



Title: Intergovernmental Agency Staff Code of Ethics and Standard of Conduct
Date Adopted: February 16, 2004
Effective Date: February 16, 2004
References: Leon County Code of Ethics #03-05; City of Tallahassee Personnel Policy #706.06; Chapter 112, Florida Statutes; Rules of the Florida Commission on Ethics, Chapter 34-13

This policy shall apply to employees of the Blueprint 2000 Intergovernmental Agency (Agency). Members of the Board of Directors and City and County staff who serve on Blueprint 2000 committees are subject to the adopted policies of their respective entities. Citizens appointed to boards and committees that have been created by the Agency are subject to the provisions of this policy as applicable. This policy is the Leon County ethics policy except as noted in this document. In the event of a conflict, this document has precedent. In the event that the Blueprint 2000 ethics policy is silent on a given subject, the County policy will prevail.

Section 1. Code of Ethics.

This Policy shall be known as the Intergovernmental Agency Employee Code of Ethics.

If any word, phrase, clause, section or portion of this policy shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This policy shall take effect upon being approved by a majority vote of the Board of Directors.

Section 2. Intent and Purpose.

The proper operation of the Intergovernmental Agency requires that its employees be independent and impartial; that Agency policy and decisions be made through established processes; that employees do not use public employment to obtain private benefit; that employees avoid actions which create the appearance of using their employment to obtain a benefit; and that the public have confidence in the integrity of Agency employees.

Section 3. Acknowledgment.

All employees of the Agency shall submit a signed statement to the Blueprint 2000 Staff Director acknowledging that they have received and read the Code of Ethics herein, that they understand it, and that they are bound by it.

Section 4. Interpretation, Advisory Opinions.

When in doubt as to the applicability and interpretation of the Code of Ethics, any employee may request clarification from the Staff Director. The Staff Director may request an advisory opinion from the Agency's Attorney. The Agency's Attorney shall keep a file, open to the public, of all written opinions issued.

Section 5. Definitions.

- I. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- II. "Agency" means the Blueprint 2000 Intergovernmental Agency created in the Interlocal Agreement between the City of Tallahassee and Leon County and authorized pursuant to Chapter 163 Florida Statutes, for the purposes of administering the local option one cent sales tax extension.
- III. "Agency employee" means any employee, full time or part time, paid or unpaid, under either the City of Tallahassee's or Leon County's pension systems, authorized by the Agency or Intergovernmental Management Committee, and hired by the Staff Director.
- IV. "Agency Officer" means any citizen elected or appointed to hold office on a board or committee that has been created by the Agency
- V. "Board of Directors" means the five City of Tallahassee Commissioners and seven Leon County Commissioners, sitting jointly as the Intergovernmental Agency.
- VI. "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.
- VII. "Business associate" means any person or entity engaged in or carrying on a business enterprise with an Agency employee as a partner, joint venturer, corporate shareholder where

the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

- VIII. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- IX. "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- X. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- XI. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.
- XII. "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.
- XIII. "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.
- XIV.
 - A. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:
 - 1. Real property.
 - 2. The use of real property.
 - 3. Tangible or intangible personal property.
 - 4. The use of tangible or intangible personal property.

5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage (Exception: that which is consumed in one sitting with a value of less than \$50).
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

B. "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
 5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
 6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
 7. Transportation provided to an employee by an agency in relation to officially approved governmental business.
 8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.
- C. For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
- D. For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- XV. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
- XVI. "Intergovernmental Management Committee" means the City Manager and County Administrator, as provided for in the Interlocal Agreement.
- XVII. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

- XVIII. "Lobbying" means influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member of the Agency's Board of Directors, a member of a committee or advisory board (either staff or citizen), a City or County Commission Aide, appointed officials, Agency employees, or other employees who have binding administrative and/or procurement authority related to the Agency.
- XIX. "Lobbyist" means:
- A. Any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.
 - B. A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
- XX. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.
- XXI. "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.
- XXII. "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.
- XXIII. "Parties materially related to the complaint at issue" means any other public office or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

- XXIV. "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutual wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.
- XXV. "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- XXVI. "Relative", unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
- XXVII. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.
- XXVII. "Source" means the name, address, and description of the principal business activity of
of
a person or business entity.
- XXVIII. "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

Section 6. Standards of Conduct.

Appearances can be as important as reality in the appropriate standard of ethical conduct. Since no list can take into account every situation, the Blueprint 2000 Code of Ethics is based on the exercise of conservative good judgment. It is the obligation of all Employees to know and understand the Code of Ethics and other policies and procedures.

