Broward, Clay, and Duval County’s charters specifically state that their “Code of Ethics” applies to all elected Constitutional Officers/“county officers.”
- Palm Beach and Seminole County’s “Code of Ethics” does not apply to elected Constitutional Officers.
- Miami-Dade County’s “Code of Ethics” Ordinance is not applicable to elected Constitutional Officers, with the exception of one provision regarding ethical campaign practices and associated penalties of admonition and/or fines.

Based on the Committee’s direction, staff has prepared proposed charter amendment language requiring the Board of County Commissioners to adopt a “Code of Ethics” ordinance. Similar to the County’s Lobbying Regulations Ordinance, the adoption of the Code of Ethics as an ordinance elevates the importance and visibility of the County’s existing ethics policy. In addition, a “Code of Ethics” ordinance preserves the County’s ability to be responsive to the needs of the community by allowing future changes to be made by ordinance rather than charter amendments. This approach is similar to how the Florida Constitution addresses ethics by providing broad ethical standards and requiring a code of ethics be adopted as state law. In support of the County’s existing policy, the County recently produced and distributed *The Code of Ethics Guide – An Ethics Field Manual for Employees* (Attachment #3) in a continuous effort to provide guidance and assistance to County employees.
As previously stated, all local “Code of Ethics” must be at least as stringent as Chapter 112, Part III, Florida Statutes, which is applicable to all public officials, officers, and employees in the state. Accordingly, section 112.326, Florida Statutes states:

Nothing in this act shall prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

Unless the Sheriff, Property Appraiser, Tax Collector, Clerk of Court and Supervisor of Elections become Charter Officers, which they presently are not, it is the County Attorney’s Office opinion that the County can only impose a “Code of Ethics” on their own officers and employees and that same cannot be imposed on Constitutional Officers.

Per the Committee’s direction, staff has prepared two variations of the proposed amendment one not applicable to Constitutional Officers and one applicable to Constitutional Officers.

Version #1 (Not Applicable to Constitutional Officers):

SECTION X.X CODE OF ETHICS
In order to provide a high level of transparency and ethical conduct under chart government, the Board of County Commissioners shall enact by ordinance a Code of Ethics no later than the first County Commission meeting in December 2019 and shall. The Code of Ethics shall prescribe standards of conduct for members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics shall include, but is not limited to, standards of conduct, provisions defining offenses, prescribing penalties within the limits allowed by law, and establishing lobbyist regulations. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

Version #2 (Applicable to Constitutional Officers):

SECTION X.X CODE OF ETHICS
In order to provide a high level of transparency and ethical conduct under charter government, the Board of County Commissioners shall enact by ordinance a Code of Ethics no later than the first County Commission meeting in December 2019. The Code of Ethics shall prescribe standards of conduct for members of the Board of County Commissioners and its employees, Leon County Constitutional Officers and their employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative
standards of conduct which apply to any such officer or employee. The Code of Ethics shall include, but is not limited to, standards of conduct, provisions defining offenses, prescribing penalties within the limits allowed by law, and establishing lobbyist regulations. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

**Options:**
1. Proceed to the next step in the proposed charter amendment process by requesting that staff schedule a public hearing for the proposed charter amendment language providing for a “Code of Ethics” **not** applicable to Constitutional Officers.  
   *Voting Threshold: Simple Majority Vote*

2. Proceed to the next step in the proposed charter amendment process by requesting that staff schedule for public hearing the proposed charter amendment language providing for a “Code of Ethics” that is applicable to Constitutional Officers.

3. Request additional information and analysis.  
   *Voting Threshold: Four (4) Votes*

4. Take no further action at this time.  
   *Voting Threshold: Simple Majority Vote*

5. Committee direction.

**Recommendation:**
Option #5: Committee direction.

**Attachments:**
2. Ethical Provisions in Florida Counties’ Charters
Citizen Charter Review Committee

Agenda Item B
November 30, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Code of Ethics

| Review and Approval: | Vincent S. Long, County Administrator  
|                     | Herb W.A. Thiele, County Attorney 
| Department/Division Review: | Alan Rosenzweig, Deputy County Administrator  
|                     | LaShawn Riggans, Deputy County Attorney 
| Lead Staff/Project Team: | Heather Peeples, Special Projects Coordinator  
|                     | Nicki Paden, Management Analyst 

Summary:
This item considers providing for a Code of Ethics in the Leon County Charter.

Staff Recommendation:

Option #5: Committee direction.
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting of November 16, 2017, the committee passed a motion to request an agenda item related to the Code of Ethics in the County Charter.

