

ORDINANCE 2012 – 026

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A CODE OF ETHICS FOR CITY COMMISSIONERS PURSUANT TO SECTION 10.02 OF THE CITY'S CHARTER; PROVIDING FOR SANCTIONS FOR VIOLATION OF SUCH CODE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Fruitland Park is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 10.02 of the City's Charter expressly authorizes the Commission to, by ordinance, establish a code of ethics for officials of the City; and

WHEREAS, the performance of duties and responsibilities of an elected City Commissioner and the manner in which such duties are performed have a direct impact on (a) the quality of services afforded to the citizens of Fruitland Park; (b) the morale and job performance of City employees, contractors, board members, persons involved in the different facets of City government, and the other City Commissioners; and (c) the City's accountability to the citizens of Fruitland Park; and

WHEREAS, the City Commission desires to adopt a Code of Ethics for its members for purposes of enhancing professionalism, performance, productivity, morale, accountability, and integrity of the City Commission and facets of City government; and

WHEREAS, the City Commission acknowledges that its members are subject to the "Code of Ethics for Public Officers and Employees" as codified in Chapter 112 of the Florida Statutes, but desires to adopt provisions which are supplementary but in no way diminish the provisions of general law.

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida, as follows:

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Fruitland Park, Florida.

**Section 2. Code of Ethics.** The following Code of Ethics is hereby adopted for the City Commission and the members thereof as a public statement of expected City Commissioner conduct and ethics. Upon election and taking the oath as prescribed in Section 3.04 of the City's Charter, all City Commissioners shall be subject to this Code of Ethics.

- a. I affirm that the proper statutory and City Charter role of a City Commissioner, as with any elected member of a legislative body, is to act collectively, not individually, to set and/or revise the City of Fruitland Park's governing policies and that the City Manager and staff administer such policies.

- b. I understand that the City Commission does not manage the affairs of the City (i) by intruding into daily operations or spheres of responsibility designated by Florida Statutes and the City Charter to the City Manager as the chief executive officer or to administrators acting as City Manager designees; or (ii) by undermining the City Manager's lawful authority.
- c. I will represent the interests of the entire City and the citizens that have elected me when making decisions and will rely upon available facts and my independent judgment. In my capacity as an elected City Commissioner, I will avoid all legal conflicts of interest and avoid using my official position for personal, professional or partisan gain.
- d. I will demonstrate dignity, respect, and courtesy toward those with whom I am in contact in my capacity as City Commissioner. I will refrain from intimidation and ridicule of fellow City Commissioners, the City Manager, staff, and other stakeholders in the City of Fruitland Park.
- e. In my capacity as an elected City Commissioner, I will refrain from inappropriate language including statements that are malicious, threatening, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an elected official and the honor of the City Commission.
- f. I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of City business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.
- g. I will demonstrate patience and refrain from demanding interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis or that will result in staff neglect of more urgent duties. Such requests will be made through the City Manager for scheduling and prioritizing or through consensus of the City Commission.
- h. I will devote sufficient time for adequate preparation prior to City Commission meetings and be in attendance, insofar as possible, at those meetings and all other scheduled events at which City Commissioner participation is required. I will prepare myself through study, inquiry and thought so as to be informed thoroughly about issues to be discussed in public meetings.
- i. I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow City Commissioners, staff, citizens of Fruitland Park, and utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.
- j. I will refrain from any individual action that could compromise the integrity of the City, City Commission, or fellow City Commissioners. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or I am acting or speaking in my capacity as a representative of the City Commission.

