

RESOLUTION NO. 09-166

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF KEY WEST, FLORIDA, ESTABLISHING THE
"COMMITTEE ON ETHICS AND PUBLIC TRUST";
PROVIDING FOR ITS COMPOSITION, STAFFING AND
DUTIES; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Commission passed Resolution 08-214, which approved an Ethics Handbook that called for the establishment of a Committee on Ethics and Public Trust; and

WHEREAS, Resolution 08-214 called for the Committee to be comprised of seven members, one each appointed by the Mayor and members of the City Commission; and

WHEREAS, Resolution 08-214 called for the Committee members to be appointed for a term of two years on a staggered basis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1:

A. Creation; Membership; Term. There is hereby created the Committee On Ethics And Public Trust of the City of Key West consisting of seven members. The seven positions on the Committee shall be filled by one appointment by each member of the City Commission. The first four appointments made to the Committee shall be for a term of two years. The next three appointments shall be for a term of one year. Thereafter, all appointments shall be for a term of two years.

B. Qualifications and Procedures. Committee Members shall be residents of the City of Key West. The Committee shall

be governed by City Code of Ordinances Chapter 2, Article V, Division 2 "Uniform Procedures For Advisory Boards".

C. Mission and Duties. The Committee on Ethics And Public Trust shall have those duties as assigned by Resolution 08-214, and such others as may be proscribed by further Resolution of the Key West City Commission.

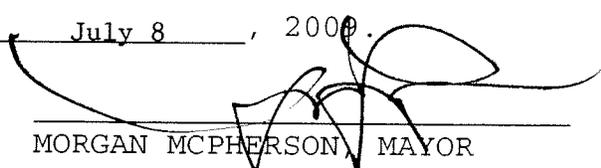
Section 2: The Committee shall operate in accordance with the Florida Sunshine Law and the Florida Public Records Law. The Committee shall appoint a chairperson and vice-chairperson, and establish a schedule of its public meetings. The City Manager shall provide staff support and an appropriate budget to facilitate the mission of the Committee. The Committee shall issue a written report to the City Commission at least once per year.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

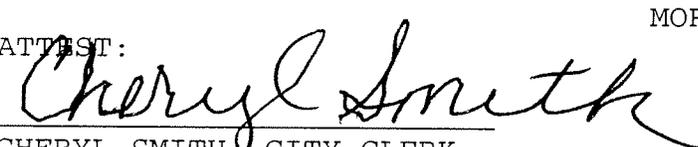
Passed and adopted by the City Commission at a meeting held this 7th day of July, 2009.

Authenticated by the presiding officer and Clerk of the Commission on July 8, 2009.

Filed with the Clerk July 8, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

RESOLUTION NO. 08-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED KEY WEST CODE OF ETHICS HANDBOOK; AUTHORIZING THE COMMITTEE TO MAKE ANY SCRIVENERS ERROR EDITS PRIOR TO DISTRIBUTION; DIRECTING THE CITY MANAGER TO COMMENCE WITH THE POLICY, PROCEDURE AND ORDINANCE UPDATE OR CHANGES AS SPECIFIED THEREIN; PROVIDING FOR AN EFFECTIVE DATE

Whereas, The City Commission desires to promote and enhance the ethics, civility and integrity of the employees and officials of the City of Key West;

Whereas the City Commission wishes to recognize the tremendous time and effort expended by the members of the Key West Committee on Ethics and thank them for their dedication;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Key West Code of Ethics Handbook is hereby approved.

Section 2: That the Committee is authorized to make any scrivener's error edits prior to final distribution, but in no such case change the substance or content of the approved document.

Section 3: That the City Manager is directed to commence with the policy, procedure and ordinance updates specified in the recommendations.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 15th day of July, 2008.

Authenticated by the presiding officer and Clerk of the Commission on July 16, 2008.

Filed with the Clerk July 16, 2008.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

KEY WEST CODE OF ETHICS
HANDBOOK

Revised in response to City Commission Workshop, April 28, 2008
Submitted June 30, 2008

*

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[inside cover]

Questions about a Code of Ethics

Why Propose a Code of Ethics?

The City of Key West and its citizens believe public confidence in fair government is essential.

What's a Code of Ethics?

A Code of Ethics is a document that describes standards of behavior for city employees, public officials, residents and visitors. It is expected that all transactions and decisions are fair, honest and timely. It is a consolidation of pertinent aspects of the City Charter, Ordinances, Policy and Procedures and State law.