Article II, Section 8 of the Florida Constitution provides for “Ethics in Government.” (Attachment #1). The Constitution prescribes under Section 8 (g), that a code of ethics shall be prescribed by law. In fulfilling the Constitutional requirement, Section 112, Part III, of Florida Statutes, establishes a “Code of Ethics for Public Officers and Employees” (Attachment #2), which applies to all county governments. The statute provides ethical standards including, but not limited to:

- Standards of Conduct;
- Ethics Training Requirements;
- Voting Conflict of Interest Restrictions;
- Financial Disclosure Requirements; and
- Penalties.

In July 2002, to provide further specification related to ethical standards for Leon County Commissioners and employees, the Board adopted the Leon County Policy 03-05 “Ethics Code” (Attachment #3). The policy has been amended three times to further promote transparency and address potential conflicts including the addition of provisions related to real estate transactions. The County’s Code of Ethics is applicable to the Board of County Commissioners, County employees, and members of appointed boards and committees.

Following the adoption of amendments to the Code of Ethics Board Policy, the Board hosted a workshop to consider further ethical provisions related to lobbyists. In December 2007, the Board adopted an Ordinance to codify the County’s lobbyist registration process and provide additional provisions which require lobbyist to file quarterly compensation reports with the Clerk of the Board, prohibit County officials and employees from certain conduct and communication, and provide the associated penalties.

Analysis:
A “Code of Ethics” sets clear expectations governing the behavior of the individuals of an organization. However, while Leon County has a strong ethics policy, the current policy is neither included nor referenced in the Leon County Charter.

The National Association of Counties (NACo) encourages counties to adopt a local code of ethics to provide a framework for acceptable behavior in order to eliminate ethical misunderstandings and increase accountability. In addition, Section 112.326 Florida Statutes prescribes that nothing in statute prohibits local governments from imposing additional or more stringent standards of conduct or disclosure than Florida law as long as the requirements do not conflict with state law. In addition to provisions outlined in state statute, Leon County’s Code of Ethics goes beyond those provided by state statute related to:

- Post-employment restrictions for county officers and employees (e.g. Two-year lobbying prohibition);
• Specific standards related to County Real Estate Transactions.

Leon County’s Code of Ethics adheres to state law in regard to the investigation for violations and enforcement of the Code. Florida Statute 112.317 outlines these penalties, which include but are not limited to: Removal from office, suspension from office, public censure and reprimand, and a civil penalty not to exceed $10,000. In addition, the Florida Constitution prescribes that any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to loss of their public pension.

Of the 20 charter counties, six charters require the County adopt an ethics ordinance: (1) Broward, (2) Clay, (3) Duval, (4) Miami-Dade, (5) Palm Beach and (6) Seminole. In addition, Orange County is the only county that includes the specific provisions of their code of ethics within the county charter. The applicability of the ethics provisions varies by charter to include county commissioners, appointed officials, constitutional officers, and/or employees. As Board Policy, the County’s Code of Ethics visibility and importance can be elevated through inclusion in the County’s Charter. Inclusion in the County’s Charter can be achieved by either requiring an ethics code be adopted by a local ordinance or by placing the full ethics code within the Charter. While the inclusion of the entire code of ethics in the Charter can be done, it would require future charter amendments to make any changes.

Alternatively, a charter requirement to adopt a “Code of Ethics” ordinance elevates the importance and visibility of the County’s ethic’s policy similar to the Lobbying regulations Ordinance. In addition, a “Code of Ethics” ordinance preserves the County’s ability to be responsive to the needs of the community by allowing future changes to be made by ordinance rather than charter amendments. This approach is similar to how the Florida Constitution addresses ethics by providing broad ethical standards and requiring a code of ethics be adopted as state law. To ensure compliance, a local Charter amendment can require a date certain for an ordinance to be enacted. In addition, the Charter amendment may prescribe requirements of an ethics ordinance, such as: who the code applies to, requiring for lobbying regulations, offenses, and prescribing for penalties.

**Options:**

1. Proceed to the next step in the proposed charter amendment process by requesting staff to prepare proposed charter amendment language related to a “Code of Ethics” for the January 18, 2017 meeting.

   *Voting Threshold: Simple Majority Vote*

2. Request additional information and analysis.

   *Voting Threshold: Four (4) Votes*

3. Take no further action at this time.

   *Voting Threshold: Simple Majority Vote*

4. Committee direction.
Recommendation:
Option #5: Committee direction.

Attachments:
1. Florida Constitution Article II, Section 8
2. Florida Statute Section 112, Part III, “Code of Ethics for Public Officers and Employees”
3. Leon County Board Policy “Code of Ethics”
4. Leon County’s Lobbyist Regulations Ordinance
Florida Counties’ Charter Code of Ethics References

Broward

Section 11.08 BROWARD COUNTY ETHICS COMMISSION

A. There shall be a Broward County Ethics Commission whose sole purpose shall be to establish a Code of Ethics for the Broward County Commission. The Broward County Ethics Commission shall work in a collaborative and communicative nature with the County Commission in drafting the Code of Ethics.

