



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 12/10/2020 Meeting Date: 12/17/2020

Name: Joel Foreman Department: County Attorney

Division Manager's Signature:

A handwritten signature in blue ink, appearing to be "J. Foreman", is written over the signature line.

1. Nature and purpose of agenda item:

Request for Adoption Hearing: Columbia County Code of Ethics Ordinance

2. Recommended Motion/Action:

To set an adoption hearing for the Columbia County Code of Ethics Ordinance for January 21, 2021.

3. Fiscal impact on current budget.

This item has no effect on the current budget.

MEMORANDUM

To: Board Agenda, December 17, 2020

From: Joel F. Foreman

Re: Request for Adoption Hearing – Columbia County Code of Ethics Ordinance

Date: December 10, 2020

At the General Election in November, Ordinance No. 2020-16 proposing an amendment to the County Charter requiring the Board to adopt the Columbia County Code of Ethics Ordinance was approved by 25,303 electors of the County (84.26% of votes cast on the question).

The language added to the Charter reads:

1.9. Code of Ethics.

In order to provide a high level of transparency and ethical conduct under charter government, the Board of County Commissioners shall enact by ordinance a Code of Ethics no later than January 31, 2021. The Code of Ethics shall prescribe standards of conduct for members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics shall be adopted by Ordinance in substantially the form approved by the 2020 Charter Review Commission on June 17, July 1, and July 13, 2020. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office. The Code shall not be repealed but shall be subject to amendment from time to time through ordinance and upon an affirmative vote of no fewer than four County Commissioners.

This amendment goes into effect on January 1, 2021 and requires the Board of County Commissioners to adopt the Columbia County Code of Ethics Ordinance approved by the Charter Review Commission. The Board must do so no later than January 31, 2021. A copy of the ordinance is attached. To comply with this amendment, an adoption hearing for this ordinance should be scheduled for January 21, 2021.

Recommended Motion: To set the adoption hearing for the Columbia County Code of Ethics Ordinance for January 21, 2021.

1 **COLUMBIA COUNTY, FLORIDA**
2 **ORDINANCE NO. 2021-__**
3

4 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
5 **COLUMBIA COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE**
6 **COUNTY CODE OF ORDINANCES ENTITLED “ADMINISTRATION”**
7 **BY PROVIDING FOR A CODE OF ETHICS; CREATING ARTICLE VIII**
8 **ENTITLED “ETHICS”; PROVIDING FOR CONFLICTS, PROVIDING**
9 **FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**
10

11 **WHEREAS**, the citizens of Columbia County adopted a Home Rule Charter (the
12 "Charter"), which provides for full home rule authority under the law and citizen determination
13 of the structure, powers, and functions of county government; and

14 **WHEREAS**, Section 8.4 of the Charter establishes a process for amending the Charter
15 through a Charter Review Commission ("CRC") which must be convened every eight years for
16 the purpose of reviewing the Charter and proposing any amendments thereto which may be
17 referred to the electorate for adoption; and

18 **WHEREAS**, the Board of County Commissioners (“Board”) established the 2019-2020
19 CRC, which then conducted meetings and public hearings as provided by the Charter, and the
20 CRC recommended amending the Charter to provide for the inclusion of an Ethics Ordinance in
21 substantially the form hereof to be codified in the County’s Code of Ordinances; and

22 **WHEREAS**, a referendum for the CRC’s proposed ethics amendment was set upon the
23 ballot for the 2020 General Election; and

24 **WHEREAS**, at the November 3, 2020 General Election the Columbia County electorate
25 voted affirmatively to amend the Charter to provide for enactment by ordinance of a Code of
26 Ethics to prescribe standards of conduct for members of the Board, county employees, and
27 members of boards and committees created by the Board, no later than January 31, 2021; and

28 **WHEREAS**, as now amended, section 1.9 of the Charter provides that the Code of
29 Ethics shall include the provisions contained in this ordinance.

30 **NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY
31 COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, that:

32 **Section 1. Amendments.**

33 Chapter 2 of the Code of Ordinances of Columbia County, Florida, is hereby amended to read as
34 follows:

35 **ARTICLE XIII. - ETHICS**

36 DIVISION 1. - GENERALLY

37 **Sec. 2-500. Title; purpose.**

1 (a) This article shall be known as the "Columbia County Code
2 of Ethics".

3 (b) The purpose of this article is to ensure a higher level
4 of transparency and ethical conduct in Columbia County
5 government.

6 **Sec. 2-501. Definitions.**

7 The following words, terms and phrases, when used in this article,
8 shall have the meanings ascribed to them in this section, except
9 where the context clearly indicates a different meaning:

10 (a) *Advisory body* means any board, committee, commission,
11 council, or authority, however selected, whose total
12 budget, appropriations, or authorized expenditures
13 constitute less than \$100,000 annually and whose powers,
14 jurisdiction, and authority are solely advisory to the
15 Board of County Commissioners and do not include the final
16 determination or adjudication of any personal or property
17 rights, duties, or obligations, other than those relating
18 to its internal operations.

19 (b) *Agency* means any state, regional, county, local, or
20 municipal government entity of this state, whether
21 executive, judicial, or legislative; any department,
22 division, bureau, commission, authority, or political
23 subdivision of this state therein; or any public school,
24 community college, or state university; or any special
25 district as defined in F.S. § 189.012.