What Does the Code of Ethics Do?

A Code of Ethics has explicit actions that are prohibited (III. A-E) as well as actions that are expected (III. F-G). The Code, for example, ensures that the personal and financial interests of employees and elected officials do not present a real or apparent conflict of interest. Similar expectations are required of citizens, visitors and those who intend to contract with the city. It sets expectations for a fair and level playing field for all.

Who's Subject to the Code of Ethics?

All City employees, including elected and appointed officials, those who serve on city boards, commissions and others who are contracted to work on behalf of the City, and those who are dealing with them are expected to abide by the letter and spirit of the code.

What's the Purpose of This Handbook?

This Handbook provides a source for the provisions of city and state law and policies regarding ethical conduct. It is not a substitute for reading the provisions cited but rather serves as an overview of expected as well as prohibited conduct. An annual review of the Handbook on Ethics is required with an eye to keeping the code current. It is written in plain language, providing examples to clarify where the drafting committee thought helpful.

How Is a Code of Ethics Enforced?

There are multiple provisions for enforcement embedded in the requirements outlined in the Policy and Procedures manual for city employees. Additional procedures for lodging allegations for employees, public officials, and all citizens are outlined in Section IV of this Handbook.

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CITY OF KEY WEST CODE OF ETHICS

INTRODUCTION AND PURPOSE OF CODE OF ETHICS

The Code of Ethics for the City of Key West is a guide for personal behavior for all who live, work, or visit here. It is expected that government, businesses and all manner of organizations, private and public, will also be guided by these expectations and, as appropriate, will enact the rules, codes, and policies that will help achieve these community aspirations. In a larger sense, “ethics” is intended to stand as an equal partner with economic and legal concerns as a framework for making decisions that affect our community.

In the City’s broad view of ethics, cultural expectations matter even when not all are enforceable as legal mandates. Such expectations are standards for how we are individually and collectively contributing to the well-being of our community.

All have a personal and public responsibility to:

- practice and promote mutual civility in our dealings with each other,
- treat others with fair and equal consideration,
- be honest and promote trust in our dealings with one another,
- assure that Key West is a culturally and socially tolerant society,
- avoid decisions and actions which may be perceived to have been taken for personal gain when acting in the public interest,
- disclose any actions or decisions which may appear to be or in reality are at odds with the public interest when we are presumed to be acting in the interest of our community.

CITY OF KEY WEST MISSION, VISION, AND CORE VALUES

Mission

To Preserve and Protect our Island

Vision

A Tropical Island with unique community character in harmony with the diversity of its people and with its environment

Core Values

- **Safety** is our primary consideration in all our actions
- Act with **Integrity** for the sake of the reputation of your organization and yourself
- We will recognize and **Respect** everyone as a customer and treat him/her with consideration
- We will be **Accountable** for our actions
- We will accomplish our mission and vision the **Teamwork**

I. HISTORY OF KEY WEST ETHICS CODE

Key West has a long history of city ordinances, policies, and provisions in our City Charter which established ethical standards of conduct for public elected and appointed officials and employees. The historic purpose of this law was that of guarding and enhancing the public trust and in making explicit those responsibilities that public officials and employees have in distinguishing public obligations from their private interests and conduct.

The development of a single document that came to be entitled the Key West Code of Ethics Handbook was an initiative of the Mayor in January of 2006 to draw together existing law and policy relating to ethics. In addition, the Mayor charged the Committee with reviewing the ethics provisions of selected municipalities across the country as well as ethics policy from a variety of private and public organizations. Building upon the foundation of existing law and policy, and drawing from diverse sources and considerable public comment, the Mayor's Committee made a number of recommendations to 1) add ethics provisions to the Code, 2) to provide a broader reach of ethics to act as a guide for behavior of all who live, work, visit, or do business in the city, and to 3) describe procedures to register allegation of ethics code infractions.

The Committee was cognizant that overdrawing the reach of ethics laws and policies can discourage citizens from assuming public office or employment and has tried to carefully balance this interest in making recommendations. The Committee also recognized that legal provisions do not always extend to those from whom ethical behavior is expected. It was the goal nevertheless to make ethical conduct a matter of concern for all and intended that this document be a means of codifying and publicizing those expectations.

