

Introduced by Council Member Yarborough: & Co-Sponsored by CM Redman, Schellenberg, Crescimbeni, Lee, Gulliford, Lumb, Boyer, Gaffney & Daniels:

ORDINANCE 2012-85

AN ORDINANCE CONCERNING PART 6 (OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT) OF CHAPTER 602 (JACKSONVILLE ETHICS CODE); APPROPRIATING \$142,509.00 FROM OFFICE OF GENERAL COUNSEL / ETHICS OFFICE TO FUND THE OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT (ECO); PROVIDING FOR THE TRANSFER OF SUBACCOUNTS; TRANSFERRING TEMPORARY HOURS; PROVIDING FOR THE MANAGEMENT OF THE BUDGET OF THE OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT; AMENDING PART 6 OF CHAPTER 602 TO AMEND SECTION 602.611(B)(1) (OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT; CREATION) TO REMOVE THE OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT FROM THE OFFICE OF GENERAL COUNSEL, AND TO CREATE A NEW SECTION 602.624 (REPORTING OF VIOLATIONS BY COUNCIL AUDITOR) (THE FORMER SECTION 602.1106) TO CONTINUE THE COUNCIL AUDITOR'S REPORTING DUTIES; REPEALING PART 11 (ETHICS OFFICERS) OF CHAPTER 602; PROVIDING THAT THE FUNDING IS SUPPLEMENTAL TO THE MAYOR'S EFFORTS TO FURTHER ETHICS EDUCATION, ADMINISTRATION, ENFORCEMENT, AND THE GOALS AND ASPIRATIONS OF CHAPTER 602; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 2011-197-E provided for the creation of a new Part 6 (Office of Ethics, Compliance and Oversight)(ECO) of Chapter 602 (Jacksonville Ethics Code), with associated rights, duties and responsibilities; and

WHEREAS, the 2011-2012 fiscal year budget presented to and approved by the City Council funded the "Ethics Office" instead of the "Office of Ethics, Compliance and Oversight" (both housed for budgetary purposes within the Office of General Counsel), and it in fact was the intent of the Council in enacting Ordinance 2011-197-E, that the Office of Ethics, Compliance and Oversight would be funded and operational by October 1, 2011; and

WHEREAS, the Council finds that the provisions of Part 11 (Ethics Officers) of Chapter 602 are redundant to Part 6, and create ambiguities that are best resolved by repealing Part 11; and

WHEREAS, the Council finds that to avoid perceptions of conflicting loyalties, the Office of Ethics, Compliance and Oversight should be independently identified in the City's annual budget, and not "housed" in any given department; and

WHEREAS, on January 25, 2012 the City of Jacksonville's Ethics Commission approved Resolution 2012-01, a copy of which is attached hereto as Exhibit 1, which sets forth the Jacksonville Ethics Commission's unanimous support for the principles of this ordinance; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Appropriation. For the 2011-2012 fiscal year, within the City's budget, there are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b):

(a) Appropriated from:
Office of General Counsel / Ethics Office
Acct. No. GCEC011 \$142,509.00

(b) Appropriated to:
Office of Ethics, Compliance & Oversight
Acct. No. To be determined \$142,509.00

The effect and implementation of this appropriation shall be to transfer all subaccounts from Office of General Counsel / Ethics Office, to an independent Office of Ethics, Compliance & Oversight account. All fiscal 2011-2012 expenditures to date shall be recognized and transferred, as well as the remaining balances therein.

Section 2. Purpose. The purpose of the appropriation in Section 1 is to provide fiscal year 2011-2012 funding for the Ethics, Compliance and Oversight Office established in Section 602.611, Ordinance Code.

Section 3. Transfer of Temporary Hours. The 2080 temporary hours authorized for office of General Counsel / Ethics Office are hereby transferred to Office of Ethics, Compliance and Oversight.

Section 4. Management of the Budget. Subject to the City's procurement, travel, personnel, budget, and other general ordinances and regulations, the Director of the Office of Ethics, Compliance and Oversight (Director) is authorized to approve expenditures within the appropriation set forth in this Ordinance, upon approval of the Ethics Commission. The compensation of the Director, including compensation for services rendered from date of appointment, may be authorized by the Ethics Commission upon approval by the Ethics Commission of the financial terms and conditions of employment of the Director, within the funds budgeted in this ordinance or any subsequent budget ordinance.

Section 5. Part 6, Chapter 602, Ordinance Code, amended. Part 6 (Office of Ethics, Compliance & Oversight) of Chapter 602 (Jacksonville Ethics Code), is amended so as to amend section 602.611(b)(1) (Office of Ethics, Compliance and Oversight; creation) and to add a new Section 602.624 (Reporting of violations by Council Auditor) (the former Section 602.1106) all to read as follows:

Sec. 602.611. - Office of Ethics, Compliance and Oversight; Creation.

* * *

(b) The Office of Ethics, Compliance and Oversight is an independent office which is:

- (1) Independently Administratively housed in the Office of General Counsel, but separately budgeted and accounted for; and
- (2) Whose executive director is appointed by the Jacksonville Ethics Commission subject to Council confirmation; and
- (3) Whose budget is recommended to the Mayor by the Director of the Office of Ethics, Compliance and Oversight and approved by Council.

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Sec. 602.624. - Reporting of violations by Council Auditor.

The Council Auditor, in addition to the reporting requirements of Section 102.103, Ordinance Code, shall, when he or she has reasonable grounds to believe that a

violation of the City's Ethics Code has occurred, report the facts relating to the probable violation in writing to the General Counsel and the City's Director of Ethics, Compliance, and Oversight.

Section 6. Part 11, Chapter 602, Ordinance Code, repealed. Part 11 (Ethics Officers) of Chapter 602 (Jacksonville Ethics Code), a copy of which is on file with the Legislative Services Division, is hereby repealed. The purpose of the repeal is to eliminate any perceived conflicts, redundancies, and ambiguities associated with the interplay of Part 6 (Office of Ethics, Compliance and Oversight) and Part 11.

Section 7. Ordinance Supplemental. Nothing contained in this ordinance is intended to limit or diminish the authority of the Mayor to utilize available executive branch resources in the furthering of ethics education, administration, enforcement, and in the pursuit of the goals and aspirations of Chapter 602, Ordinance Code.

Section 8. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Steven E. Rohan_____

Office of General Counsel

Legislation Prepared By: Steven E. Rohan

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