26 (c) *Business associate* means any person or entity engaged in
27 or carrying on a business enterprise with a County
28 Commissioner, member of an advisory body, or county
29 employee as a partner, joint venturer, corporate
30 shareholder where the shares of such corporation are not

1 listed on any national or regional stock exchange, or co-
2 owner of property.

3 (d) *Business entity* means any corporation, partnership,
4 limited partnership, proprietorship, firm, enterprise,
5 franchise, association, self-employed individual, or
6 trust, whether fictitiously named or not, doing business
7 in this state.

8 (e) *Communicate* or *communication* shall include one-on-one
9 meetings, discussions, telephone calls, e-mails, text
10 messages, and the use of other persons or electronic
11 communications to convey information or receive
12 information.

13 (f) *Conflict of interest* means a situation in which regard
14 for a private interest tends to lead to disregard of a
15 public duty or interest.

16 (g) *Corruptly* means done with a wrongful intent and for the
17 purpose of obtaining, compensating, or receiving
18 compensation for, any benefit resulting from some act or
19 omission of a public servant which is inconsistent with
20 the proper performance of his or her public duties.

21 (h) *County Commissioner* means any member of the Columbia
22 County Board of County Commissioners.

23 (i) *County employee* means any person employed by the Columbia
24 County Board of County Commissioners.

25 (j) *County Real Estate Transaction* means any existing or
26 proposed real estate transaction in which the County is
27 involved as either a buyer, seller, lessee, lessor, or is
28 otherwise involved as a party.

29 (k) *Gift* means that which is accepted by a donee or by another
30 on the donee's behalf, or that which is paid or given to
31 another for or on behalf of a donee, directly, indirectly,
32 or in trust for the donee's benefit or by any other means,

1 for which equal or greater consideration is not given
2 within 90 days. The term "consideration" does not include
3 a promise to pay or otherwise provide something of value
4 unless the promise is in writing and enforceable through
5 the courts. "Gift" would include the following:

- 6 i. Real property.
- 7 ii. The use of real property.
- 8 iii. Tangible or intangible personal property.
- 9 iv. The use of tangible or intangible personal
10 property.
- 11 v. A preferential rate or terms on a debt, loan, goods,
12 or services, which rate is below the customary rate
13 and is not either a government rate available to
14 all other similarly situated government employees
15 or officials or a rate which is available to
16 similarly situated members of the public by virtue
17 of occupation, affiliation, age, religion, sex, or
18 national origin.
- 19 vi. Forgiveness of an indebtedness.
- 20 vii. Transportation, other than that provided in
21 relation to officially approved governmental
22 business, lodging, or parking.
- 23 viii. Food or beverage.
- 24 ix. Membership dues.
- 25 x. Entrance fees, admission fees, or tickets to
26 events, performances, or facilities.
- 27 xi. Plants, flowers, or floral arrangements.
- 28 xii. Services provided by persons pursuant to a
29 professional license or certificate.
- 30 xiii. Other personal services for which a fee is normally
31 charged by the person providing the services.

1 xiv. Any other similar service or thing having an
2 attributable value not already provided for in this
3 section.

4 "Gift" does not include:

- 5 i. Salary, benefits, services, fees, commissions,
6 gifts, or expenses associated primarily with the
7 donee's employment, business, or service as an
8 officer or director of a corporation or
9 organization.
- 10 ii. Contributions or expenditures reported pursuant to
11 F.S. ch. 106, campaign-related personal services
12 provided without compensation by individuals
13 volunteering their time, or any other contribution
14 or expenditure by a political party.
- 15 iii. An honorarium or an expense related to an
16 honorarium event paid to a person or the person's
17 spouse.
- 18 iv. An award, plaque, certificate, or similar
19 personalized item given in recognition of the
20 donee's public, civic, charitable, or professional
21 service.
- 22 v. An honorary membership in a service or fraternal
23 organization presented merely as a courtesy by such
24 organization.
- 25 vi. The use of a public facility or public property,
26 made available by an agency, for a public purpose.
- 27 vii. Transportation provided by an agency in relation to
28 officially approved governmental business.
- 29 viii. Gifts provided directly or indirectly by a state,
30 regional, or national organization which promotes
31 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 an agency that is a member of that organization.

(l) *Honorarium* means a payment of money or anything of value, directly or indirectly, as consideration for a speech, address, oration, or other oral presentation, regardless of whether presented in person, recorded, or broadcast over the media, or a writing, other than a book, which has been or is intended to be published.

(m) *Intangible personal property* means intangible personal property as defined in F.S. §192.001(11)(b).

(n) *Lobby or lobbying* means communications by a lobbyist, whether written or oral, with a County Commissioner, county employee, or member of an advisory body, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners or any advisory body, or which may be presented for consideration by a county employee as a recommendation to the Board or advisory body.

(o) *Lobbyist* means a person who is employed and receives payment for lobbying, 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 agency to lobby on behalf of that other person or agency.

(p) *Outside or concurrent employment* means engaging in employment with any person or entity, other than the County, in exchange for remuneration.

1 (q) *Material interest* means direct or indirect ownership of
2 more than five percent (5%) of the total assets or capital
3 stock of any business entity. Indirect ownership does not
4 include ownership by a spouse or minor child.

5 (r) *Principal* means a person, firm, corporation, or other
6 legal entity.