The Broward County Ethics Commission shall present a Code of Ethics to the Broward County Commission for consideration no later than at the first County Commission meeting in March 2010 (the “Proposed Ethics Code”). If the Broward County Commission fails to adopt the Proposed Ethics Code as proposed by the Broward County Ethics Commission within one hundred eighty (180) days of its receipt of the proposal, the Proposed Ethics Code shall be presented to the electors of Broward County for consideration at the November 2010 general election. If approved by the electors of Broward County, the Proposed Ethics Code shall become part of the Broward County Code of Ordinances.

(November 4, 2008: Section 11.08, as proposed by the Charter Review Commission, was created to establish the Broward County Ethics Commission responsible for drafting a Code of Ethics regulating the conduct of County Commissioners, to be considered for passage by the County Commission and/or the County electors.)

Section 11.10 CONSTITUTIONAL OFFICERS SUBJECT TO CODE OF ETHICS

The Broward County Sheriff, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court are elected officials subject to the Broward County Code of Ethics.

(November 2, 2010: Section 11.01 C, as proposed by the County Commission, was amended to establish that a County ordinance shall prevail over municipal ordinances whenever the County acts to regulate the conduct of elected officials, appointed officials, and public employees through a code of ethics. Section 11.10, as proposed by the County Commission, was created to establish that County constitutional officers are subject to the County Code of Ethics.)
Clay

SECTION 2.2 LEGISLATIVE BRANCH – CODE OF ETHICS

Before July 1, 2007, the Board of County Commissioners shall enact by ordinance a Code of Ethics. The Code of Ethics shall prescribe standards of conduct for members of the Board, the County Manager, the County Attorney, the County Auditor, all other elected or appointed County Officers including the Superintendent of Schools and members of the School Board, and the deputies and employees of all such officers. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics may include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

(Added November 7, 2006)
Chapter 2 – ETHICS

Section 1.202. - ETHICS CODE, ETHICS COMMISSION, INSPECTOR GENERAL

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. Jurisdiction shall include, but not be limited to the following: The Mayor, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Clerk of the Courts, the Tax Collector, City Council, JEA, the Police and Fire Pension Fund, Jacksonville Aviation Authority, Jacksonville Port Authority, Jacksonville Housing Authority, Jacksonville Housing Finance Authority, Jacksonville Transportation Authority, and the Jacksonville Health Facilities Authority. 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 AND OFFICE OF INSPECTOR GENERAL

(a) The ethics code provided for in section 1.202 of the Charter shall include the establishment of an independent citywide Ethics Oversight and Compliance office and an independent Office of Inspector General, each with jurisdiction over the City of Jacksonville, its constitutional officers, and its independent agencies.
(b) The Ethics Office shall coordinate ethics training, ethics compliance, and ethics oversight issues and to staff the ethics commission.
(c) The Office of Inspector General shall provide independent oversight of publicly funded activities and transactions and other local government operations. The office shall have jurisdiction to investigate, audit, and provide contract oversight, and to promote economies and efficiencies, improve agency operations, and prevent and deter waste, fraud and abuse.
Miami-Dade

Citizens’ Bill of Rights (A) 17. COMMISSION ON ETHICS AND PUBLIC TRUST

The County shall, by ordinance, establish an independent Commission on Ethics and Public Trust comprised of five members, not appointed by the County Commission, with the authority to review, interpret, render advisory opinions and enforce the county and municipal code of ethics ordinances, conflict of interest ordinances, lobbyist registration and reporting ordinances, ethical campaign practices ordinances, when enacted, and citizens’ bill of rights.

Citizens’ Bill of Rights (C) 17. COMMISSION ON ETHICS AND PUBLIC TRUST

The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.
Orange

Section 706 – CODE OF ETHICS

A. The local code of ethics shall be construed and interpreted in such a way to protect the public's trust and to promote open and accountable government in Orange County. Preserving the public's trust shall be paramount in enforcing the local code of ethics, and it shall be interpreted consistent with the purposes and intent of the local code of ethics.

B. The citizens of Orange County are entitled to a government that embraces best ethical practices and full disclosure of conflicts of interest involving county employees or elected officials. All votes of the board, and actions of the mayor, the county commissioners and county employees, shall be made or taken in the best interests of the citizens of Orange County, free of any undisclosed conflicts of interest.