- k. I will maintain confidentiality of privileged information and will abide by the Government in the Sunshine Law and the Florida Code of Ethics for Public Officers, in both its spirit and its intent.
- l. I will promote constructive relations in a positive climate with all employees, consistent with my role as a City Commissioner, as a means to enhancement of productivity and morale. I will support employment of best qualified persons for staff positions. I will recognize the achievements of staff, business partners, and others sharing the City of Fruitland Park's mission.
- m. I will update and improve my knowledge, contributions, and value to the City by keeping abreast of current educational issues and trends through reading, continuing education and training. I will study policies and issues affecting the City of Fruitland Park, and attend training programs such as those offered through the National and Florida League of Cities. My continuing goal will be to improve my performance as an elected City Commissioner.
- n. I will value and assist my fellow City Commissioners by exchanging ideas, concerns and knowledge gleaned from my research or training. I will help build positive community support for the City of Fruitland Park's mission and the policies established by the City Commission.
- o. I will take a stand for my beliefs but will remain flexible enough to understand others' views. I recognize that I share in the responsibility for all City Commission decisions and will accept the will of the majority.
- p. I will remember always that my first and greatest concern must be the citizens of Fruitland Park and the public health, safety, and welfare. I will seek to provide appropriate leadership that nurtures and motivates the citizens of Fruitland Park to be stakeholders in the affairs and achievements of the City.
- q. I will be accountable to the City Commission for violations of the Code of Ethics set forth in this Ordinance.

**Section 3. Sanctions.** Based upon the gravity and frequency of the violation, the City Commission, by majority vote (unless otherwise provided below), may impose any and all of the following sanctions for a violation of the City's Code of Ethics by any member of the City Commission:

- 1. Require the City Commissioner to apologize to any person adversely affected;
- 2. Verbal reprimand of the City Commissioner;
- 3. Written reprimand to be included within the minutes of the City Commission;
- 4. Fine not to exceed \$50.00 for the first violation and not to exceed \$100.00 for any subsequent violation. All fines shall require a supermajority (i.e. 4 of 5) vote of the Commission. Proceeds from all fines shall be deposited in the "Charitable Assistance Fund [insert formal name]" of the City's Utility Fund; and
- 5. Loss of committee assignment or representation on a board or agency.

**Section 4. Acknowledgement by City Commissioners.** As referenced above, all City Commissioners, upon election and recitation of the Oath of Office, shall be subject to this

Code of Ethics. Nonetheless, to acknowledge their commitment to a high degree of ethics and conduct, the current members of the City Commission shall further acknowledge and pledge to uphold the code tenets set forth herein by affixing their signatures to this Ordinance. All Commission members subsequently elected, although subject to the Code of Ethics, shall be requested to acknowledge the code by executing an acknowledgement in substantial conformity with attached Exhibit "A".

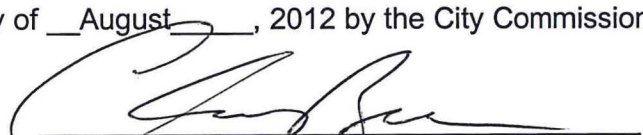
**Section 5. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ORDAINED** this 6 day of August, 2012 by the City Commission of the City of Fruitland Park, Florida.

  
DIANE GIBSON SMITH, CITY CLERK

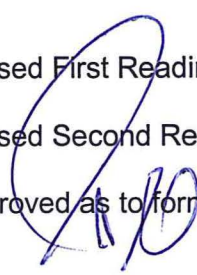
  
CHRISTOPHER BELL, MAYOR

	For	Against
Christopher Bell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Richardson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Gunter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sharon Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Albert Goldberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Passed First Reading 07/12/12

Passed Second Reading 08/06/12

Approved as to form and legality:

  
SCOTT A. GERKEN, CITY ATTORNEY

**CODE OF ETHICS**  
*Acknowledgement*

Fruitland Park's Code of Ethics as set forth in Ordinance 2012 - \_026\_ ("Code of Ethics") is applicable to me as a City Commissioner.

I, \_\_\_\_\_, have received and read the "Code of Ethics" and further acknowledge my familiarity with those applicable statutes of Public Records, Code of Ethics and Sunshine regulations as they impact my duties and responsibilities as a City Official for the City of Fruitland Park.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date