

RESOLUTION 14-R-21

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF
TALLAHASSEE, FLORIDA, PLACING ON A MUNICIPAL ELECTION
BALLOT A MEASURE TO AMEND SECTION 1 OF THE CHARTER OF
THE CITY OF TALLAHASSEE.**

WHEREAS, pursuant to the provisions of Section 166.031, Florida Statutes, a petition has been circulated to amend the Charter of the City of Tallahassee to add a section entitled “Ethics, Anti-Corruption, Campaign Financing; and

WHEREAS, pursuant to the provision of Section 2-2, Tallahassee Code of General Ordinances, the Leon County Supervisor of Elections has certified that he has verified the signatures on such petition according to law and that the petitions contain valid signatures of registered city electors equal to at least 10 percent of the total number of registered City electors; and

WHEREAS, pursuant to the provisions of Section 166.031, Florida Statutes, the governing body of the City of Tallahassee is required to place the proposed charter amendment to vote of the electors at the next general election held within the municipality or at a special election held for such purpose; and

WHEREAS, Section 101.161, Florida Statutes, requires that such action be taken by enabling resolution or ordinance which contains the substance of the amendment and ballot title of such measure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF TALLAHASSEE, FLORIDA:**

SECTION 1. The following measure shall be placed on the election ballot of the next municipal election (the November 4, 2014, general election) held within the City:

Ballot Title: REFERENDUM AMENDING CHARTER, ESTABLISHING AN ETHICS ANTI-CORRUPTION CODE, BOARD, OFFICE AND CAMPAIGN FINANCE PROGRAM

Ballot Summary:

Shall the Charter of the City of Tallahassee be amended to establish an ethics and anti-corruption policy; require the enactment of an ethics code, establishment of an independent ethics board with broad powers, creation of an ethics office and officer; limit campaign contributions to City Commissioners to \$250 per contributor per election and establish a citizen campaign finance program with refunds from city funds for contributions and provide for severability.

SECTION 2. The complete text of such amendment is attached to this resolution as Exhibit A, which is incorporated by reference as if fully set forth herein.

SECTION 3. This resolution shall become effective upon passage and shall be transmitted by the Treasurer-Clerk of the City of Tallahassee to the Leon County Supervisor of Elections.

PASSED AND ADOPTED by the City Commission of the City of Tallahassee in special session assembled this 3rd day of September, 2014.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke IV
City Treasurer-Clerk

By: _____
Lewis E. Shelley
City Attorney

REFERENDUM AMENDING CITY OF TALLAHASSEE CHARTER

Ballot Title: REFERENDUM AMENDING CHARTER, ESTABLISHING AN ETHICS ANTI-CORRUPTION CODE, BOARD, OFFICE AND CAMPAIGN FINANCE PROGRAM

Ballot Summary:

Shall the Charter of the City of Tallahassee be amended to establish an ethics and anti-corruption policy; require the enactment of an ethics code, establishment of an independent ethics board with broad powers, creation of an ethics office and officer; limit campaign contributions to City Commissioners to \$250 per contributor per election and establish a citizen campaign finance program with refunds from city funds for contributions and provide for severability.

Section 104.851, Florida Statutes: A person who knowingly signs a petition or petitions for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
I am a registered elector of Florida, eligible to vote in the City of Tallahassee Municipal elections and petition the City of Tallahassee Commission to place the following amendment to the City of Tallahassee Municipal Charter on the ballot upon certification by the Supervisor of Elections Office that the required number of petitions have been obtained pursuant to chapter 166.031 Florida Statutes.

Name _____
Street Address _____ Tallahassee, Fl _____
Signature _____
Date Signed _____ DOB _____

AMENDMENT TO CHARTER OF CITY OF TALLAHASSEE

Section 1. Charter Amendment. The "Existing Municipality" provisions of Sections 1, 2, 3, and 4 of the Charter of the City of Tallahassee, having been previously deleted as being obsolete, are hereby reestablished as an Ethics, Anti-corruption, Campaign Financing subpart with new sections 1, 2, 3, and 4 to read as follows:

ETHICS, ANTI-CORRUPTION, CAMPAIGN FINANCING

Section 1. Statement of Ethics and Anti-corruption Policy. The proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the community and the government; that public office not be used for personal gain; that officials and employees not be unduly or inappropriately influenced by those they regulate or by those who seek special benefits from the City; and that the public have confidence in the integrity and transparency of its government.

Section 2. Ethics Code and Ethics Board to be established.

