TALLAHASSEE INDEPENDENT ETHICS BOARD

Bylaws

Last amended on September 15, 2026.

TABLE OF CONTENTS

ARTICLE I – NAME AND AUTHORIZATION 1

(A) Name 1

(B) Authorization 1

ARTICLE II – MISSION STATEMENT 1

ARTICLE III – INDEPENDENT ETHICS BOARD 1

(A) Number, Appointing Authority and Qualifications 1

(B) Term of Appointment 2

(C) Vacancy and Removals 3

(D) Duties and Responsibilities 6

(E) Budget and Expenditure Procedures 8

ARTICLE IV – MEMBERS AND OFFICERS 9

(A) Members 9

(B) Chair 9

(C) Vice Chair 10

(D) Terms of Officers 10

ARTICLE V – BOARD STAFF 10

(A) Ethics Officer 10

(B) Ethics Training Coordinator 14

(C) Board Counsel 17

(D) Advocates 18

(E) Investigators 18

ARTICLE VI - COMMITTEES 20

ARTICLE VII - MEETINGS 20

(A) Agenda 20

(B) Quorum 20

(C) Attendance by Electronic Means 20

(D) Public Notice, Public Input, and Public Comment 21

(E) Minutes and Transcripts 22

(F) Regular and Special Meetings 22

(G) Notice of Meetings 23

(H) Closed Sessions 23

(I) Ex Parte Communications 24

ARTICLE VIII – VOTING 24

(A) Voting and Abstention 24

(B) Recusal and Disqualification in Quasi-Judicial Proceedings 25

ARTICLE IX – HOTLINE CALLS AND COMPLAINT PROCEDURES 26

(A) Hotline Calls, E-mails, and Written Complaints 26

ARTICLE X – ADMINISTRATIVE HEARING PROCEDURES 29

ARTICLE XI – AMENDING, WAIVING, OR SUSPENDING BOARD BYLAWS .. 30

ARTICLE XII – SEVERABILITY 30

ARTICLE XIII – BYLAWS AND EFFECTIVE DATE 30

REVISION HISTORY 31

ARTICLE I – NAME AND AUTHORIZATION

A. NAME

The name of the Board shall be the City of Tallahassee Independent Ethics Board, hereinafter referred to as the "Board."

B. AUTHORIZATION

The Board exists by authority of the City Charter.

ARTICLE II – MISSION STATEMENT

The mission of the Board is to ensure the actual and perceived integrity of our city government and its decision-making process, to build public confidence in city government, to prevent unethical conduct before it occurs, and to serve as the guardian of the public trust.

ARTICLE III – INDEPENDENT ETHICS BOARD

A. NUMBER, APPOINTING AUTHORITY AND QUALIFICATIONS

1. The regular members of the Board shall be comprised of the following:

    a. One member appointed by the City Commission;

    b. One member appointed by the Public Defender of the Second Judicial Circuit;

    c. One member appointed by the State Attorney for the Second Judicial Circuit;

    d. One member appointed by the President of Florida State University;

e. One member appointed by the President of Florida A & M University; and

f. Two members appointed by the Board;

2. Members will be selected without discrimination prohibited by law.

3. All members of the Board shall be City residents and registered electors of the City.

B. TERM OF APPOINTMENT

1. Term Limits and Consecutive Service.

a. No member shall be eligible to serve more than two consecutive full terms.

b. The initial term for each member appointed for one year or two years, as outlined in City Ordinance Sec. 2-21, shall not be considered a full term.

c. After serving two consecutive full terms, a member must observe a minimum separation of one year before being eligible for reappointment.

2. Filling Vacancies and Retroactive Appointments.

a. If a member is appointed to fill a vacancy, the appointment shall be for the remainder of the unexpired portion of the term. After completing the unexpired term, the appointee may serve two additional full terms.

b. If an appointee fills a vacancy for a seat whose term has already expired, the appointment shall be retroactive to the date of commencement of the seat's

new term. In such cases, the appointee may thereafter serve only one full term.

3. Staggering of Terms and Compliance.

   a. All appointments and reappointments shall be made in a manner that maintains proper staggering of terms and compliance with established term limits.

   b. The Board shall adhere to the term limits and vacancy provisions set forth in City Ordinance Sec. 2-21 and City Commission Policy 110.

C. VACANCY AND REMOVALS

1. A member's position shall become vacant when:

   a. A member fails to attend two out of three successive regular meetings of the Board without cause. For purposes of this section, "cause" includes, but is not limited to, medical or health issues, family or job emergencies or travel outside of Leon County. The determination of "without cause" shall be made by a majority vote of the Board.

   b. A member is removed by the Board after notice and with cause;

   c. A member's term expires;

   d. A member resigns in writing.

   e. A member is no longer a registered City elector.

