

ORDINANCE 2010-07

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 2-26 OF THE TOWN CODE OF ORDINANCES REGARDING ETHICS REQUIREMENTS FOR THE MAYOR AND TOWN COMMISSIONERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Part II of Chapter 112, Florida Statutes, establishes Standards of Conduct and ethical requirements for public officials, including the elected members of the governing bodies of local governments such as the Town; and

WHEREAS, the Town Commission has determined that is in the best interest of the citizens of the Town to amend the Code of Ordinances to create stricter regulations of ethics for the Town Commission than are provided by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

SECTION 1. Legislative Intent. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment. Section 2-26 of the Town Code of Ordinances is hereby created to read as follows:

Sec. 2-26. Town Commission code of ethics.

(1) Definition. For purposes of this subsection, the term "affiliated" shall mean "being in close formal or informal association."

(2) Requirement to abstain from voting. Neither the Mayor nor any Commissioner shall vote on any matter affecting a Town vendor with whom the Mayor or Commissioner is affiliated, whether in a voluntary or paid capacity. This section shall not be interpreted to require that the Mayor or Commission abstain from participation in the matter if they must abstain from voting pursuant to this section. Where a Commissioner or Mayor

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34 abstains from voting under this section of Code, within 15 days after the vote occurs, he
35 or she shall file a written disclosure of the nature of his or her affiliation with the Town
36 Clerk, who shall incorporate the written disclosure into the minutes.

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38 (3) *Effect of abstaining from voting under this section on obligation to vote.* Section
39 286.012, Florida Statutes, prohibits a Commissioner or Mayor from abstaining from
40 voting unless there is, or appears to be, a possible conflict of interest under Florida
41 Statutes. In any situation where a Commissioner or Mayor abstains from voting pursuant
42 to this section of Code, the Commissioner or Mayor shall be deemed to be able to abstain
43 because of the existence or appearance of a possible conflict of interest under the statute.

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45 (4) *Requirement not to participate in shade sessions.* Neither the Mayor nor any
46 Commissioner shall participate in a shade session on any litigation matter involving a
47 party adverse to the Town with whom the Mayor or Commissioner is affiliated, whether
48 in a voluntary or paid capacity.

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50 (5) *Applicability to related business entities.* The restrictions and prohibitions which are
51 imposed by this section upon any Commissioner or Mayor, by virtue of that person's
52 service as a Commissioner or Mayor, shall also be applicable to any business entity in
53 which such Commissioner or Mayor has an employment, independent contractor or
54 material interest. The term "material interest" shall have the meaning indicated by Section
55 112.312, Florida Statutes.

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57 (6) *Majority of Town Commission unable to vote or to meet in a shade session.* If the
58 application of this provision results in a majority of the Commission being unable to vote
59 or to meet, then the remaining members of the Commission may approve the matter by
60 unanimous vote or participate in the shade session. Alternatively, by unanimous vote of
61 the remaining Commissioners present, the Commission may waive the requirements of
62 this section so that a quorum will be available to meet or to vote, if it finds that such
63 waiver will be consistent with the purposes of this section and will not create or tend to
64 create an appearance of impropriety.

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66 (7) *Statutory standards of conduct.* The Mayor and each Commissioner shall comply
67 with the standards of conduct set forth in Part III of Chapter 112, Florida Statutes,
68 including but not limited to the regulations and prohibitions therein for solicitation or
69 acceptance of gifts, doing business with or appearing before the Town, unauthorized
70 compensation, misuse of public position, conflicting employment or contractual
71 relationships, disclosure or use of certain information, and lobbying.

72
73 (8) *Authority.* This section is adopted pursuant to home rule and to Section 112.326,
74 Florida Statutes, allowing stricter local regulation of ethics.

75
76 (9) *Interpretation.* Where terms used in Part III of Chapter 112, Florida Statutes, are
77 used in this section, they shall be defined and interpreted in a manner similar to how they
78 have been used in that statute. Nothing in this section shall be construed to impair or