7 (s) *Property Manager* means the individual or entity, if other
8 than the County Manager, retained by the Board of County
9 Commissioners to lease and manage any County-owned
10 property.

11 (t) *Purchasing agent* means a County Commissioner, member of
12 an advisory body, or county employee having the authority
13 to commit the expenditure of public funds through a
14 contract for, or the purchase of, any goods, services, or
15 interest in real property for the County, as opposed to
16 the authority to request or requisition a contract or
17 purchase by another person.

18 (u) *Relative*, unless otherwise specified in this article,
19 means an individual who is related to a County
20 Commissioner, member of an advisory body, or county
21 employee as: father; mother; son; daughter; brother;
22 sister; uncle; aunt; first cousin; nephew; niece;
23 husband; wife; registered domestic partner; same-sex
24 spouse; father, mother, brother, sister, or children of
25 the registered domestic partner or same-sex spouse;
26 father-in-law; mother-in-law; son-in-law; daughter-in-
27 law; brother-in-law; sister-in-law; stepfather;
28 stepmother; stepson; stepdaughter; stepbrother;
29 stepsister; half-brother; half-sister; grandparent; great
30 grandparent; grandchild; great grandchild; step
31 grandparent; step great grandparent; step grandchild;
32 step great grandchild; person who is engaged to be married

1 to the officer or employee or who otherwise holds himself
2 or herself out as or is generally known as the person whom
3 the officer or employee intends to marry or with whom the
4 officer or employee intends to form a household; or any
5 other natural person having the same legal residence as
6 the officer or employee.

7 (v) *Represent or representation* means actual physical
8 attendance on behalf of a client in a County meeting or
9 proceeding, the writing of letters or filing of documents
10 on behalf of a client, or personal communications made
11 with a County Commissioner, member of an advisory body,
12 or county employee on behalf of a client.

13 **Sec. 2-502. Advisory opinions.**

14 When in doubt as to the applicability and interpretation of the
15 Columbia County Code of Ethics, the County Manager or any County
16 Commissioner may request an advisory opinion from the County
17 Attorney's Office. Requests for advisory opinions shall be in
18 writing and shall state all material facts necessary for the County
19 Attorney to understand the circumstances and render the advisory
20 opinion.

21 The County Attorney's Office shall keep a file, open to the public,
22 of all advisory opinions issued.

23 **Sec. 2-503. Complaints.**

24 A complaint or complaints of any alleged violation or violations
25 of this policy may be made in writing to the County Attorney or,
26 if the complaint raises allegations about the conduct of the County
27 Attorney, then to the County Manager. If the alleged violation
28 relates to conduct or omissions of both the County Attorney and
29 the County Manager, then the written complaint may be submitted to
30 the Chair of the Board of County Commissioners for assignment to

1 outside counsel. Nothing shall preclude the County Attorney from
2 initiating a complaint and investigation of any directly observed
3 violation under this part.

4 (a) The complaint shall:

5 1. State the name of the complainant.

6 2. State the name(s) of the respondent(s) alleged to
7 have violated this policy.

8 3. Include a short and plain statement of the facts
9 or circumstances giving rise to the complaint,
10 including the date and location of any violation
11 and the identity of any witnesses to the alleged
12 violation.

13 4. Include copies of any documents the complainant
14 wishes to have considered in the investigation of
15 the complaint or, if such documents are not
16 available, a description of such documents and
17 where they are alleged to exist.

18 5. Be sworn under oath and signed by the complainant.

19 (b) The complaint shall become public record in accordance
20 with and subject to the exemptions contained in Florida
21 Law

22 **Sec. 2-504. Investigation**

23 (a) All complaints shall be reviewed for sufficiency and shall
24 be returned to the complainant without further action if
25 any deficiency is found. The complainant shall have ten
26 (10) days to correct any deficiencies or the complaint
27 shall be closed as deficient. If the complaint is
28 sufficient to state a claim, then the investigator shall
29 notify the respondent of the allegations and determine the
30 validity of the claims contained within the complaint.

1 (b) If, in the opinion of the investigator, a conflict of
2 interest exists or arises in the course of the
3 investigation which will impair the ability of the
4 investigator to complete a diligent and impartial
5 investigation, the investigator shall refer the
6 investigation to outside counsel.

7 (c) If the complainant refuses to cooperate in the
8 investigation then the complaint may be dismissed in the
9 discretion of the investigator and the investigator shall
10 file an appropriate report.

11 (d) Investigations shall be concluded within thirty (30) days
12 unless good cause exists to extend an investigation beyond
13 thirty (30) days. If an investigation is extended the
14 investigator shall set forth in writing the good cause for
15 extending the investigation.

16 (e) A written report including all findings of the
17 investigation shall be completed by the investigator and
18 the complaint shall be disposed in accordance with those
19 findings.

20 **Sec. 2-505. Disposition**

21 (a) *No Probable Cause* A finding of "no probable cause" shall
22 mean that the investigation of the complaint has not
23 resulted in the discovery of substantial competent evidence
24 of a violation of this policy. In the event such a finding
25 is made the complainant and the respondent(s) shall be
26 notified via certified letter of the disposition of the
27 complaint. There shall be no appeal of a determination of
28 no probable cause.