II. ROLE OF KEY WEST COMMITTEE ON ETHICS AND THE PUBLIC TRUST

RECOMMENDATION ORDINANCE: A Key West Committee on Ethics and the Public Trust serves as an advisory board to the city commission. *City Code Chapter 2, Sec. 282* The city commission shall appoint a Committee on Ethics and the Public Trust consisting of seven residents of the city, one member appointed by the mayor and one by each city commissioner. Appointments shall be made for a term of two years and shall be made on a staggered basis.
[Editor note: a more detailed ordinance will need to be developed if this recommendation is adopted]

The Key West Committee on Ethics and the Public Trust:

- Annually reviews ethics provisions of the Charter, City Ordinances, and Policies and Procedures
- Assists in the education of residents, visitors, and businesses concerning the Code of Ethics

III. THE ETHICS LAWS

The roots of the Key West City Code of Ethics lie embedded in the City Charter, Ordinances, and Policies and Procedures. Collectively, existing and proposed law explicitly 1) prohibits certain acts and conduct, 2) encourages or requires certain standards of conduct, and 3) requires certain disclosures. Most of the following are abbreviated descriptions of the law, not the law as written in official documents. This Ethics Handbook is intended to call attention to required ethical conduct but not intended as a substitute for reading the law and policies. Citations are provided so that the reader can refer to the full requirements in these documents

A. PROHIBITED ACTIONS AND CONDUCT

Concept: All persons in Key West must receive fair and equitable treatment in all government actions.

Preferential Treatment and Use of Official Position

There is an obligation to treat all citizens equitably and fairly. The granting of any special consideration, treatment, or advantage beyond that which is available to every other citizen and the using of one's official position to obtain special favors for friends, relatives, business associates, or one's self is prohibited. *Policies and Procedures*

Confidential Information

No city employee shall accept employment or engage in any business or professional activity which might reasonably expect him/her to disclose confidential information, acquired by reason of his/her employment with the city. Also, no city employee shall disclose confidential information gained by reason of his/her employment with the city, nor shall an employee otherwise use such information for personal gain or benefit. *Policies and Procedures*

Use of City Property

P & P RECOMMENDATION: Use of city property is generally limited to the conduct of official business. City property includes vehicles, facilities (buildings, conference rooms, etc.), equipment (computers, telephones, cell phones, copy and fax machines, etc.), and supplies. However, there are some long established exceptions which have been made for certain departments or agencies (*See Fleet-Policies and Procedures*). The overarching principle should be that using government resources for personal convenience or profit is a misuse of taxpayer dollars and is prohibited.

Political Activities

Citizens and city employees are encouraged to participate in the political process on their own time and outside of the city workplaces. Hence, this prohibits the use of city properties for electioneering purposes, except if it is rented for such use (*F.S. 106.15 (4)*). Furthermore, no citizen nor city employee may use city property, including phones, e-mail, or copy machines, on behalf of political candidates or ballot issues, even during the lunch hour. *Policies and Procedures*

Acceptance of Gifts

P & P RECOMMENDATION Accepting any gift, favor, or service of over \$50 either directly or indirectly, from any person, business, group, or organization that does business or seeks to do business with the city when such acceptance could reasonably be considered to influence your professional and independent judgment, is prohibited. (For example, if you're a manager who administers contracts within your department and a vendor sends you a gift basket in appreciation for the city's business during the year, it is inappropriate to accept the gift.). *Policies and Procedures*

P&P RECOMMENDATION: If it would be awkward to return a gift of over \$50, the gift must be disclosed.

ORDINANCE RECOMMENDATION: No one, regardless of residency or status, may give any gifts of over \$50 value to city employees, and no gift in any amount when such gifts could reasonably be considered to influence their professional and independent judgment.

Meals and Refreshments

P&P OR ORDINANCE??? RECOMMENDATION: Although it is a common business practice to take clients to lunch or dinner, or to allow them to reciprocate, this is not acceptable for public officials. (For example, if you are invited to lunch by someone who does or seeks to do business with the city in a matter for which you have responsibility or may participate, pay for your own meal.).

If one is invited to a reception, open house, or similar event by vendors, consultants, or others who do or seek to do business with the city, one must either decline the invitation or pay market value for the cost of refreshments to avoid any perception of undue influence or conflict of interest. However, if for any reason it would be awkward to decline, or if one is asked to speak or attend an event at which food and beverages are served, it is sufficient to disclose the circumstances. For example, if an employee is invited to attend a luncheon and the cost is beyond what that official can pay, he or she can simply disclose the circumstances and cost.

