

ORDINANCE NO. 240-02-106

AN ORDINANCE AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE IV, CITY COMMISSION, SECTION 2-166, CODE OF ETHICS/CODE OF CONDUCT FOR CITY PUBLIC OFFICERS AND CHARTER OFFICERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA THAT:

Section 1: That the Code of Ordinances, Chapter 2, Administration, Article IV, City Commission, Section 2-166, Code of Ethics, is hereby amended to read as follows:

Sec. 2-166. Code of ethics/code of conduct for city public officers and charter officers.

(a) Definitions.

"Public officer" shall be synonymous with "public official", both of which shall include any person elected or appointed to hold office in the City of Lauderhill, including any person serving on a city board, committee, or advisory body.

"Charter officer" shall refer to those positions created and defined within the City of Lauderhill, which positions include: City Attorney, City Manager, and City Clerk.

(b) Intent.

The intent of this section is to establish conduct guidelines to describe the manner in which city public officers and charter officers should treat one another, city staff, constituents, and others they come in contact with while representing the city. This section shall supplement the Florida Code of Ethics and Standards of Conduct for Public Officers and Employees, as set forth in Florida Statutes, Chapter 112, Part III; as well as the Broward County Code of Ethics for Elected Officials, Code Section 1-19, as may be amended from time to time.

(c) Conduct Guidelines. All public officers and charter officers shall:

- (1) Work to foster an atmosphere of respect and civility among colleagues, city employees, and members of the public;
- (2) Be professional and respectful in all interactions with each other, city staff and members of the public, including oral and written transactions;
- (3) Work to promote, in the general public, an understanding of the role of public officers and accurate information regarding city matters;
- (4) Attempt not to abruptly interrupt each other or members of the public during public meetings. Only the Mayor (or chair of the meeting), not individual members, are permitted to interrupt a speaker during a public meeting. However, a member may ask the Mayor (or chair of the meeting) for a "point of order" if a speaker is off topic or exhibiting behavior or language that the member finds disturbing or is disruptive to the decorum of the meeting;
- (5) Refrain from using profanity, intimidation, making disparaging remarks, or using *ad hominem* attacks towards each other or towards members of the public in any setting, including, but not limited to public meetings and on social media; and

- (6) Refrain from yelling or screaming at each other, city staff, or members of the public in any setting, including during public meetings.

(d) Public officers interaction with city staff.

Governance of the city relies on the cooperative efforts of elected officials, appointed officials, and city staff. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the city, the public, and of the community.

- (1) Under a city commission form of government, public officers acting in their official capacity will interact with city staff. Public officers shall not direct city staff nor interrupt staff while they are in meetings, on the telephone, or engrossed in performing their job functions in order to meet the public officer's personal needs. Public officers, acting in their individual capacities, shall not attempt to influence city staff on making appointments, awarding of contracts, selecting of consultants, processing of development applications, granting city licenses or permits or any other administrative functions. The city manager is the city chief executive officer and is responsible for the administration of all city affairs and any issues or concerns should be brought directly to the city manager, in accordance with the City Charter, Section 3.07 and Code Section 6.01.
- (2) Public officers shall not solicit any kind of political support from city staff, including but not limited to: financial contributions, displays of posters or lawn signs, names on support lists. Public officers must comply with the City Code of Ethics for Candidates for Public Office, Code Section 8-10 if they are running for city office.

(e) Public officers interaction with other public officers.

The city has a city commission as well as other established boards, committees and advisory bodies, the members of each who are all deemed to be public officers and whom are all subject to the Florida Government-in-the-Sunshine Laws, Florida Statutes Chapter 119 and Chapter 286.

- (1) Public officers who attend other public meetings for which they do not serve as a member shall only express their personal opinions. Any public comments by a public officer at a public meeting for which they are not a member shall be clearly made as an individual stating a personal opinion and not as a public officer representing the viewpoint of the commission, board, committee or advisory body of which they are a member.
- (2) The city commission appoints individuals to serve on various boards, committees and advisory bodies (collectively "boards"), and it is the responsibility of those various boards to follow policies established by the city commission. Board members do not report to individual commissioners and commission members shall not threaten any board member with removal if they disagree with a commissioner about an issue.
- (3) Appointment and re-appointment to various boards shall be based upon such criteria including expertise, ability to work with city staff and the public, commitment to fulfilling official duties, willingness and ability to attend and participate in public meetings, etc. Board appointments shall not be offered as a political "reward".
- (4) Public officers shall be fair and respectful of all citizens serving on all boards.
- (5) Public officers may offer political support to other public officers, but such support shall not occur in a public forum while conducting official city business.

(f) Enforcement and penalties.

This section is intended to be a self-enforcing expression of the code of ethics and standards of conduct for public officers and charter officers of the city. All newly elected or appointed public officers, all candidates for city commission, the City Attorney, City Manager, City Clerk, and all applicants for any city board, committee or advisory body shall receive a copy of this Code section.

The city commission shall have the authority to enforce this section against any public officer who is not a member of the city commission, after having been afforded due process consisting of notice and a hearing, if it is determined by the city commission that there has been a violation of: this Section, of any city policy (including discrimination or harassment, bullying, retaliation, etc), City Charter, Section 3.07, or violation of Florida Statutes, Chapter 112, or Broward County Ethics Code, or any other behavior deemed unbecoming of a public officer, as applicable by imposing one or more of the following listed penalties.

However, if the alleged violator is a member of the city commission or a charter officer, then an independent investigation shall first be conducted in order to make a determination as to whether a violation of any of the above-mentioned types of violations have occurred. If the report of the independent investigator makes a finding that a violation occurred, the city commission may then impose any one or more of the following penalties subject to the majority vote of the remaining commissioners who are not the subject of the violation:

- (1) Oral reprimand (oral communication delivered in a private meeting);
- (2) Written reprimand (written letter delivered in a private meeting);
- (3) Public censure (via Resolution read at a public meeting);
- (4) Public reprimand (via publication in a newspaper), if regarding a violation of Charter Section 3.07, requires a unanimous vote of the remaining commissioners per Charter Section 3.08(c);
- (5) Referral to the Governor for action;
- (6) Referral to the Florida Commission on Ethics, Office of Inspector General, or any other agency deemed appropriate depending upon the nature of the violation;
- (7) Any other lawful penalty deemed to be reasonable and appropriate by the city commission.

~~(a)~~ **(g) Former elected officials city commissioners.** Except as otherwise provided by law, no ~~elected official~~ public officer who served as a member of the city commission of the city shall personally represent another person or entity, for compensation, before the city ~~council~~ commission or any of the city boards or committees or departments for a period of one (1) year following vacation of office. ~~"Elected officials" shall refer to both council~~ This section refers to city commission members and the mayor.

~~(b) Penalties.~~

- (1) Violation of this subsection only shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment in the county jail for not more than sixty (60) days, or both such fine and imprisonment.
- (2) Any permits or approvals obtained in contravention of this subsection shall be null and void.

Section 2: Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 3: It is the intention of the City Commission of the City of Lauderhill that the provisions of this ordinance shall become and be made a part of the Code of the City of Lauderhill, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: This provision of this ordinance shall become effective as of the date of passage.

DATED this ____ day of _____, 2024.

PASSED on first reading this ____ day of _____, 2024.

PASSED AND ADOPTED on second reading this ____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____