- a. Ethics Code. The City Commission shall, within six (6) months of the enactment of this charter provision, enact an ethics, or conflicts of interest, code with jurisdiction over the officers and employees of the City of Tallahassee, whether elected or appointed, paid or unpaid, and over the members, officers and employees of any boards, commissions, or committees thereof. The ethics code may, as allowed by law, supplement state ethics laws.
- b. Ethics Board. There is hereby created an independent, appointed, ongoing citizens Ethics Board of seven members, whose membership shall consist of registered City of Tallahassee electors who have appropriate subject matter expertise none of whom may be an officer or employee of local government. Each of the following persons or entities shall make an appointment of one of five Board members to wit: the City Commission, the Chief Judge for the Second Judicial Circuit, the State Attorney for the

Second Judicial Circuit, the President of Florida State University and the President of Florida A&M University. Two Board members shall be appointed by the Ethics Board. Initial appointments shall be made within 90 days of the approval of this Charter provision and all subsequent appointments shall be made within 60 days of a vacancy occurring. The City Commission shall provide by ordinance for the length and staggering of the terms of Ethics Board members.

The Ethics Board shall: (i) assist the City Commission in the development of the ethics code; (ii) adopt bylaws and due process procedures for the administration of the Ethics Board; (iii) manage a citywide ethics hotline for receipt of allegations of local corruption, fraud, waste, mismanagement, campaign finance and ethics violations; (iv) manage and coordinate the mandatory training of local officials, officers, employees, and board members in state and local ethics; (v) have the authority to refer ethics and corruption matters to appropriate enforcement agencies; (vi) recommend proposed ordinances, resolutions, or charter amendments to the City Commission in all areas of ethics and corruption, including but not limited to: conflicts of interests, financial disclosure, voting conflicts, hotline policies, ethics education, ethics in procurement, campaign ethics and financing, and lobbying; such legislative proposals shall be filed with and considered by the City Commission; (vii) have the authority to investigate complaints and to levy those civil penalties as may be authorized by the City Commission for violations of the City's ethics code; and (viii) employ staff serving in the ethics office. A structure shall be established for the Ethics Board that ensures independence and impartiality, and provides for the maximum practicable input from citizens and community organizations. The Ethics Board shall be funded by the City Commission within its discretionary budgetary authority at a level sufficient to discharge the Board's responsibilities.

Section 3. Ethics Office Established.

The ethics code established pursuant to Section 2 shall provide for the establishment of a citywide Ethics Office under the exclusive jurisdiction of, and reporting to the independent Ethics Board, to discharge the duties and responsibilities of the Ethics Board as provided herein. The ethics office shall include an Ethics Officer/Director who may be a full time or part time city employee or independent contractor. The Ethics Office shall be funded by the City Commission within its discretionary budgetary authority at a level sufficient to discharge the Office's responsibilities.

Section 4. Contribution Limitations; Citizen Campaign Financing, Refund of contributions to candidates.

- a. No candidate for the Tallahassee City Commission shall accept any election campaign 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.
- b. A registered elector of the City of Tallahassee may claim a refund equal to the amount of the elector's monetary contributions made in the calendar year to candidates for Mayor and City Commission of the City of Tallahassee. The maximum refund for an individual is \$25. A refund is allowed only if the elector files a form, signed under penalty of perjury, with the Ethics Board and attaches to the form a copy of an official refund receipt form(s) issued by the candidate's principal campaign committee after each contribution was received. A claim form must be filed within time limits and procedures set by the Ethics Board. No individual may file more than one claim per election cycle. No receipt can be issued by a Candidate who has not met all legal requirements of the Tallahassee City Code of General Ordinances. The Ethics Board shall file a summary report to the Mayor and City Commission showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate.
- c. The City Commission shall establish procedures consistent with this section for the implementation of the refund policy. The amount the Ethics Board states is necessary to pay refunds as provided for in this section shall be appropriated in amounts from the general fund or any other fund as determined by the City Commission within their sole budgetary discretion and powers.
- d. The filing of a contribution refund form containing materially false information or the willful issuance of an official refund receipt form or a facsimile of one by a candidate or agent of a candidate to a person who did not make a contribution to such candidate is an ethics offense with penalties to be established by the City Commission. The Ethics Board may hear complaints or initiate proceedings, and levy civil penalties, relating to alleged violations of this section.

Section 2. Severability. If any section, subsection or provision of this charter amendment is determined by a court to be invalid, the remainder of this charter amendment shall not be affected by such invalidity.