2. For members appointed by the Board, the Ethics Officer shall inquire, no less than 90 days prior to the expiration of

a member's term, if that member wishes to be reappointed and remains eligible for membership.

a. If the member is eligible to serve another term and wishes to be reappointed, that member may be reappointed by a majority vote of those remaining members of the Board; or

b. If a majority of the Board votes not to reappoint, the Ethics Officer will take applications to fill the vacancy and ask if the sitting member is interested in being reappointed. Any member that wishes to be reappointed may be considered without a formal application, when the Board reviews the applicant pool and makes a decision.

3. A member may be removed by a finding of the majority of the Board for:

a. Violating a provision of the municipal ethics code.

b. Engaging in official misconduct.

1) Official misconduct means any wrongful behavior by a member in relation to the duties of the Board, willful in its character, including any failure, refusal, or neglect of a member to perform any duty required by these bylaws, or conduct that falls below the standard of decency, good faith, and right action impliedly required of all members, including any violation of a specific conflict of interest or governmental ethics law.

c. Failure to meet the eligibility requirements as provided herein.

d. Willfully engaging in ex parte communications with a Respondent of an active complaint and knowingly failing to report said communication pursuant to article VII, section I of these bylaws.

e. A final conviction of a felony involving moral turpitude and a finding by the majority of the Board that the crime for which the member was convicted warrants removal.

f. Engaging in the following prohibited political activity:

1) No member shall serve in an official capacity with any campaign for city commission.

2) No member shall publicly endorse or publicly oppose any incumbent city commissioner or candidate for city commission.

3) No member shall publicly call for the hiring or discipline of any city public official as defined by local ordinance.

4) No member shall make a speech on behalf of an incumbent city commissioner or candidate for city commission.

5) No member shall attend a political function sponsored by or held on the behalf of a candidate for city commission.

g. No member shall solicit funds for, pay an assessment to, or make a contribution to an incumbent city commissioner or candidate for city commission.

D. DUTIES AND RESPONSIBILITIES

1. The duties and responsibilities of the Board shall be:

    a. To assist the City Commission in development or amendment of the Ethics Code;

    b. To manage a citywide ethics and fraud Hotline for receipt of allegations of local corruption, fraud, waste, mismanagement, campaign finance and ethics violations;

    c. To manage and coordinate the mandatory education of local officials, officers, employees, and Board members in state and local ethics laws and code;

    d. To refer ethics and corruption matters to appropriate law enforcement agencies when a violation of criminal law is indicated or other appropriate referrals for non-criminal matters;

    e. To recommend proposed ordinances, resolutions or Charter amendments to the City Commission in all areas of ethics and corruption, including but not limited to: conflicts of interest, financial disclosure, voting conflicts, Hotline policies, ethics education, ethics in procurement, campaign ethics and financing, and lobbying; and to recommend proposals for consideration by the City Commission;

    f. To investigate Complaints, adjudicate violations and to levy those civil penalties as may be authorized by the City Commission for violations of the City's Ethics Code;

    g. To employ staff to serve in the Ethics Office;

h. To supervise the Ethics Officer;

i. To adopt processes and procedures to administer the Ethics Code and Complaint process;

j. To adopt bylaws for the administration of the Board;

k. To establish a structure to ensure the Board's independence and impartiality and to provide for the maximum practicable input from citizens and community organizations.

2. For the campaign contribution refund process, the Board shall have the following responsibilities:

a. To receive refund forms from registered City of Tallahassee electors;

b. To establish time limits and procedures for receipt of refund by City of Tallahassee electors;

c. To determine the amount necessary to pay refunds and report that amount to the City Commission for budgetary consideration; and

d. To hear Complaints, initiate proceedings and levy civil penalties relating to campaign contributions and refunds of campaign donations.

3. Any Board member who receives a written communication, including but not limited to that by mail, email, and text message, from any source involving matters within the jurisdiction of the Board shall forward a copy of that communication, along with any response thereto, to Ethics@Talgov.com as soon as practical. Receipt means when the communication is first read by the Board member.

Any written public record requests received by Board members, as well as any response given, shall be forwarded upon receipt to Ethics@Talgov.com. Board members may not fulfill said public record requests.

4. The Board Chair, or the Chair's designee, is the official designated spokesperson for Board. Board members and staff should refer all requests for formal statements, interviews, and related activities to the Ethics Officer. Board members and staff may not make formal statements on behalf of the Board, except in cases of sharing routine, factual information, without prior authorization.

5. All Board members must complete ethics training commensurate with their decision-making capacity each calendar year which addresses, at a minimum, the City of Tallahassee Ethics Code and corresponding administrative procedures as well as the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered. New Board members should receive the required training within three months of the date that he or she assumes office.