C. In order to provide a high level of transparency and ethical conduct under charter government, the board shall adopt a local code of ethics applicable to the board of county commissioners and to those employees required to file financial disclosure under state law or who participate in the county procurement process. Such code, though more stringent than general law, shall not place the board of county commissioners or county employees in conflict with the state ethics code, or any other provision of federal or state law, and at a minimum shall provide for:

1. Additional financial and business relationship disclosure;
2. Restrictions on gifts to the board of county commissioners;
3. Under the auspices of an apparent conflict of interest concerning matters involving a prior business associate of any member of the board, disclosure and abstention from voting for a reasonable period of time following termination of the business associate relationship;
4. Approval by the board on development related matters ordinarily subject to final approval by county staff where the applicant or any person having a beneficial interest in the outcome of the matter is a business associate, family member, or employer of a member of the board;
5. Reasonable post-employment restrictions for employees; and
6. Subject to the attainment of the same type of confidentiality provisions available to the state commission on ethics under general law, an enforcement process to provide for due process, penalties, and appeals, all within a reasonable timeframe.

Implementation of the provisions of this subsection shall be by ordinance adopted either prior to the effective date of this provision or by no later than January 1, 2010.

D. The board of county commissioners and those employees required to file financial disclosure under state law or who participate in the county procurement process shall be required to receive at least annual educational sessions on best ethical practices and current trends in ethics issues.

E. The state code of ethics, as provided by general law, shall have full effect on all employees and officeholders under the charter government. Penalty for violation of the state code of ethics shall be as provided by general law.

F. Any local code of ethics adopted prior to the effective date of this section shall, if necessary, be amended so as to comply with the provisions of this section.
Palm Beach

Article VIII Ethics Regulation – Section 8.1 COUNTY CODE OF ETHICS

The county shall, by ordinance, adopt a Palm Beach County Code of Ethics, which shall be at least as stringent as Chapter 112, Part III, Florida Statutes, the Code of Ethics for Public Officers and Employees. The ordinance shall be prepared, adopted, and amended pursuant to the procedures in Section 8.4 of this charter.
Seminole

Section 5.4 ETHICS

Ordinance Requirements. On or before January 8, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance (the "Ordinance"), require compliance with the following provisions, which shall be supplemental to, but may not diminish the provisions of general law.
Vision

A community that is safe, healthy and vibrant.

Mission

To efficiently provide public services which serve and strengthen our community.
In every way that Leon County employees touch the lives of our citizens we serve, we consistently strive to set the standard in public service and to uphold the public trust.

Ethics are a core practice in Leon County Government and standards of ethical behavior are detailed in both our “Ethics Code” policy and our “Employee Standards of Conduct” contained in the Human Resources manual. While both of these documents are thorough and complete, the guide you are now holding is intended to be a user-friendly “field manual” for reference, reminders and reinforcement related to the high standards of ethical behavior required to be a Leon County employee.

Understanding that this guide may not answer every question you have now or in the future, I’ve designated Wanda Hunter, Assistant County Administrator to be your initial point of contact. She is just a phone call or e-mail away should you have a question or concern, require clarification or if you just need a little advice or guidance.

Leon County employees perform many different jobs and fulfill a broad range of responsibilities, but the one thing we must all do every day is practice ethics with great clarity and unwavering consistency. Thank you for all you do to make our community and our organization even better.

With almost 30 years of public service, Wanda Hunter has spent her career dedicated to integrity, honesty and accountability. Beginning her career in Leon County with the Office of Equal Employment Opportunity, Wanda has since worked throughout the County in different roles and levels, giving her vast experience and a unique perspective to help you and address issues of ethics and compliance in coordination with Human Resources and the County Attorney’s Office.
Leon County employees fully embrace and live by our core practices, and enhance our people focused, performance driven organizational culture; demonstrate pride in their work and their community; always strive to improve levels of service and performance; and are empowered to help the people they serve. To promote the public interest and maintain the public’s trust, Leon County employees are committed to the following Core Practices:

- **Demonstrating Highest Standards of Public Service.** Employees adhere to the highest standards of ethical behavior, avoid circumstances that create even an appearance of impropriety and carry out the public’s business in a manner which upholds the public trust. Citizens know that we are on their side.

- **Delivering the “Wow” factor in Customer Service.** Employees deliver exemplary service with pride, passion and determination; anticipating and solving problems in “real time” and exceeding customer expectations. Customers know that they are the reason we are here.

- **Connecting with Citizens.** Employees go beyond customer service to community relevance, engaging citizens as stakeholders in the community’s success. Citizens know that they are part of the bigger cause.

- **Accepting Accountability.** Employees are individually and collectively accountable for their performance, adapt to changing conditions and relentlessly pursue excellence beyond the current standard, while maintaining our core values.

- **Exhibiting Respect.** Employees exercise respect for citizens, community partners and each other.

- **Employing Team Approach.** Employees work together to produce bigger and better ideas to seize the opportunities and to address the problems which face our community.

- **Exercising Responsible Stewardship of the Community’s Resources.** Employees engage in the continuous effort to create and sustain a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life, demonstrating performance, value and results for our citizenry.