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

Concept: All actions by city employees must be in the best interests of all of the citizens, not the employee, family or friends.

Conflict of Interest

A conflict of interest occurs when a city employee has a personal or financial interest in any matter in which he or she participates or has job responsibilities as a city employee. If these interests could influence, or appear to influence, one's professional judgment and affect one's official decision-making, it is likely a conflict of interest.

All employees and elected and appointed officials are expected to disclose possible conflicts of interest as they might arise. *City Charter, Article IV, Section 10, F.S. 112.311 et seq., Policies and Procedures*

When employees of the city have any doubt concerning a conflict of interest they should discuss the possibility of violation with their department head or the City Manager, who may elect to go to the City Attorney to address this question. *Policies and Procedures*

Outside Interests

If an employee of the City is an officer, director, agent or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City or other political subdivision of the county or state, he/she shall seek an ethics opinion from the City Attorney. *Policies and Procedures*

Other conflicts that could arise from outside employment include:
Transacting business in his/her official capacity with any business entity of which he/she is an officer, director, agent or member, or in which he/she holds a material interest. *Policies and Procedures*

Having any personal investments in any enterprise which will create a conflict between an employee's private interests and the public interest. *Policies and Procedures*

Specific Prohibitions and Requirements:

Future Employment as Reward

P&P RECOMMENDATION: It is prohibited to discuss an offer of future employment with anyone doing business or seeking to do business with the city if one has reason to suspect that the offer is intended in any way as compensation or reward for the performance or non-performance of your duties as a city employee.

Disclosure of Possible Future Employment

P&P RECOMMENDATION: It is prohibited to discuss an offer of future employment with a citizen or person doing or seeking to do business with the city if one has job responsibilities related to that person, unless one has first disclosed in writing to an appointing authority that he/she intends to discuss future employment with that person.

Former Employer Restrictions

P&P RECOMMENDATION: It is prohibited to award a city contract or participate in an action that benefits a former employer within one year of beginning employment with the city. Exceptions must be authorized by the city Manager or if the prohibition involves the City Manager, by the city Commission.

Having Interests in Entity Doing Business with the City

P&P RECOMMENDATION: It is required to disclose one's status as an employee, agent, officer, partner, director, or consultant of any person doing or seeking to do business with the city in matters in which one participates or has any job responsibilities.

Compensation or Reward Incompatible with Discharge of Duties

P&P RECOMMENDATION: It is prohibited to accept compensation or engage in any type of employment or service that is incompatible with the official and proper discharge of one's city duties, or engage in any action that could influence independent judgment in an official action.

C. RESTRICTIONS REGARDING THOSE PERSONALLY RELATED

Concept: Actions and decisions of city employees must not be influenced by family or personal ties.

Nepotism

P & P RECOMMENDATION: City employees must not be related by blood, marriage, domestic partnership, or in a dating relationship with those they employ, appoint, promote or evaluate-

No one formally associated with the City or those who are related by blood, marriage, domestic partnership, or in a dating relationship with those they employ, appoint, promote or evaluate (parent, spouse, child, or sibling *F.S. 112.3148*) may stand to gain in any way because of his/her relationship with the city. *City Charter Article IV, Sec 10; City Code Chapter 2, Sec.289; Policies and Procedures.* City appointments and transactions must assure the reality and appearance of fairness. Employees may not influence a personnel action involving a relative. *Policies and Procedures, F.S. 112.3135.*

D. POST OFFICEHOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

Concept: City employees and officials cannot use their official position or confidential knowledge to prepare for or gain post city employment positions or financial benefit.

Post-Employment Restrictions

ORDINANCE RECOMMENDATION: After one leaves city employment one may not disclose or use any privileged or proprietary information gained by reason of one's former employment for one's personal benefit or the personal benefit of a member of one's immediate family unless the information is a matter of public knowledge or is available to the public on request. One may not assist any person, whether or not for compensation, on matters in which *one* is personally prohibited from participating.

Members of City Commission and Other Bodies

ORDINANCE RECOMMENDATION: If one is a member of the City Commission or an appointed board, commission, committee, or other entity working on behalf of the city, one is considered a city employee and all Code of Ethics provisions apply while one is engaged in service on behalf of the city.