E. BUDGET AND EXPENDITURE PROCEDURES

1. The Board shall adopt a budget annually. The budget, as initially adopted or as amended during the year, shall not exceed the total amount of funds authorized for Board expenditure by the City Commission.

2. The adopted budget shall establish spending limits for each category of Board expenditures. The categories of

expenditures shall be consistent with those used by the City, but may be more detailed.

3. During the year, the Board shall adjust the spending limits for each category based on actual or anticipated expenditure patterns.

4. Board expenditures and expenditure reporting shall conform to relevant City policies unless provided otherwise in these bylaws.

ARTICLE IV-MEMBERS AND OFFICERS

A. MEMBERS

1. Board members shall not use their position in any manner that diminishes public trust or gives the appearance of impropriety.

2. Any Board member who files to be a candidate for public office shall immediately resign from the Board.

3. The Board shall elect from their members a Chair and Vice-Chair.

B. CHAIR

1. It is the Chair's responsibility to ensure compliance with the bylaws. The Chair will notify members of removal from the Board for noncompliance. Specific questions of conflict of interest will be addressed by the Board's counsel.

2. The Chair approves the final agenda for each meeting. Any Board member may request to the Ethics Officer that additional issues be included.

C. VICE CHAIR

The Vice Chair shall perform the Chair's duties when the Chair is unable due to absence, recusal, or conflict of interest, or when the Chair makes a motion until said motion is disposed of or voted upon by the Board.

D. TERMS OF OFFICERS

Unless otherwise determined by a majority vote of the Board, the Chair and Vice Chair shall be elected for a term of one (1) year at the last meeting of the Board in each calendar year and shall assume office beginning the month immediately following the meeting.

ARTICLE V-BOARD STAFF

A. ETHICS OFFICER

1. The Ethics Officer, who may also be known as the Executive Director, shall operate under the exclusive jurisdiction of, and report to, the Board. The Ethics Officer shall not use the position in any manner that diminishes public trust or gives the appearance of impropriety.

The Ethics Officer may be:

a. A full-time City employee,

b. A part-time City employee, or

c. An independent contractor.

An Ethics Officer who is a City employee shall be subject to the same rules and policies as other city employees, for all purposes except:

a. The Board shall establish the job description for, and perform annual evaluations of, the Ethics Officer.

b. The Board shall hire, and may discipline or terminate the employment of, the Ethics Officer.

c. The Board shall set the salary of the Ethics Officer, but benefits shall be the same as those provided to city employees.

2. The Ethics Officer shall be subject to the political activity prohibitions applicable to Board members under Article III, Section C., subsections 3.f. and 3.g. of these Bylaws. A violation of this subsection may constitute grounds for discipline or removal pursuant to Article V, Section A.4.

3. The Ethics Officer's duties and responsibilities are to:

   a. Be the liaison for the Board with the City Commission and City appointed officials, employees and citizens;

   b. Ensure the appropriate appointing authority is informed of all vacancies, expired terms, changes in officers, or any other changes to the Board and that all requests for review of applications by the Board, and any subsequent recommendations by the Board or staff, are returned in a timely manner to the City Treasurer-Clerk to facilitate the appointment process;

   c. Provide information to the appropriate city appointed officials including providing reports, actions, and recommendations of the Board and notification of noncompliance by the Board or Chair with the bylaws or statutes to the selecting or appointing authority to the selecting or appointing authority;

d. Ensure information provided by the Board for City Commission review is provided to the appropriate city officials;

e. Provide a report and recommendation on each ethics Complaint to the Board and review all issues raised through the Hotline;

f. Provide, review, or coordinate ethics education to new Board members and to City elected or appointed officials, officers and staff that will address, but not be limited to the bylaws, conflicts of interest, the State of Florida Sunshine Law and ethics violations.

g. Ensure responses are provided to any concerns that members may have regarding the duties and responsibilities of the Board and the members.

h. Provide staff services to the Board on administrative matters, including but not limited to:

i). Providing a schedule of meetings to the Department of Communications' Public Information Office and Board members, arranging meeting locations, maintaining summary minutes of the meetings, preparing and distributing appropriate information related to the meeting agenda; and preparing a meeting attendance report;

ii). Providing information to the Board about events, activities, policies, and programs occurring within the scope of the Board's function and informing the Board of all City Commission or City requests for information or

assistance;

iii). Keeping all records of the Board with the timely filing of all records in the City's document management system; and

iv). Responding on behalf of the Board to public records requests pursuant to City Records Management and Public Records Policy.

i. Ensure preliminary investigations of all Complaints of Ethics Code violations are conducted.

j. Supervise the creation and maintenance of an ethics web page and such other social media accounts as directed by the Board and be responsible for the content thereof.

k. Create an ethics guide for distribution to the public.

l. Perform such duties as are included in the job description or directed by the Board.