29 (b) *Probable Cause* A finding of "probable cause" shall mean
30 that the investigation of the complaint has resulted in
31 the discovery of substantial competent evidence of a

1 violation of this article. If probable cause is found, the
2 investigator shall take the following action:

3 1. First Violation: The investigator shall reduce all
4 findings to writing and provide same to the
5 respondent, the Chair, and the County Manager. The
6 findings shall include a statement that the finding
7 of probable cause against the respondent is a first
8 violation of this article, and shall include
9 remedial action to be taken by the respondent,
10 including direction on how to avoid future ethical
11 violations. The respondent shall complete the
12 remedial action and report same to the investigator.

13 2. Second Violation: The investigator shall reduce all
14 findings to writing and provide same to the
15 respondent, the Chair, and the County Manager. The
16 findings shall include a statement that the finding
17 of probable cause against the respondent is a second
18 violation of this article, and shall be referred for
19 placement on the Board of County Commissioners'
20 Regular agenda for consideration of a public
21 reprimand. Remedial actions, if any, shall be
22 ordered by the Board of County Commissioners.

23 3. Third Violation: The investigator shall reduce all
24 findings to writing and provide same to the
25 respondent, the Chair, and the County Manager. The
26 findings shall include a statement that the finding
27 of probable cause against the respondent is a third
28 violation of this Policy, and the report and findings
29 shall be referred the Florida Commission on Ethics
30 for further action, if any.

31 (c) *Criminal Acts* This article shall not prevent referral of
32 any complaint to law enforcement if the investigator has

1 reason to believe that the commission of any crime forms
2 any part of the basis for a complaint.

3 **Sec. 2-506. Hearings and Appeals**

4 The respondent shall have the right to appeal any probable cause
5 determination to the Board of County Commissioners. The respondent
6 shall have ten (10) days from the date the respondent receives a
7 probable cause finding to give notice of appeal to the County
8 Manager in writing. A timely request for appeal shall be set on
9 the soonest board agenda possible following the County Manager's
10 receipt of the request, but in no event more than thirty (30) days
11 from the request. Such appeal shall be limited in scope to a review
12 of the information gathered in the investigation of the complaint,
13 but the respondent shall have the right to cross examine any
14 witnesses as to statements relied upon by the investigator in
15 making any finding adverse to the respondent. At the conclusion of
16 the hearing on the appeal the Board shall, by a vote of a majority
17 of the voting members on the question, sustain or set aside a
18 finding of probable cause. If no majority vote to set aside the
19 finding is obtained, then the finding of probable cause shall
20 stand.

21 **Sec. 2-507. Penalties.**

22 (a) First Violation. A respondent who is determined by a
23 finding of probable cause to have violated this article
24 for the first time shall be fined by the Board of County
25 Commissioners not less than \$100.00 and no more than
26 \$500.00, plus the costs of the Investigation.

27 (b) Second Violation. A respondent who is determined by a
28 finding of probable cause to have violated this article
29 for a second time shall be fined by the Board of County

Commissioners not less than \$500.00 and no more than \$1,000.00, plus the costs of the Investigation.

(c) Third Violation. A respondent who is determined by a finding of probable cause to have violated this article for the third time shall be fined by the Board of County Commissioners not less than \$1,000.00, plus the costs of the Investigation, and the Chairperson of the Board of County Commissioners shall transmit the full investigation files for all three violations to the Florida Commission on Ethics for further action in the discretion of that agency.

(d) In addition to the penalties provided in this part, the penalty for an intentional violation of this article shall include those specified in F.S. §125.69(1), as may be amended from time to time. Any penalties hereunder shall be deemed supplemental to the penalties set forth in subsections (a) through (c) of this part.

Sec. 2-508. Conflicts.

This article shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any County Commissioner, member of an advisory body, or county employee. This article shall not conflict with the power of the Governor to suspend a County Commissioner or the County Attorney, or of the Senate to remove a County Commissioner or the County Attorney from office, or the power of the people to recall a County Commissioner or the County Attorney from office.

DIVISION 2. STANDARDS OF CONDUCT

Sec. 2-510. Solicitation or acceptance of things of value.

(a) *Gifts.* No County Commissioner, member of an advisory body, or county employee shall solicit or accept anything of

1 value to the recipient, including a gift, loan, reward,
2 promise of future employment, favor, or service, based
3 upon any understanding that the vote, official action, or
4 judgment of the County Commissioner, member of an advisory
5 body, or county employee would be influenced thereby.

6 (b) *Lobbyist.* No County Commissioner, member of an advisory
7 body or county employee shall solicit or accept as
8 compensation, payment, favor, service, or thing of value
9 from a lobbyist or principal of the lobbyist when such
10 County Commissioner, member of an advisory body, or county
11 employee knows, or with the exercise of reasonable care
12 should know, that it was given to influence a vote or
13 recommendation favorable to the lobbyist or principal of
14 the lobbyist.

15 (c) *Unauthorized compensation.* No County Commissioner, member
16 of an advisory body, or county employee, or his or her
17 spouse or minor child, shall, at any time, solicit or
18 accept any compensation, payment, or thing of value when
19 such County Commissioner, member of an advisory body, or
20 county employee knows, or, with the exercise of reasonable
21 care, should know, that it was given to influence a vote
22 or other action in which the County Commissioner, member
23 of an advisory body, or county employee was expected to
24 participate in his or her official capacity.