- **Living our “People Focused, Performance Driven” Culture.** Employees have a structure in place to live all of this as our organizational culture and are empowered to help the people they serve.
t is prohibited for any County employee to use or attempt to use his/her position, or any property or resource, that may be within the employee’s trust, or perform his/her official duties, to secure a special privilege, benefit, or exemption for himself, herself or others.

Employees shall not be permitted to use County facilities, meeting rooms, or conference rooms, or County equipment for other than County business, unless such facilities or equipment are available in accordance with established policy on a regular basis to the general public in which instance the use of such shall be on the same conditions as for the general public.

**Perception is reality**

Employees should avoid the appearance of inappropriate use of the County’s equipment, supplies, facilities, and other resources for their own benefit.

**Q&A**

**Q:** I have an outside business providing lawn care service, am I able to share my County business card with possible new clients?

**A:** No. Using your County business card, emailing County contacts and any misuse of County resources is prohibited.
o employee or employee’s spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when the employee knows, or with the exercise of reasonable care should know that it was given to influence an employee’s official actions.

**Delivering the WOW!**

*Often our citizens want to express appreciation for work done well. If you have a citizen offer you a gift or money, politely say no. You can suggest they offer appreciation by contacting your supervisor.*

**Q&A**

**Q:** May I take a part-time job from a contractor who currently does work with the County and whose contract I oversee?

**A:** No, you may not take the part time job even if the contractor has no intention of trying to influence how you manage their contract. Taking the job creates an appearance that you are being influenced.
the law prohibits the solicitation or acceptance by any County employee of any gift, loan, favor, or service that would cause a reasonably prudent person to be influenced in the discharge of official duties, or should have known, that it was given to influence an employee’s official actions.

**Are there gifts I can receive?**

*T-shirts, pencils, raffles, shopping bags and all other “trinkets” are okay to take, as long as it is a County-sponsored or -approved activity and as long as everyone attending the event is offered the same items.*

**Q&A**

Q: Am I able to accept a dinner that is being offered free at an upcoming office-related event?

A: Accepting of food and/or drinks offered at activities where your attendance is associated with your official County duties is okay.
An employee may not disclose or use information not available to the general public for his/her personal gain or for the gain of any other person or business entity.

You have a duty to assure confidential information remains confidential. County employees may have possession of citizen’s social security, medical, or even individual financial information. It is our job to always be on guard to strictly protect the confidentiality of this information.

Q&A

Q: I’m aware of an upcoming County bid that a friend of mine might be qualified to bid on. In order to help my friend prepare the lowest bid, can I let her know the timing of the bid and let her know what type of contractor the County wants?

A: No. As a County employee, you cannot use your job to benefit another business or person. Giving your friend this information provides them an unfair advantage over other possible contractors that may also want to bid.
very employee will have the right to express his or her views as a citizen, to cast his or her vote as he or she chooses, to hold membership in and to support a political party, or maintain political neutrality. Employees may also attend political meetings and take an active part in political campaigns during off duty hours. However, every employee is prohibited from:

a. Using his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

b. Directly or indirectly coercing, attempting to coerce, commanding, or advising a County employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

c. Participating in political activities during scheduled work time.

d. Participating as a candidate for public elective office in a partisan primary, general, or special election, will prohibit a person from being principally employed in a federally funded program.

e. Using Leon County resources, including but not limited to material goods and the use of office staff and/or County personnel, for either political campaign purposes or other personal matters.

**TIP ► Social media requires care when using**

Using your own social media accounts (Facebook, Twitter, etc.) to provide political opinions is okay – as long as it is on your own time. When acting on behalf of the County, including using the County’s social media, refrain from expressing your own personal political views.

**Q&A**

**Q:** I’ve been asked by a neighbor to collect signatures on a petition opposing a neighborhood re-zoning issue. Can I help out and collect signatures?

**A:** Yes, you can address issues that are important to you and as a citizen are permitted. Remember that you must do this on your own time and must not give even the appearance that you are representing the County. And as always, do not provide any confidential information in support of your position.
employees shall not engage in any employment activity or enterprise, which has been or may be determined to be inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of their County employment.

Employees may not transact business on behalf of the County with any agency in which either the employee or a member of the employee's immediate family has a “material interest.”

Employees may not hold any employment or contractual relationship with any business entity or any agency, which is subject to the regulation of, or is doing business with, Leon County Government.

**TIP**

Accepting work outside of the County is acceptable as long as it doesn’t conflict with your County job hours and shifts. Remember, your County job comes first.

**Complete an Outside Employment Form**

Employees who desire to accept outside employment in addition to their regular County position must complete an outside employment form and submit it to their respective Department/Division Director for a determination of whether such employment conflicts with the duties and responsibilities of the employee.