Unless a longer period is specified by law, none of the above individuals may appear before the City Commission or other Commission or Board on which they served for 180 days after leaving city service. A former member's interests may be represented by another person as long as the former member is not seen to gain unfair advantage because of his or her former service. Additionally, one is prohibited from appearing before or from receiving compensation for services to any business or person in any action in which one has participated while serving on the board or commission. For example, if you helped write the specifications for a city grant or contract as a board member, you may not apply for that grant or contract for one year after leaving the board. This restriction also applies to partners or associates of businesses or persons in which you have a financial interest. For example, if you had any participation or responsibilities in a city contract as a board member, no one from the company you work for may vie for that contract for one year.

E. VOTING CONFLICTS OF INTEREST

Concept: City officials and advisory board member's actions must not have or appear to be influenced by personal or business relationships.

Recusement

When an elected city official or advisory board member who has declared a conflict of interest is either the applicant or a representative of the applicant of the particular agenda item, that person must remove him/herself from the dais during the discussion of the item. *City Code, Chapter 2, Sec. 289, F.S. 112.331.*

[Ed Note: add the following to the above]

ORDINANCE RECOMMENDATION: In addition, it is prohibited for one in such a situation to discuss the issue with any current board member or staff or to exert any influence in the process other than to respond to specific questions as they may be asked by the board in open session. For example, officials who are members of an organization may not participate in actions affecting that organization's relationship with the city.

Appointments and Reappointments

When considering an appointment or reappointment to an advisory board, the City Commission shall consider the applicant's record of conflicts of interest. *City Code, Chapter 2, Sec.289*

F. REQUIRED AND EXPECTED CONDUCT

Concept: All persons in the City of Key West are expected to respect each other and receive respect from others.

Civility in Public Meetings

All citizens, tourists, officials and employees must obey federal, state, county, and city laws and are subject to prosecution for their violation. They are expected to act in a civil manner. Disruption of Public Meetings is prohibited. *City Code, Chapter 2, Sec.1, F.S. 871.01*

Equality of Rights

The equality of rights under the laws of the City of Key West shall not be denied or abridged because of sex, sexual orientation, age, disability, race, creed, color, or national origin. *City Charter Article I, Sec 4*

Tolerance

ORDINANCE RECOMMENDATION: All residents, all who are employed or have businesses or agencies here, and all government workers are obligated to treat others, regardless of difference, with tolerance, dignity and respect. We expect visitors to our island to behave in an equally respectful manner.

Harassment

P & P RECOMMENDATION: The city has a commitment to provide a workplace free of harassment including sexual harassment. The city will not tolerate harassment of any kind against any associate by anyone including supervisors, co-workers, service providers or citizens. Management is held responsible for the effective administration of this policy and if a manager has knowledge of a potential infraction he or she should must report that infraction to the Director of Human Resources or the city Attorney. Failure to report will subject the manager to disciplinary action. *Policy and Procedures*

Conduct that Engenders Trust

Employees shall remember that they represent the city as a whole. When serving the public, they shall conduct themselves so as to engender trust and confidence. *Policies and Procedures*

Prompt Replies

ORDINANCE OR P&P? RECOMMENDATION: Under normal circumstances all city employees and officials will acknowledge receipt of all phone calls, e-mails, and letters from residents within 48 hours on regular business days.

Following Established Policy

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Employees are expected to follow the Policies and Procedures manual (see Section IV below). Elected officials must go through the City Manager to address all work-related or city personnel issues. *City Charter, Article III, Sec. 04*

G. DISCLOSURES

Concept: elected and appointed officials serve all citizens of Key West in positions of trust.

Disclosure of Interests

Elected and Appointed Officials and Candidates

ORDINANCE RECOMMENDATION: If one is an elected city official, an employee appointed by the City Manager and not represented by a collective bargaining agreement or covered under the Civil Service Board, an employee of the commission or an employee specifically identified by the Mayor one must file a statement of financial and other interests at the time of such employment or appointment and, subsequently on or before April 15th each year thereafter. In addition, if one is a candidate for city elective office, a nominee for appointment to any city elective office (except judicial), or a nominee for appointment to a city board or commission, one must file a disclosure statement upon such nomination or appointment. To find out if one must file due to one's position with the city, consult a supervisor. The City Manager's office will provide a current list of criteria of who must file and filing procedures.

Consultants, Vendors and Contractors

ORDINANCE RECOMMENDATION: If you're a consultant entering into a contract with the city to provide professional or technical services to the city costing over \$2,500, you must file a consultant disclosure form with the City Manager. No payment may be made on one's contract until five days after receipt of the completed form.