25 **Sec. 2-511. Misuse of public position.**

26 No County Commissioner, member of an advisory body, or county
27 employee shall knowingly and intentionally use or attempt to use
28 his or her public position or any property or resource which may
29 be within his or her trust, or perform his or her official duties,
30 to secure a special privilege, benefit, or exemption for himself,

1 herself, or others. This section shall not be construed to conflict
2 with F.S. § 104.31.

3 **Sec. 2-512. Disclosure or use of certain information.**

4 No County Commissioner, member of an advisory body, or county
5 employee shall disclose or use information not available to the
6 general public and gained by reason of his or her public position
7 for his or her personal gain or benefit, or for the personal gain
8 or benefit of any other person or business entity.

9 **Sec. 2-513. Nepotism.**

10 (a) "Relative," for purposes of this section only, with
11 respect to a County Commissioner or a county employee,
12 means an individual who is related to the County
13 Commissioner or county employee as father, mother, son,
14 daughter, brother, sister, uncle, aunt, first cousin,
15 nephew, niece, husband, wife, father-in-law, mother-in-
16 law, son-in-law, daughter-in-law, brother-in-law, sister-
17 in-law, stepfather, stepmother, stepson, stepdaughter,
18 stepbrother, stepsister, half-brother, or half-sister.

19 (b) A relative of any County Commissioner, the County Manager,
20 or the County Attorney shall not be eligible for
21 employment in or advancement to any position which reports
22 directly to the County Manager or the County Attorney.

23 (c) A relative of any county employee with supervisory
24 responsibility shall not be eligible for employment in or
25 advancement to any position which reports directly to said
26 supervisory employee.

27 (d) A county employee shall not be eligible for advancement
28 to any position with direct supervisory responsibility
29 over a position in which a relative is employed.

30 **Sec. 2-514. Outside or concurrent employment.**

1 (a) A county employee shall not engage in outside or
2 concurrent employment which is, or may be determined to
3 be by the County Manager or another reasonable observer,
4 inconsistent, incompatible, or in conflict with the
5 duties, functions, or responsibilities of his or her
6 county employment.

7 (b) A county employee who desires to accept outside or
8 concurrent employment in addition to county employment
9 shall follow the procedures set forth by the Columbia
10 County Board of County Commissioners Human Resources
11 policies and procedures, as may be adopted from time to
12 time.

13 (c) A County Commissioner may engage in outside or concurrent
14 employment where not otherwise inconsistent with the
15 provisions of Chapter 112 Florida Statutes.
16

17 **Sec. 2-515. Solicitation; fundraising.**

18 (a) A county employee shall not solicit, or be solicited for,
19 political campaign contributions during county working
20 hours or in county work areas.

21 (b) A county employee may solicit, or be solicited for,
22 contributions for a non-profit charitable organization,
23 as defined under the Internal Revenue Code, during county
24 working hours or in county work areas only with prior
25 approval of the County Manager or designee.

26 (c) A County Commissioner shall not utilize county employees
27 or county resources in the solicitation of charitable
28 contributions or political campaign contributions.

29 **Sec. 2-516. Restrictions on lobbying by former County**
30 **Commissioners.**

1 From the effective date of this article until December 31, 2023,
2 no County Commissioner in office at any time during said period
3 shall lobby the County or any department thereof for a period of
4 two (2) years following vacation of the office of County
5 Commissioner. Effective January 1, 2024, no County Commissioner
6 then or thereafter in office shall lobby the County for a period
7 of six (6) years following vacation of the office of County
8 Commissioner.

9 **Sec. 2-517. County employee holding elective office.**

10 (a) No County Employee shall hold office as a member of the
11 Board of County Commissioners or as County Attorney or be
12 a candidate for such position while, at the same time,
13 continuing as a County Employee.

14 (b) The provisions of this subsection shall not apply to any
15 person holding office in violation of such provisions on
16 the effective date of this Policy. However, such a person
17 shall surrender his or her conflicting employment prior to
18 seeking reelection or accepting reappointment to office
19

20 **Sec. 2-518. Non-interference in performance of duties.**

21 (a) Except for the purpose of inquiry and information, no
22 County Commissioner shall interfere with the performance
23 of the duties of any county employee who is under the
24 direct or indirect supervision of the County Manager or
25 County Attorney by giving said employee instructions or
26 directives. Such action shall constitute malfeasance
27 within the meaning of Article IV, Section 7(a) of the
28 Florida Constitution.

29 (b) Nothing contained in this section shall prevent a County
30 Commissioner from discussing any county policy or program

1 with a citizen or referring a citizen complaint or request
2 for information to the County Manager or County Attorney.

3 **Sec. 2-519. Non-interference in county real estate transactions.**

4 The following provisions are intended to assure the integrity of
5 the competitive bidding process is preserved, agreements are
6 negotiated at arms-length and consistently enforced, and that no
7 County Commissioner utilizes his or her public position or any
8 property within his or her trust, to secure a special privilege,
9 benefit, or exemption for himself, herself, or others.

10 (a) No County Commissioner shall knowingly communicate with
11 any individual or entity, or their employees, officers,
12 or agents, involved as a party in any County Real Estate
13 Transaction, unless the communication is:

- 14 1. Part of the transactional process expressly described
15 in a request for bids or other such solicitation
16 invitation;
- 17 2. Part of a noticed meeting of the Board of County
18 Commissioners ; or
- 19 3. Incidental and does not include any substantive issues
20 involving a County Real Estate Transaction in which
21 such individual or entity is a party.