**Q&A**

**Q:** I’m interested in getting a part time job a couple nights a week. Can I?

**A:** You may get a part-time job with the following conditions: you’ve completed the County’s outside employment form and received the necessary approvals; your County job comes first and the new job’s hours do not conflict; and you cannot use any County equipment, supplies, space, etc. when working at your part time job.
relative of any County employee with supervisory responsibility shall not be eligible for employment in or advancement to any position which reports directly to the supervisory employee.

Likewise, a County employee shall not be eligible for advancement to any position with direct supervisory responsibility over a position in which a relative is employed.

**TIP** ➤ “Relative” is a relative term...

Leon County’s definition of “relative” includes not only father, mother, son, and daughter, but also brother, sister, uncle, and aunt as well as others – when in doubt, reach out to Human Resources for a complete list.

**Q&A**

**Q:** Can my daughter apply for a job with the County?

**A:** Your daughter may apply for and be considered for a job at the County, IF, when hired you are not directly responsible for their supervision.
No employee or other person may solicit or be solicited during working hours or in work areas.

No employee may distribute literature in his/her work area or during work hours.

No person may distribute literature to an employee in that employee’s work area or during that employee’s working hours.

Charitable solicitations may be permitted upon approval of the County Administrator and subject to the following:

- Solicitation may take place only for charitable purposes and not for private gain, and only on behalf of generally recognized and reputable charitable organizations.

- The specific activities to be utilized in the charitable solicitation must be communicated to and approved by the County Administrator prior to any activity taking place.

**TIP**

As a member of a professional organization you may be subject to their specific code of ethics. As a County employee, the Leon County Code of Ethics sets a benchmark for you. If your professional organization has a more stringent code of ethics, reach out to the Assistant County Administrator to discuss which code you should follow.
You are encouraged to report suspected ethics or compliance concerns, waste or abuse of County resources to your supervisor, or the Assistant County Administrator or both, depending on the circumstances.

b. The Assistant County Administrator is ready and able to discuss any ethics or compliance concerns or issues of waste or abuse of County resources and will make every effort to maintain the confidentiality of the employee.

c. Employees making a report in good faith, or cooperating in an investigation, shall not suffer any form of retaliation.

d. Any suspicion of fraud should be reported directly to the fraud, waste, and abuse hotline, toll-free at 850-606-5304. Or, by mail to: Leon County Fraud, Waste, Abuse & Misconduct Hotline, 301 South Monroe Street, 5th Floor Leon County Courthouse, Tallahassee, Florida 32301. Reports may be made anonymously.

Additional information can be found at: www.LeonCountyFL.gov/Fraud

e. Any ethics and compliance concerns should be directed to 850-606-5380.

“Ethics is knowing the difference between what you have a right to do and what is right to do.”

—Supreme Court Justice Potter Stewart
Leon County Policy No. 03-05 “Code of Ethics” applies to the members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners.

b. In addition to the “Code of Ethics”, Leon County’s Human Resources Manual, Section II contains standards for “Employee Conduct”.

c. The Code of Ethics for public officers and employees as set forth in Part III of Chapter 112, Florida Statutes, applies to all employees and sets forth a baseline of requirements. Where the County Code of Ethics has stricter requirements, employees must adhere to this code. Additionally, County employees may have professional association or licensing ethics requirements, which may impose requirements beyond the County Code of Ethics.

d. Questions regarding compliance with the Code of Ethics are handled by the Assistant County Administrator, in consultation with the County Attorney and Human Resources as needed. In most cases, violations of the Code of Ethics will be addressed by the department director with assistance from the Assistant County Administrator and Human Resources. Where a violation has been found, discipline can range from corrective counseling to termination.

“The truth of the matter is that you always know the right thing to do. The hard part is doing it.”

—General H. Norman Schwarzkopf
In our continuous efforts to be an employer of choice, Leon County Government seeks to attract and retain high performing, healthy and happy employees. This is not only good for our employees, but key to our success in setting the standard in public service. In addition to assisting our employees in navigating potential ethical situations, we have put in place policies and programs which have garnered national attentional for employee well-being, domestic violence and employee assistance. Like the ethics guide, the resources below are intended to serve and support our employees and sustain a workplace where our people can thrive.

**Domestic Violence, Sexual Violence and Stalking in the Workplace (Policy 13-2):** Leon County will not tolerate acts of Domestic Violence, Sexual Violence, or Stalking in its Workplace, or the use of Leon County resources by Employees to perpetrate such acts. Leon County instituted this Policy as part of its commitment to a healthy, safe organizational climate and to the prevention and reduction of the incidences and effects of Domestic Violence, Sexual violence, and Stalking which Leon County recognizes as workplace issues that impact the workplace, even if the incidents occur elsewhere.

**Violence Prevention and Intervention (Policy 03-12):** Violence in the workplace can have a devastating effect on the productivity of organizations and the quality of life of employees. Recognizing this problem, Leon County has developed procedures to identify, report, intervene, and prevent workplace violence.

