

Meeting Date
April 7, 2016



AGENDA	
Section	2.9
Item No.	Proposal #12

2015-2016

CHARTER REVIEW COMMISSION AGENDA REPORT

SUBJECT:	AMEND THE HOME RULE CHARTER of BREVARD COUNTY TO PROVIDE THAT: The local code of ethics shall be construed and interpreted in such a way as to protect the public's trust and to promote open and accountable government in Brevard County.
Petitioner	Peter Fusscas
Requested Action:	Amend Section 2.9 by adding Section 2.9.11
Summary Explanation & Background:	<p>Add Section 2.9.11 Brevard County Code of Ethics.</p> <p>A. The local code of ethics shall be construed and interpreted in such a way to protect the public's trust and to promote open and accountable government in Brevard County. Preserving the public's trust shall be paramount in enforcing the local code of ethics, and it shall be interpreted consistent with the purposes and intent of the local code of ethics.</p> <p>B. The citizens of Brevard County are entitled to a government that embraces best ethical practices and full disclosure of conflicts of interest involving county employees, Special District appointees, or elected officials. All votes of the Board of County Commissioners, and actions of the county commissioners, and county employees, Special District Trustees, or Directors, and Special District employees, shall be made or taken in the best interests of the citizens of Brevard County, free of any undisclosed conflicts of interest.</p> <p>C. In order to provide a high level of transparency and ethical conduct under charter government, the board shall adopt a local code of ethics applicable to the board of county commissioners, Special Districts, and to those employees required to file financial disclosure under state law or who participate in the county procurement process. Such code, though more stringent than general law, shall not place the board of county commissioners or county employees or Special Districts and employees in conflict with the state ethics code, or any other provision of federal or state law, and at a minimum shall provide for:</p> <ol style="list-style-type: none"> 1. Additional financial and business relationship disclosure; 2. Restrictions on gifts to the board of county commissioners; 3. Under the auspices of an apparent conflict of interest concerning matters involving a prior business associate of any member of the board, disclosure and abstention from voting for a reasonable period of time following termination of the business associate relationship; 4. Approval by the board on development related matters ordinarily subject to final approval by county staff where the applicant or any person having a beneficial interest in the outcome of the matter is a business associate, family member, or employer of a member of the board; 5. Reasonable post-employment restrictions for employees; and 6. Subject to the attainment of the same type of confidentiality provisions available to the state commission on ethics under general law, an enforcement process to provide for due process, penalties, and appeals, all within a reasonable timeframe. <p>Implementation of the provisions of this subsection shall be by ordinance adopted either prior to the effective date of this provision or by no later than January 1, 2017.</p> <p>D. The board of county commissioners and those employees required to file financial disclosure under state law or who participate in the county procurement process shall be required to receive at least annual educational sessions on best ethical practices and current trends in ethics issues.</p> <p>E. The state code of ethics, as provided by general law, shall have full effect on all employees and officeholders under the charter government. Penalty for violation of the state code of ethics shall be as provided by general law.</p> <p>F. Any local code of ethics adopted prior to the effective date of this section shall, if necessary, be amended so as to comply with the provisions of this section.</p> <p>State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.</p>
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