22 (b) A County Commissioner who receives a communication in
23 violation of this section shall place in the record at
24 the next regular meeting of the Board of County
25 Commissioners, the following :

- 26 1. Any and all such written communications;
- 27 2. Memoranda stating the substance of any and all such
28 oral communications; and

1 3. Any and all written responses to such communications,
2 and memoranda stating the substance of any and all
3 oral responses thereto.

4 (c) No County Commissioner shall directly or indirectly
5 compel or constrain, coerce or attempt to compel or
6 constrain, coerce the County Manager, the County
7 Attorney, or any other county employee, with respect to
8 any County Real Estate Transaction.

9 (d) Any communication outside a noticed meeting of the Board
10 of County Commissioners between a County Commissioner and
11 the County Manager, the County Attorney, or any county
12 employee which communication involves a substantive issue
13 in a County Real Estate Transaction, shall be summarized
14 in writing no later than three (3) working days after the
15 communication, as follows:

16 1. In writing, via printed memorandum or email to the
17 County Manager.

18 2. The summary shall include, at a minimum, the name of
19 the persons involved in the communication, the date
20 of the communication, the subject matter of the
21 communication, and the way in which the communication
22 was ended.

23 3. The completed summary shall be provided to the
24 Chairperson of the Board of County Commissioners
25 unless the communication involved the Chairperson in
26 which case it shall be provided to the Vice-
27 Chairperson. A copy of the Communication Summary shall
28 also be provided to the County Manager and County
29 Attorney.

30 **Sec. 2-520. Prohibited communication in competitive solicitations.**

- 1 (a) Prohibition. Any form of communication, except for
2 written correspondence, shall be prohibited concerning a
3 request for proposal, request for qualification, request
4 for bids, or any other competitive solicitation between:
5 1. Any person or person's representative seeking an award
6 from such competitive solicitation; and
7 2. Any County Commissioner or county employee authorized
8 to act on behalf of the Board of County Commissioners
9 to award a contract.

10 For the purpose of this section, a person's representative shall
11 include, but not be limited to, the person's employee, partner,
12 officer, director, consultant, lobbyist, or any actual or
13 potential subcontractor or consultant of the person .

14 (b) Exemptions.

- 15 1. The provisions of this section shall not apply to oral
16 communications at any public proceeding, including
17 pre-bid conferences, oral presentations before
18 selection committees, contract negotiations during
19 any public meetings, presentations made to the Board
20 of County Commissioners, and protest hearings.
21 2. The provisions of this section shall not apply to
22 contract negotiations between any county employee and
23 the intended awardee, any dispute resolution process
24 following the filing of a protest between the person
25 filing the protest and any county employee, or any
26 written correspondence with any County Commissioner,
27 county employee, member of an advisory body, or
28 selection committee member, unless specifically
29 prohibited by the applicable competitive solicitation
30 process .

1 (c) Effective date of prohibition. The provisions of this
2 section shall be in effect as of the date of the deadline
3 to submit the proposal, bid, or other response to a
4 competitive solicitation.

5 (d) Termination of prohibition. The provisions of this
6 section shall terminate at the time the Board of County
7 Commissioners, or county employee authorized to act on
8 behalf of the Board, awards or approves a contract,
9 rejects all bids or responses, or otherwise takes action
10 which ends the competitive solicitation process.

11
12 **Sec. 2-521. Voting conflicts.**

13 (a) "Relative, " for purposes of this section only, with
14 respect to a County Commissioner or a member of an
15 advisory body, means an individual who is related to the
16 County Commissioner or member of an advisory body as
17 father, mother, son, daughter, husband, wife, brother,
18 sister, father-in-law, mother-in-law, son-in-law, or
19 daughter-in-law.

20 (b) County Commissioners. No County Commissioner shall vote
21 in an official capacity upon any measure which would inure
22 to his or her special private gain or loss ; which he or
23 she knows would inure to the special private gain or loss
24 of any principal by whom he or she is retained or
25 employed, or to the parent organization or subsidiary of
26 a corporate principal by which he or she is retained or
27 employed, other than an agency as defined in F.S. § 112
28 .312(2); or which he or she knows would inure to the
29 special private gain or loss of a relative or business
30 associate of the County Commissioner. Such County

1 Commissioner shall, prior to the vote being taken,
2 publicly state to the assembly the nature of the interest
3 in the matter from which he or she is abstaining from
4 voting and, within fifteen (15) days after the vote
5 occurs, disclose the nature of his or her interest as a
6 public record in a memorandum filed with the person
7 responsible for recording the minutes of the meeting, who
8 shall incorporate the memorandum in the minutes.

9 (c) Members of advisory body. No member of an advisory body
10 shall vote in an official capacity upon any measure which
11 would inure to the member's special private gain or loss;
12 which the member knows would inure to the special private
13 gain or loss of any principal by whom he or she is retained
14 or employed, or to the parent organization or subsidiary
15 of a corporate principal by which he or she is retained
16 or employed; or which he or she knows would inure to the
17 special private gain or loss of a relative or business
18 associate of the member of an advisory body. Such member
19 of an advisory body shall, prior to the vote being taken,
20 publicly state to the assembly the nature of the interest
21 in the matter from which he or she is abstaining from
22 voting and, within fifteen (15) days after the vote
23 occurs, disclose the nature of his or her interest as a
24 public record in a memorandum filed with the person
25 responsible for recording the minutes of the meeting, who
26 shall incorporate the memorandum in the minutes.