**Employee Assistance Program (Policy 16-2):** The Employee Assistance Program (EAP) has been established to assist employees, who develop alcohol, drug, behavioral or stress related problems that result in or contribute to substandard job performance, by providing confidential consultation, treatment and rehabilitation.

**Leon County Wellness Program (Policy 12-4):** The primary purpose of the Leon County Wellness Program shall be to offer programs and services to assist employees in making voluntary behavior changes that improve employee health and enhance individual productivity and well-being or maintaining a healthy lifestyle.
LEON COUNTY
CITIZEN CHARTER REVIEW COMMITTEE
NOTES FOR AGENDA ITEM C
Citizen Charter Review Committee

Agenda Item C
January 25, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
        Herbert W.A. Thiele, County Attorney

Title: Employment of the County Attorney as Proposed by the Citizen Charter Review Committee

| Review and Approval: | Vincent S. Long, County Administrator  
|                      | Herbert W.A. Thiele, County Attorney   |
| Department/Division Review: | Alan Rosenzweig, Deputy County Administrator  
|                           | LaShawn Riggans, Deputy County Attorney   |
| Lead Staff/Project Team:   | Heather Peeples, Special Projects Coordinator  
|                           | Sara Pratt, Management Intern            |

Summary:
This is a public hearing on a proposed charter amendment to provide a hiring/firing process for County Attorney to match that of the County Administrator in the Leon County Charter.

Staff Recommendation:
Option #1: Conduct the first of three public hearings to consider the proposed charter amendment (Attachment #1).
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting on November 30, 2017, the Committee voted 12-0 to request an agenda item related to providing for a County Attorney hiring/firing process consistent with that of the County Administrator in the Leon County Charter.

On December 7, 2017, staff presented the agenda item and the Committee voted 12-0 to proceed to the next step in the proposed charter amendment process and request that staff bring back draft Charter amendment language. Staff presented the proposed language at the January 11, 2018 meeting (Attachment #2) and the Committee voted 13-0 to request that staff schedule the proposed charter amendment language for public hearing. The three public hearings have been scheduled for January 25, February 1, and February 8, 2018 at 6:00 p.m. in the Leon County Commission Chambers.

Analysis:
If approved by the Leon County electorate, the Committee’s proposed charter amendment would provide for a hiring/firing process for the County Attorney which is consistent with the existing Charter language for the County Administrator.

The proposed charter amendment language is included below, and Attachment #1 shows the complete Charter Section 2.4 including the proposed changes in strike-through underlined format. Strike-through represents deletions and underline represents new language to be added.

Sec. 2.4. - County attorney.
(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(C) The County Attorney shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Attorney shall serve at the pleasure of the Board of County Commissioners until such time as the County Attorney shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Attorney was adopted by majority vote of those present and voting.

The majority of Florida’s charter counties (17 of 20) outline the hiring and firing process for the county administrator within their charter. Only eight (8) counties include provisions for the county attorney in their charter and, of these, the following six (6) counties provide the same hiring/firing process for both positions: (1) Brevard County; (2) Clay County; (3) Hillsborough County; (4) Lee County; (5) Seminole County; and (6) Volusia County. As is the case in Leon County, termination provisions for the county attorney are more commonly included as part of a negotiated contract between the county attorney and the board of county commissioners.
Options:
1. Conduct the first of three public hearings to consider the proposed charter amendment.  
   *Voting Threshold: Simple Majority Vote*

2. Provide staff with additional direction.  
   *Voting Threshold: Simple Majority Vote*

Recommendation:
Option #1.

Attachments:
1. Proposed Charter Amendment
2. January 11, 2018 Item, “Hiring/Process for the County Attorney”
Sec. 2.4. - County attorney.

(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.

(B) The compensation of the County Attorney shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position with performance appraisals conducted by the Board of County Commissioners at least annually.

(C) The County Attorney shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Attorney shall serve at the pleasure of the Board of County Commissioners until such time as the County Attorney shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Attorney was adopted by majority vote of those present and voting.
Citizen Charter Review Committee
Agenda Item #5C
January 11, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Hiring/Firing Process for the County Attorney

Review and Approval: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Department/Division Review: Alan Rosenzweig, Deputy County Administrator
LaShawn Riggans, Deputy County Attorney

Lead Staff/Project Team: Heather Peeples, Special Projects Coordinator
Sara Pratt, Management Intern

Summary:
This item provides proposed charter amendment language modifying the County Attorney hiring/firing process to match that of the County Administrator in the Leon County Charter (Attachment #1).

Staff Recommendation:
Option #4: Committee direction
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting on November 30, 2017, the Committee voted 12-0 to request an agenda item related to providing for a County Attorney hiring/firing process consistent with that of the County Administrator in the Leon County Charter.