Financial Disclosure

Any city officer, employee, board member or those related by blood, marriage, domestic partnership, or in a dating relationship who have a financial interest, direct or indirect, in any corporation, partnership or other organization in any contract with the city shall make known that interest at the time the matter is under consideration. *City Charter, Article IV Sec. 10, F.S. 112.3135*. For example; if you are seeking a land development consultant for a city project and you are a part owner in a development business, you must disclose this fact; or, if your spouse or business colleague is the director of a non-profit organization competing for a contract with your city agency and you have any job responsibilities related to the contract, you must disclose this fact.

IV. CITIZENSHIP RESPONSIBILITIES AND ENFORCEMENT PROCEDURES

A code of ethics cannot be effective without citizens being vigilant and alert to infractions. Any person, public or private, including any resident, worker, businessperson or visitor, who has knowledge that a person whether in government or any private capacity has violated the standards of conduct or disclosure laws may report these as follows:

City employees must follow the Policies and Procedures manual on all matters regarding ethical issues relating to their job. City employees with outside interests doing business with the city may seek an opinion from the City Attorney.
Policy and Procedures

All other allegations may be sent anonymously online at the Community Action Line(???) [**need instructions from IT**] or call the City Manager's office at 305-809-3888.

An option for employees, public officials or candidates for public office is to seek an advisory opinion through the Florida Commission on Ethics by sending a letter outlining the situation to: Executive Director, Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709. *Florida Commission on Ethics GUIDE, Section VI, Advisory Opinions.*

Alternatively, if **any** person has knowledge that anyone in government has violated state standards of conduct or disclosure laws, he or she may contact the Florida Commission on Ethics via their website <http://ethics.state.fl.us/> (click link to Forms; look for Form 50, "Complaints") or by requesting assistance at 850-488-7864 or 850-488-7864. *Florida Commission on Ethics GUIDE, Section VI, Complaints*

If anyone suspects **criminal misconduct**, you should direct your allegation to the Key West City Police at 305-809-1111 or the State Attorney's Office at 305-292-3400.

V. IMPLEMENTATION AND REVIEW OF THE CODE

A. TRAINING AND EDUCATION

P & P RECOMMENDATION: In addition to new employee orientations, there should be periodic ethics education sessions for all employees, in-depth seminars for supervisors, and on-site meetings with employees to address department-specific concerns.

ORDINANCE RECOMMENDATION: To ensure the highest standards of conduct, the city should develop, disseminate, and promote readily understandable ethics requirements for citizens, visitors, businesses, the City of Key West's employees, elected officials, agencies and others serving the city.

B. COLLABORATION WITH OTHER ORGANIZATIONS AND AGENCIES

ORDINANCE RECOMMENDATION: The Key West Committee on Ethics and the Public Trust should collaborate with other ethics agencies, both public and private, within the State of Florida and the federal government for the purposes of information exchange to consider program improvements and education.

C. REVIEW OF THE KEY WEST CHARTER, CODE, POLICIES AND PROCEDURES, AND STATE STATUTES

ORDINANCE RECOMMENDATION: Recognize that the Code of Ethics is a living document with broad conceptual standards that should be modified over time. It is important to undertake a systematic annual review of the Key West Code of Ethics by the Committee on Ethics to make appropriate recommendations for consideration by the Mayor and the City Commission.

D. WHISTLE-BLOWER'S ACT

The Florida Legislature enacted a Whistle-blower's Act [Sec. 112.3187 et seq.] to protect those who may be retaliated against for disclosing ethical misconduct on the part of government employees and contractors. This Act goes to the heart of ethical misconduct and is noted here to call attention to an important means for channeling concerns about improper activity in government.

REFERENCES IN THE HANDBOOK

Policies And Procedures: The City of Key West Policies and Procedures Manual is being revised as of this writing. We will insert specific references as soon as the revision is complete.

City Charter And Code Of Ordinances:

www.municode.com/resources/gateway.asp?pid=10053&sid=9

Charter: When you click on this site, you will see Part I down the left side contains the City Charter. The general sections of the Charter are the Articles. Click on the Article cited above in this Handbook, then scroll down to find the section number cited.

Code: Part II on the left contains the Code of Ordinances. The first number cited in this Handbook for the Code is the Chapter and the second number is the Section or specific section that deals with the topic. Click on the Chapter number that was cited. On the right side of the page you can scroll down on the links (in green) to find the Section.

