

1 Introduced by the Council President at the request of the
2 Jacksonville Ethics Commission and Co-Sponsored by Council Members
3 Carlucci, Hazouri, Morgan, Bowman, Becton ,Diamond, Ferraro,
4 DeFoor,Newby,Dennis,R.Gaffney,Cumber,Pittman,Salem,Wilson,White,
5 Priestly Jackson, Boylan and Freeman:
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8 **ORDINANCE 2019-805**

9 AN ORDINANCE AMENDING CHAPTER 602
10 (JACKSONVILLE ETHICS CODE), PART 4 (CONFLICTS
11 OF INTEREST), SUBPART A. (CONFLICTING
12 RELATIONSHIPS), SECTION 602.401 (MISUSE OF
13 POSITION, INFORMATION, RESOURCES ETC.)
14 ORDINANCE CODE, TO INSERT "INDEPENDENT
15 CONTRACTOR" IN SUBSECTIONS (A) THROUGH (D) AS
16 AN ADDITIONAL GROUP OF INDIVIDUALS SUBJECT TO
17 SECTION 602.401; AMENDING SECTION 602.411
18 (DISQUALIFICATION OF FORMER OFFICERS AND
19 EMPLOYEES IN MATTERS CONNECTED WITH FORMER
20 DUTIES OR OFFICIAL RESPONSIBILITIES;
21 DISQUALIFICATION OF PARTNERS) TO CHANGE THE
22 DESIGNATION FROM THE "HEAD OF THE UNIT OF
23 GOVERNMENT" TO THE JACKSONVILLE CITY COUNCIL
24 AS THE AUTHORITY TO ISSUE EXEMPTIONS FROM
25 POST-EMPLOYMENT RESTRICTIONS IN SECTION 602.
26 411; PROVIDING AN EFFECTIVE DATE.
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28 **WHEREAS**, during its October 7, 2019 meeting, the Jacksonville
29 Ethics Commission voted unanimously to approve the proposed
30 revisions to the Jacksonville Ethics Code. A Resolution of the
31 Jacksonville Ethics Commission is attached hereto as **Exhibit 1**; and

1 therefore

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

3 **Section 1. Amending Chapter 602 (Jacksonville Ethics**
4 **Code), Part 4 (Conflicts of Interest), Subpart A (Conflicting**
5 **Relationships), Section 602.401 (Misuse of position, information,**
6 **resources etc.), Ordinance Code.** Chapter 602 (Jacksonville Ethics
7 Code), Section 602.401 (Misuse of position, information, resources
8 etc.), *Ordinance Code*, is hereby amended to read as follows:

9 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

10 * * *

11 **PART 4. CONFLICTS OF INTEREST**

12 **SUBPART A. CONFLICTING RELATIONSHIPS**

13 **Sec. 602.401. - Misuse of position, information, resources**
14 **etc.**

15 (a) **Misuse of position, title, or authority.** It is a
16 violation of this Chapter for an officer, ~~or~~ employee or
17 independent contractor of the City or an independent agency to
18 intentionally use his or her official position, title or any
19 authority associated with his or her public office to coerce,
20 induce or attempt to coerce or induce another person, or
21 otherwise act in a manner inconsistent with official duties, to
22 obtain a special privilege or exemption, financial or otherwise,
23 for himself, herself or others, or to secure confidential
24 information for any purpose other than official responsibilities.

25 (b) **Misuse of confidential information.** It is a violation
26 of this Chapter for an officer, ~~or~~ employee or independent
27 contractor of the City or an independent agency to intentionally
28 or knowingly disclose or use any confidential information gained
29 by reason of said person's position for any purpose other than
30 official responsibilities.

31 (c) **Unethical lending or borrowing.** It is a violation of

1 this Chapter for an officer, ~~or~~ employee or independent
2 contractor of the City or an independent agency, to directly or
3 indirectly lend or borrow over \$100, to or from a higher ranking
4 or subordinate officer, employee of the City or an independent
5 agency who is in such person's City chain of command. It is also
6 unlawful for an officer, ~~or~~ employee or independent contractor of
7 the City or an independent agency, to directly or indirectly lend
8 or borrow over \$500 to or from anyone else in the person's City
9 department. This subsection shall not be applicable to lending
10 between family members.

11 (d) City Officers, ~~and~~ employees and independent
12 contractors should recognize their responsibility to protect and
13 conserve City property and resources, and to make an honest
14 effort to use official time and City property only for official
15 business. To that end:

16 (1) **Misuse of property.** It is a violation of this
17 Chapter for an officer, ~~or~~ employee or independent contractor of
18 the City or an independent agency to knowingly use property owned
19 by the City or any independent agency for his or her personal
20 benefit, convenience or profit, or for the benefit, convenience
21 or profit of others, except in accordance with official written
22 City policies or ordinances.

23 (2) **Misuse of time.** It is a violation of this Chapter
24 for an officer, employee or independent contractor of the City or
25 an independent agency to use the official time of a City employee
26 for anything other than official City business.

27 (3) **Misuse of resources for campaigning.** It is a
28 violation of this Chapter for an officer, employee or independent
29 contractor of the City or an independent agency to use any City
30 resources, including property, employee time, computers and the
31 Internet, for any political campaigning or campaign fundraising

1 activities.

2 **Section 2. Amending Section 602.411 (Disqualification of**
3 **former officers and employees in matters connected with former**
4 **duties or official responsibilities; disqualification of partners),**
5 **Ordinance Code.** Section 602.411 (Disqualification of former
6 officers and employees in matters connected with former duties or
7 official responsibilities; disqualification of partners), *Ordinance*
8 *Code*, is hereby amended to read as follows:

9 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

10 *** * ***

11 **PART 4. CONFLICTS OF INTEREST**

12 **SUBPART A. CONFLICTING RELATIONSHIPS**

13 *** * ***

14 **Sec. 602.411. - Disqualification of former officers and**
15 **employees in matters connected with former duties or official**
16 **responsibilities; disqualification of partners.**

17 *** * ***

18 (c) Nothing in subsection (a) or (b) shall prevent a
19 former officer or employee of the City or an
20 independent agency with professional, scientific or
21 technological qualifications, from acting as agent
22 or attorney or from appearing personally in
23 connection with a particular matter in a
24 professional, scientific or technological field if
25 the Jacksonville City Council, by Resolution
26 certifies, ~~head of the unit of government concerned~~
27 ~~with the matter shall certify in writing~~ that the
28 public interest would be served by the action or
29 appearance by the former officer or employee.

30 **Section 3. Effective Date.** This ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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4 Form Approved:

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6 /S/Cherry Shaw Pollock

7 Office of General Counsel

8 Legislation prepared by: Cherry Shaw Pollock

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