

RESOLUTION #RES2013-17

A RESOLUTION OF THE CITY OF DUNNELLON AMENDING RESOLUTION NO. 2005-20 REGARDING THE PUBLIC CODE OF ETHICAL CONDUCT TO ADOPT RULES OF ORDER REGARDING PUBLIC COMMENT AND PUBLIC PARTICIPATION IN COMPLIANCE WITH FLORIDA STATUTES 286.0114 (2013); PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, under its home rule powers, City Council is authorized to pass bylaws, regulations, and rules of order for city boards and commissions to follow in the conduct of their business; and

WHEREAS, pursuant to Section 2-37 of the Code of Ordinances, City Council passed Resolution 2005-20, the Public Code of Ethical Conduct, as that Resolution may be amended from time to time; and

WHEREAS, public participation in government business is the bedrock of American government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law; and

WHEREAS, in 2013, the Florida Legislature adopted § 286.0114, Florida Statutes, that requires municipal boards, councils, and commissions to provide members of the public a reasonable opportunity to be heard on a proposition before a board, council, or commission before official action is taken; and

WHEREAS, § 286.0114, Florida Statutes, allows councils and commissions to adopt certain limited and specific rules or policies regarding public participation, and, if a council or commission adopts and follows such rules or policies in compliance with the statute, then a board, council, or commission within that local jurisdiction is deemed to be acting in compliance with the statute.

NOTE: Words ~~stricken~~ are deletions and words underlined are additions to Resolution 2005-20.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Legislative Findings. The Whereas clauses above are adopted as legislative findings of the City Council.

SECTION 2. Exhibit "A" attached hereto and incorporated by reference, is hereby adopted as the Public Participation and Public Code of Ethical Conduct.

SECTION 3. The City Manager or designee is directed to ensure that this Resolution and Exhibit "A" are distributed to all board and commission members and to ensure that each member submits a signed Member Statement to the City as soon as possible.

SECTION 4. The City Council further pledges to continue exhibiting and encouraging the kinds of personal qualities that are emblematic of and predominate our community: honesty, kindness to others, integrity, respect and consideration for others, and loyalty to the City.

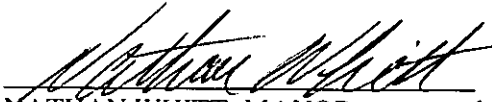
SECTION 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Resolution.


SECTION 6. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. This resolution shall take effect immediately upon its approval.

Upon motion duly made and carried, the foregoing Resolution was adopted by the City Council of the City of Dunnellon on the 28th day of OCTOBER, 2013.

CITY OF DUNNELLON, FLORIDA


NATHAN WHITT, MAYOR 10-28-2013

ATTEST:

DAWN M. BOWNE, MMC 10-28-2013
CITY CLERK

Approved as to form and legality:

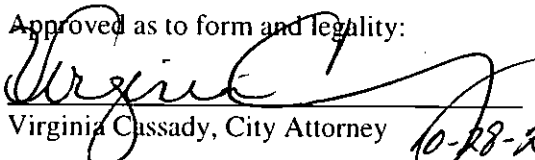

Virginia Cassady, City Attorney 10-28-2013

EXHIBIT “A”

**City of Dunnellon
Public Code of Ethical Conduct
Adopted by the Dunnellon City Council
October 28, 2013**

Preamble

The citizens and businesses of Dunnellon are entitled to have a fair, ethical and accountable local government process which has earned the public's full confidence for integrity. Good ethics in government is about open and honest discussion between all public stakeholders.

The effective functioning of democratic government therefore requires that:

All public business will be transacted in the public arena, meaning open and duly announced public forums.

Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government.

Public officials and city board/commission members be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

Any person addressing public business before the City Council and boards/commissions complies with the spirit of the laws and policies affecting the operations of government.

To this end, the Dunnellon City Council has adopted a Public Code of Ethical Conduct to assure public confidence in the integrity of local government, and provide for an effective and fair public process.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, City Council and board/commission members will work for the common good of the people of Dunnellon and not for any private or personal interest; and, they will assure fair and equal treatment of all persons, claims and transactions coming before the Dunnellon City Council and boards/commissions.