Florida Statutes:

www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0112/PART03.HTM

All Florida statutes (F.S.) that begin with the numbers 112.311 and continue through 112.326 are known as the CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES. One click on the following website and then click on the number cited in the Handbook.

Florida Commission on Ethics: <http://ethics.state.fl.us/> or call 850-488-7864 or 850-488-7864 to request Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.

Notes on sources:

Numerous documents were reviewed in preparing this report but two in particular should be singled out. We drew heavily from both. They are not cited as this would have been cumbersome and both are public documents, not copyrighted.

1. The Florida Commission on Ethics: 2006 Guide to the Sunshine Amendment and Code of Ethics for Public officers and Employees. State of Florida Commission on Ethics.

2. King County (Washington) Code of Ethics (Undated). King County Board of Ethics. King County WA.

DIVISION 2. UNIFORM PROCEDURES FOR ADVISORY BOARDS**Sec. 2-281. Application.**

Except as otherwise provided in this Code and in the land development regulations and excepting the city commission, this division shall be designated as the uniform procedures for the city's advisory boards, including those boards designated as commissions.

(Code 1986, § 11.01)

Sec. 2-282. Appointment; tenure.

All persons who desire to serve on an advisory board shall be city residents, except as provided in section 46-62 of this Code or as otherwise provided by law. All such persons shall submit a resume to the city commission as part of their application. All advisory board members serve at the pleasure of the city commission and may be removed by majority vote of its full membership, notwithstanding that they were appointed for a specific term. No member derives any property rights in his appointed position.

(Code 1986, § 11.08; Ord. No. 03-20, § 1, 8-5-2003)

Sec. 2-283. Officers.

From among its members the advisory board shall elect a chairperson and such other officers as it deems necessary.

(Code 1986, § 11.02)

Sec. 2-284. Quorum; procedures.

The next whole number of members above 50 percent of the advisory board members shall constitute a quorum. Each advisory board shall adopt procedures for the conduct of its meetings.

(Code 1986, § 11.05)

Sec. 2-285. Regular meetings.

The advisory board shall convene on a regularly scheduled basis at least once each month, and notice of such meeting shall be published in a newspaper of general circulation in the city at least five days in advance thereof. At any special or regular meeting the advisory board may set a future meeting date.

(Code 1986, § 11.03)

Sec. 2-286. Absences.

If a member of an advisory board is absent from three consecutive regular meetings or is absent from more than one-half of the regularly scheduled meetings during any six-month period, without prior approval of the chairperson, the advisory board shall declare the member's office vacant. The advisory

board shall certify the vacancy to the city commission. The chairperson shall give approval for absence for reasons of personal illness, family illness and death in the family, and may approve an absence for such other reason as the chairperson deems reasonable.

(Code 1986, § 11.09)

Sec. 2-287. Special meetings.

Special meetings of an advisory board may be called by the chairperson or by written notice of three voting members. Reasonable notice of a special meeting shall be conspicuously posted; notice of a special meeting shall be published in a newspaper of general circulation in the city in all instances when time allows.

(Code 1986, § 11.04)

Sec. 2-288. Open meetings.

Minutes shall be kept of all meetings of an advisory board. All such meetings shall be open to the public, and an agenda for each meeting shall be available to the public at city hall 48 hours in advance thereof; provided, however, that agendas for special meetings shall be available to the public either 48 hours before the special meeting or as soon before the meeting as practicable.

(Code 1986, § 11.06)

State law references: Open meetings law, F.S. § 286.011.

Sec. 2-289. Conflict of interest.

(a) All advisory board members are subject to the conflict of interest provisions of F.S. ch. 112. Board members with an actual conflict of interest in a particular agenda item shall not vote or in any way participate in the item. Accordingly, when a board member who has declared a conflict of interest is either the applicant or a representative of the applicant of the particular agenda item, that board member must remove himself from the dais during the discussion of the item.

(b) Advisory board members shall refrain from using their official positions as board members to solicit or obtain business for personal remuneration. No board member shall use information not available to the general public and gained because of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(c) When considering an appointment or reappointment to an advisory board, the city commission shall consider the applicant's record of conflicts of interest.

(Code 1986, § 11.07)

State law references: Conflicts of interest, F.S. § 112.311 et seq.

Secs. 2-290--2-315. Reserved.