I. Solicitation or Acceptance of Gifts.

1. No employee or member of the employee's family may solicit or accept any gratuity from any person who is seeking to obtain a contractual business agreement with the Agency; who conducts activities regulated by the Agency; or who has interests that may be influenced by the performance or non-performance of the employee's official duties.

Exceptions to the above are the following:

- a. Where circumstances indicate that the situation is motivated by obvious family or personal relationships rather than by concerns over business connections.
- b. The acceptance of meals on infrequent occasions in the ordinary course of a business meeting.
- c. The acceptance of loans from banks, or other financial institutions, on normal terms to finance proper and usual activities, e.g., home mortgage, automobile purchase, etc.
- d. The acceptance of unsolicited promotional goods, such as pens, pencils, notepads, and calendars, as long as such materials do not exceed a retail value of \$50.00.

In the event an unsolicited gift is received, the following procedures should be enacted:

- Report to a supervisor
- Non-consumables valued at \$50.00 or more shall be returned to the giver, except as noted elsewhere in this policy.
- Any gifts of alcoholic beverages, regardless of price, shall be returned to the giver.
- Any food item received with a value less than \$50.00 must be available for the consumption of all employees, committee members, etc. Individual employees may not accept the gift(s).

- II. **Doing Business with One's Agency.** No employee of the Agency acting in his or her official capacity as a purchasing agent shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall an Agency employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Agency. This subsection shall not affect or be construed to prohibit contracts entered into prior to beginning public employment.
- III. **Unauthorized Compensation.** No Agency employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, or employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.
- IV. **Misuse of Public Position.** No Agency employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31, Florida Statutes.
- V. **Conflicting Employment or Contractual Relationship.**
- A. No Agency employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.
- If the Agency exercises regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.
- B. This subsection shall not prohibit an Agency employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

- I. Disclosure or Use of Certain Information. No Agency employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- II. Employees Holding Office.
 - A. No employee of the Agency shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.
 - B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.
 - C. Exemption. The requirements of Subsection II, “Doing Business With One’s Agency”, and Subsection VI, “Conflicting Employment or Contractual Relationship”, as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Subsection II, “Doing Business With One’s Agency”, and Subsection VI, “Conflicting Employment or Contractual Relationship” if:
 1. Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.
 2. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
 - a. The employee or the employee's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder.
 - b. The employee or the employee's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

- c. The employee, prior to or at the time of the submission of the bid, has filed a statement with the Agency.
3. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
4. An emergency purchase or contract which would otherwise violate a provisions of Subsection II, "Doing Business With One's Agency", and Subsection VI, "Conflicting Employment or Contractual Relationship", must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
5. The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
6. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
7. The fact that an Agency employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the Agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.
8. The Agency employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.
9. The Agency employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:
 - a. The price and terms of the transaction are available to similarly situated members of the general public; and
 - b. The employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

Section 7. Voting Conflicts.

I. As used in this section:

- A. "Officer or Agency Officer" includes any citizen elected or appointed to hold office on a board or committee that has been created by the Agency.
- B. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

C.

- 1. No officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such Agency officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.
- 2. However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

D. No appointed Agency officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

- 1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

Section 8. Use of Office for Political Campaigns or Personal Matters.

Use of Agency resources, including but not limited to material goods and the use of office staff and/or personnel, for either political campaign purposes or other personal matters, is strictly forbidden. An Agency Employee, Officer or Director shall not steal or convert to their own use, either the Agency's or anyone else's property. Agency assets should be protected and used only for legitimate Agency purposes. This includes such things as software, office supplies, office equipment, and other agency assets.

Section 9. Misuse of Position and Government Resources

- Disclosing Procurement Information

An employee is prohibited from disclosing contractor bid or proposal information or source selection information to any person other than one authorized to receive such information.

- Use of Official Time

An employee shall use official time in an honest effort to perform official duties. Generally, personal activities should not be conducted during duty hours.

Section 10. Registration as Lobbyist

See Section 8 of the Leon County Board of County Commissioners Code of Ethics

The following persons shall not be required to register as lobbyist:

1. Any public officer, employee, or appointee who only appears in his or her official capacity.
2. Law enforcement personnel conducting an investigation.
3. Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item.
4. Any person who only appears as a representative of a neighborhood association without special compensation or reimbursement for their appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

Section 11. Investigation and Prosecution of Alleged Violation of Code of Ethics.

The investigation and prosecution of any alleged violation of this Code of Ethics shall be in accordance with the Florida Statutes or local ordinances.

Section 12. Conflicts Between this Policy and Florida Statutes.

The Florida Statutes shall apply in the event of any conflict between this adopted policy and the Florida Statutes.