27 (d) Appointment or reappointment. Whenever a County
28 Commissioner or member of an advisory body, or former
29 County Commissioner or advisory body member, is being
30 considered for appointment or reappointment to an
31 advisory body, the appointing body shall take into
32 consideration the number and nature of the conflicts of

1 interest previously filed under this section by said
2 County Commissioner or member of an advisory body.

3 **Sec. 2-522. Doing business with the County.**

4 (a) Prohibition.

5 1. No county employee acting in his or her official
6 capacity as a purchasing agent, or County Commissioner
7 or member of an advisory body acting in his or her
8 official capacity, shall either directly or
9 indirectly purchase, rent, or lease any realty, goods,
10 or services for the County from any business entity
11 of which the County Commissioner, member of an
12 advisory body, or county employee has a material
13 interest.

14 2. No county employee acting in his or her official
15 capacity as a purchasing agent, or County Commissioner
16 or member of an advisory body acting in his or her
17 official capacity, shall either directly or
18 indirectly purchase, rent, or lease any realty, goods,
19 or services for the County from any business entity
20 of which the spouse or child of the County
21 Commissioner, member of an advisory body, or county
22 employee is an officer, partner, director, or
23 proprietor and has a material interest.

24 3. No County Commissioner, member of an advisory body,
25 or county employee, acting in a private capacity,
26 shall rent, lease, or sell any realty, goods, or
27 services to the County.

28 (b) Waiver for members of advisory body. The requirements of
29 this section, as they pertain to persons serving on an
30 advisory body, may be waived in a particular instance by
31 the body which appointed the person to the advisory body,

1 upon a full disclosure of the transaction or relationship
2 to the appointing body prior to the waiver, and an
3 affirmative vote in favor of the waiver by two-thirds vote
4 of the appointing body. In instances in which appointment
5 to the advisory body is made by an individual, waiver may
6 be effected after a public hearing by determination by
7 the appointing entity and full disclosure of the
8 transaction or relationship by the appointee to the
9 appointing entity.

10 (c) Exemptions.

11 1. This section shall not affect or be construed to
12 prohibit contracts entered into prior to:

13 (i) Qualification for the elective office of County
14 Commissioner.

15 (ii) Appointment to an advisory body.

16 (iii) Beginning county employment.

17 2. Additional exemptions to the requirements of this
18 section are provided in section 2-675 of this
19 division.

20 **Sec. 2-523. Conflict of interest in employment or contractual**
21 **relationship.**

22 (a) Prohibition. No County Commissioner, member of an
23 advisory body, or county employee shall have or hold any
24 employment or contractual relationship with any business
25 entity or any agency which is subject to the regulation
26 of, or is doing business with, the County, excluding those
27 organizations and their officers who, when acting in their
28 official capacity, enter into or negotiate a collective
29 bargaining contract with the state or any municipality,
30 county, or other political subdivision of the state; nor
31 shall a County Commissioner, member of an advisory body,

1 or county employee have or hold any employment or
2 contractual relationship that will create a continuing or
3 frequently recurring conflict of interest between his or
4 her private interests and the performance of his or her
5 public duties, or that would impede the full and faithful
6 discharge of his or her public duties.

7 (b) Waiver for members of advisory body. The requirements of
8 this section, as they pertain to persons serving on an
9 advisory body, may be waived in a particular instance by
10 the body which appointed the person to the advisory body,
11 upon a full disclosure of the transaction or relationship
12 to the appointing body prior to the waiver, and an
13 affirmative vote in favor of the waiver by two-thirds vote
14 of the appointing body. In instances in which appointment
15 to the advisory body is made by an individual, waiver may
16 be effected after a public hearing by determination by
17 the appointing entity and full disclosure of the
18 transaction or relationship by the appointee to the
19 appointing entity.

20 (c) Exemptions.

21 1. If the Board of County Commissioners exercises
22 regulatory power over a business entity residing in
23 another agency, or when the regulatory power which
24 the Board exercises over the business entity or agency
25 is strictly through the enactment of laws or
26 ordinances, then employment or a contractual
27 relationship with such business entity by a County
28 Commissioner, member of an advisory body, or county
29 employee shall not be prohibited by this section or
30 be deemed a conflict of interest.

31 2. This section shall not prohibit a County Commissioner,
32 member of an advisory body, or county employee from

1 practicing in a profession or occupation when such
2 practice is required or permitted by law or ordinance.

3 3. Additional exemptions to the requirements of this
4 section are provided in section 2-524 of this
5 division.

6 **Sec. 2-524. Additional exemptions.**

7 The following are additional exemptions to the provisions of this
8 division.

9 (a) Matters affecting compensation.

10 1. No County Commissioner shall be prohibited from voting
11 on a matter affecting his or her salary, expenses, or
12 other compensation as a County Commissioner, as
13 provided by law.

14 2. The County Manager shall not be prevented from
15 considering any matter affecting his or her salary,
16 expenses, or other compensation as the county manager,
17 as provided by law.

18 3. The County Attorney shall not be prevented from
19 considering any matter affecting his or her salary,
20 expenses, or other compensation as the local
21 government attorney, as provided by law.