On December 7, 2017, staff presented the agenda item (Attachment #2). The Committee voted 12-0 to proceed to the next step in the proposed charter amendment process and request that staff bring back draft Charter amendment language to the Committee’s January 11, 2018 meeting.

Analysis:
Per the Committee’s request, staff has prepared the following proposed Charter amendment language regarding the hiring/firing process for the County Attorney which is consistent with the existing Charter language for the County Administrator. Strike-through represents deletions and underline represents new language to be added. Attachment #1 shows the complete Charter Section 2.4 including the proposed changes in strike-through underlined format.

Sec. 2.4. - County attorney.
(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(C) The County Attorney shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Attorney shall serve at the pleasure of the Board of County Commissioners until such time as the County Attorney shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Attorney was adopted by majority vote of those present and voting.

Options:
1. Proceed to the next step in the proposed charter amendment process by requesting that staff schedule the proposed charter amendment language for public hearing
   Voting Threshold: Simple Majority Vote

2. Request additional information and analysis.
   Voting Threshold: Four (4) Votes

3. Take no further action at this time.
   Voting Threshold: Simple Majority Vote

4. Committee direction.

Recommendation:
Option #4: Committee direction.
Attachment:
1. Proposed Charter Amendment
2. December 7, 2017 Item, “Hiring/Process for the County Attorney”
Sec. 2.4. - County attorney.

(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.

(B) The compensation of the County Attorney shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position with performance appraisals conducted by the Board of County Commissioners at least annually.

(C) The County Attorney shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Attorney shall serve at the pleasure of the Board of County Commissioners until such time as the County Attorney shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Attorney was adopted by majority vote of those present and voting.
Citizen Charter Review Committee

Agenda Item B

December 7, 2017

To: 2017-2018 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Herb W.A. Thiele, County Attorney

Title: Hiring/Firing Process for the County Attorney

| Review and Approval: | Vincent S. Long, County Administrator  
|                     | Herb W.A. Thiele, County Attorney |
| Department/Division Review: | Alan Rosenzweig, Deputy County Administrator  
|                         | LaShawn Riggans, Deputy County Attorney |
| Lead Staff/Project Team: | Heather Peeples, Special Projects Coordinator  
|                         | Sara Pratt, Management Intern |

Summary:
To provide for a County Attorney hiring/firing process consistent with that of the County Administrator in the Leon County Charter.

Staff Recommendation:
Option #4: Committee direction
Report and Discussion

Background:
At the Leon County Charter Review Committee meeting on November 30, 2017, the Committee passed a motion to request an agenda item related to providing for a County Attorney hiring/firing process consistent with that of the County Administrator in the Leon County Charter.

The 2009-2010 Citizen Charter Review Committee recommended the charter amendment providing for the appointment and removal of the County Administrator (Attachment #1). The Board of County Commissioners placed the proposed charter amendment on the November 2010 General Election ballot, and the amendment was subsequently approved by the local electorate with 58.40% in favor.

Regarding the County Administrator, Section 2.3. (1)(A) of the Leon County Charter states:

“The County Administrator shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote of those present and voting. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.”

Analysis:
The process for terminating the County Attorney is not specified in the County’s Charter. Article I, sec. 2.4 of the Charter provides the following direction regarding the hiring of the County Attorney:

“(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.
(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.
(B) The compensation of the County Attorney shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities...
of the position with performance appraisals conducted by the Board of County Commissioners at least annually.”

The existing employment contract with the County Attorney includes a process for termination of employment whereby the County Attorney may be removed at any time by a majority vote of the full seven members of the Board of County Commissioners at any lawfully scheduled meeting.

Of the 19 other Charter Counties, eight outline the hiring and firing process for both the county administrator and county attorney in their charters. Of these counties, the following six provide the same hiring/firing process for both positions:

- Brevard County;
- Clay County;
- Hillsborough County;
- Lee County;
- Seminole County; and
- Volusia County.

The remaining two counties have differing hiring/firing processes for the county administrator and county attorney:

- Broward County; and
- Polk County.

As noted, the majority of the of Charter Counties do not include a provision in their charter’s related to the hiring/firing provisions of the County Attorney. Typically, the termination provisions are included as part of a negotiated contract between the County Attorney and a Board.

**Options:**

1. Proceed to the next step in the proposed charter amendment process by requesting staff prepare proposed charter amendment language related to the hiring and firing of the County Attorney for the January 18, 2018 meeting.

   *Voting Threshold: Simple Majority Vote*

2. Request additional information and analysis.

   *Voting Threshold: Four (4) Votes*

3. Take no further action at this time.

   *Voting Threshold: Simple Majority Vote*

4. Committee direction.

**Recommendation:**

Option #4: Committee direction.
Attachment:
1. 2010 Charter Amendment Language, Ordinance No. 2010-24
IV. ADJOURNMENT