2. Comply with the Law

City Council and board/commission members shall comply with the laws of the nation, the State of Florida and the City of Dunnellon in the performance of their public duties. These laws include, but are not limited to: the United States and Florida constitutions; the Florida State Code of Ethics; the Florida State Sunshine Laws; the Dunnellon City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

City Council and board/commission members will err on the side of more public disclosure, not less. Council and board/commission members will disclose when even the appearance of a conflict of interest might exist to promote integrity with the public process.

3. Conduct of City Council and Board/Commission Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board/commissions governing the deliberation of public policy issues; actively solicit meaningful involvement of the public; and support implementation of policy decisions of the City Council by City staff.

5. Conduct of Council and Board/Commission Members at Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Public Participation on Legislative and Administrative Items on Board or Commission Agendas

Prior to decisions by the full board or commission, the Chair shall allow the public to participate and comment on specific agenda items of a legislative or administrative nature. Prior to making comments, each person wishing to address the board/commission should fill out a form provided by the City to give his/her name and address. If the person so chooses, (s)he can indicate his or her designation of a representative to speak for him or her on the proposition.

A person shall be limited to one (1) appearance on each agenda item and may not speak for more than three (3) minutes, unless a majority of the board/commission feels some other time limit is appropriate.

To maintain orderliness of the meeting, no question or comment by the public should be addressed directly to any individual board or commission member, staff member, or City Attorney. All comments must be directed to the Chair.

When multiple speakers appear to speak on one topic on the Agenda. When a group of individuals supporting or opposing the same position regarding an item on the agenda desires to be heard, in the interest of time and to avoid repetitious comments, a spokesperson should be designated by the group to express the group's concerns. However, a person in the group may make comments which were not included in the spokesperson's comments. Participation shall be limited to three (3) minutes per person, unless a majority of the Council feels some other time limit is appropriate.

Exceptions when public participation is not required. The right of the public to a reasonable opportunity to be heard does not apply:

When an action of the board/commission must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements for public participation would cause an unreasonable delay in the ability of the City to act;

When an official act involves a ministerial act, including but not limited to, approval of minutes; and

When a public hearing is held before the board/commission acting in its quasi-judicial capacity, pursuant to a separate Resolution of Council. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

7. Conduct of the Public at Public Forums

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

At the outset of public discussion, the Chair will ask all members of the public addressing City Council and boards/commissions on a specific project or proposal to disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public

should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

8. Decisions Based on Merit

Members of City Council and boards/commissions shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

9. Communication

Council and board/commission members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards/commissions, which they may have received from sources outside of the public decision-making process.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, where they have an organizational responsibility, or personal relationship which may give the appearance of a conflict of interest.

City Council members will fully and publicly disclose any business, professional, or financial interests with any individual, group, project or proposal that comes before the City at the outset of public discussion. City Council members will excuse themselves from any decision making process where they have any such interest.

11. Gifts and Favors

City Council members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action, or give the appearance of being compromised.

12. Confidential Information

City Council and board/commission members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

13. Use of Public Resources

City Council and board/commission members shall not use public resources for private gain or personal purposes, such as City staff time, equipment, supplies or facilities.

14. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

15. Advocacy

When designated as delegates for the City Council, Council members shall represent the official policies or positions of the City Council, board or commission to the best of their ability.

When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Dunnellon, nor will they allow the inference that they do.

16. Policy Role of Members

Members shall respect and adhere to the council-city manager structure of Dunnellon city government as outlined by the Dunnellon City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

17. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

18. Positive Work Place Environment

City Council members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members

shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

19. Implementation

As an expression of support for good government and ethical conduct expected of City Council, board/commission members and the public, the Dunnellon Public Code of Ethical Conduct is intended to be self-enforcing. It therefore becomes most effective when all stakeholders are thoroughly familiar with it, embrace its provisions, and hold each other accountable to the process.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Dunnellon Public Code of Ethical Conduct. In addition, the entire code will be made available to the public, and posted on the City web site.

**Dunnellon Boards and Commissions
MEMBER STATEMENT**

As a member of a Dunnellon board or commission, I agree to uphold the Public Code of Ethical Conduct for elected and appointed officials adopted by the City of Dunnellon, and conduct myself by the following model of excellence.

I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interests of Dunnellon;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understand the City of Dunnellon Public Code of Ethical Conduct.

Printed Name

Date

Board/Commission Member
Signature

Board/Commission which I serve