22 (b) Bank affiliation. The fact that a County Commissioner,
23 member of an advisory body, or county employee is a
24 stockholder, officer, or director of a bank will not bar
25 such bank from qualifying as a depository of funds coming
26 under the jurisdiction of the County, provided it appears
27 in the record that the Board of County Commissioners has
28 determined that such County Commissioner, member of an
29 advisory body, or county employee has not favored such
30 bank over other qualified banks.

1 (c) Exemption for certain business transactions. No County
2 Commissioner, member of an advisory body, or county
3 employee shall be held in violation of Code of Ethics s.
4 2-522, "Doing Business with the County," or s. 2-523, "
5 Conflict of Interest in Employment or Contractual
6 Relationship" if:

7 1. The business is transacted under a rotation system
8 whereby the business transactions are rotated among
9 all qualified suppliers of the goods or services
10 within the County.

11 2. The business is awarded under a system of sealed,
12 competitive bidding to the lowest or best bidder, and:

13 (i) The County Commissioner, member of an advisory
14 body, or county employee, or spouse or child of
15 the County Commissioner, member of an advisory
16 body, or county employee, has in no way
17 participated in the determination of the bid
18 specifications or the determination of the
19 lowest or best bidder.

20 (ii) The County Commissioner, member of an advisory
21 body, or county employee, or spouse or child of
22 the County Commissioner, member of an advisory
23 body, or county employee, has in no way used or
24 attempted to influence or persuade the County or
25 any personnel thereof to enter such a contract
26 other than by the mere submission of the bid.

27 (iii) The County Commissioner or member of an advisory
28 body, prior to or at the time of the submission
29 of the bid, has filed a disclosure statement with
30 the County.

- 1 3. The purchase or sale is for legal advertising in a
2 newspaper, for any utilities service, or for passage
3 on a common carrier.
- 4 4. An emergency purchase or contract, which would
5 otherwise violate Code of Ethics s. 2-673 or s. 2-
6 674, must be made in order to protect the health,
7 safety, or welfare of the citizens of the state or
8 any political subdivision thereof.
- 9 5. The business entity involved is the only source of
10 supply within the County and there is full disclosure
11 by the County Commissioner or member of an advisory
12 body of his or her interest in the business entity to
13 the Board of County Commissioners prior to the
14 purchase, rental, sale, leasing, or other business
15 being transacted.
- 16 6. The total amount of the transactions in the aggregate
17 between the business entity and the County does not
18 exceed \$250 per calendar year.
- 19 7. The County Commissioner, member of an advisory body,
20 or county employee purchases in a private capacity
21 goods or services, at a price and upon terms available
22 to similarly situated members of the general public,
23 from a business entity which is doing business with
24 the County .
- 25 8. The County Commissioner, member of an advisory body,
26 or county employee in a private capacity purchases
27 goods or services from a business entity which is
28 subject to the regulation of the County and:
 - 29 (i) The price and terms of the transaction are
30 available to similarly situated members of the
31 general public; and

1 (ii) The County Commissioner, member of an advisory
2 body, or county employee makes full disclosure
3 of the relationship to the Board of County
4 Commissioners prior to the transaction.

5 (d) Exemption for tax-exempt organization . No County
6 Commissioner, member of an advisory body, or county
7 employee shall be held in violation of Code of Ethics s
8 . 2-673, " Doing Business with the County," or s. 2-674,
9 "Conflict of Interest in Employment or Contractual
10 Relationship," if the County Commissioner, member of an
11 advisory body, or county employee maintains an employment
12 relationship with an entity which is currently a tax-
13 exempt organization under s. 501 (c) of the Internal
14 Revenue Code and which contracts with or otherwise enters
15 into a business relationship with the County, and:

16 1. The County Commissioner, member of an advisory body,
17 or county employee is not directly or indirectly
18 compensated as a result of such contract or business
19 relationship;

20 2. The County Commissioner, member of an advisory bod y,
21 or county employee has in no way participated in the
22 county's decision to contract or to enter into the
23 business relationship with his or her employer,
24 whether by participating in discussion at the meeting,
25 by communicating with a County Commissioner, member
26 of an advisory body, or county employee, or otherwise;
27 and

28 3. The County Commissioner or member of an advisory body
29 abstains from voting on any matter which may come
30 before the Board of County Commissioners involving
31 the officer's employer, publicly states to the
32 assembly the nature of the County Commissioner or

1 member of an advisory body's interest in the matter
2 from which he or she is abstaining, and files a
3 written memorandum as provided in F.S. § 112.3143.

4 **Section 2. Conflicts.**

5 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby
6 repealed to the extent of such conflict.

7 **Section 3. Severability**

8 If any word , phrase , clause, section , or portion of this Ordinance is declared by any court of
9 competent jurisdiction to be void , unconstitutional, or unenforceable , then all remaining
10 provisions and portions of this Ordinance shall remain in full force and effect.

11 **Section 4. Effective Date.**

12 This ordinance shall have effect upon becoming law.
13

14 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Columbia
15 County, Florida, this ____ day of January, 2021.
16

17 BOARD OF COUNTY COMMISSIONERS
18 COLUMBIA COUNTY, FLORIDA

19 _____
20 ROCKY FORD, Chair

21 Approved as to form and legality:

22 _____
23 Joel F. Foreman, County Attorney

24 ATTEST: _____
James M. Swisher, Jr., Clerk of Court