4. The Ethics Officer will be an at-will employee and may be removed from the position by a majority vote of the Board members present.

The Ethics Officer may be placed on administrative leave without pay at the discretion of the Board Chair, upon receipt of reasonable allegations that would, if substantiated, constitute cause for dismissal. The action of the Board Chair shall be reviewed at the next meeting of the Board, and the Board shall determine the status of the Ethics Officer as soon as practicable.

5. If a vacancy occurs for the Ethics Officer position, the Board will advertise the vacancy on talgov.com and through any additional means directed by the Board.

    a. The Chair, or a designated member of the Board, will pre-screen applicants for eligibility based on minimum requirements and those applicants remaining shall have their applications considered by the Board.

    b. Finalists will be selected by the Board members present and may, at the discretion of the Board, be requested to submit further information or scheduled for interviews.

    c. The successful applicant will be selected by a majority vote of the Board members present.

B. ETHICS TRAINING COORDINATOR

1. The Ethics Officer may employ or retain an Ethics Training Coordinator to assist the Ethics Officer in discharging the duties and responsibilities of the Tallahassee Independent Ethics Board. The Ethics Training Coordinator shall report to and serve under the supervision and direction of the Ethics Officer. The Ethics Training Coordinator shall perform administrative and professional work shall use considerable judgment and skill in carrying out general instructions.

2. The Ethics Training Coordinator's duties and responsibilities are to:

    a. Assist with the day-to-day operations of the Ethics Office, including managing inventory, calendars, equipment, office operations, and related administrative matters;

b. Coordinate with City personnel, the Ethics Officer, Board Counsel, Board members, and other Board staff to prepare materials for meetings of the Board;

c. Schedule and coordinate Board meetings, prepare and distribute agendas and meeting materials, record accurate meeting minutes, and manage meeting logistics and technical support;

d. Maintain confidentiality and assist in ensuring compliance with applicable public records requirements;

e. Prepare, issue, or coordinate official communications, including press releases, public notices, internal and external communications, and other communications as directed by the Ethics Officer;

f. Process purchases, track expenses, reconcile balances, and prepare monthly and annual financial reports;

g. Design, develop, coordinate, and deliver ethics training programs for City officials, appointees, employees, Board members, and other persons or groups as directed by the Ethics Officer;

h. Provide ethics training in classroom, virtual, and other appropriate formats, and coordinate related training logistics;

i. Assist with the design and development of written materials, including the Board's ethics guide, annual report, training materials, public outreach materials, and other educational materials;

j. Assist with the Board's website, electronic training resources, learning management systems, e-learning tools, and other technology used for ethics training, education, meetings, and communications;

k. Communicate and work effectively with Board members, City officials, appointees, employees, Board staff, vendors, and the public; and

l. Perform such duties as are included in the job description or directed by the Ethics Officer.

3. The Ethics Training Coordinator should possess the knowledge, abilities, skills, training, experience, and special requirements set forth in the job description established for the position, including knowledge and experience in designing, developing, and delivering training; the ability to apply adult learning principles to course development and training; and the ability to maintain confidentiality, communicate effectively, compile reports, and perform administrative and professional work for the Ethics Office.

4. The Ethics Training Coordinator shall not use the position in any manner that diminishes public trust or gives the appearance of impropriety.

5. The Ethics Training Coordinator shall be subject to the political activity prohibitions applicable to Board members under Article III, Section C., subsections 3.f. and 3.g. of these Bylaws. A violation of this subsection may constitute grounds for discipline, removal, termination of employment, termination of contract, or other action deemed appropriate by the Ethics Officer.

C. BOARD COUNSEL

1. Independent legal counsel will be provided through contract counsel selected by the Board to advise the Board as to matters of law under its jurisdiction. The Board may appoint and hire additional contract counsel to assist the Board Counsel.

2. Assist in the preparation of orders for the Board.

3. Advice of counsel may be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice at Board meetings.

4. Attend Board meetings.

5. Provide written advisory legal opinions upon request of the Chair.

6. The Board Counsel and all additional legal counsels shall be members of the Florida Bar in good standing.

7. During any period in which Board Counsel or additional legal counsel provides legal services to the Board:

    a. The Board Counsel and any additional legal counsel shall not personally engage in political activity of the type prohibited for Board members under Article III, Section C., subsections 3.f. and 3.g. of these Bylaws.

    b. Any law firm, partnership, professional association, professional limited liability company, or other entity organized for the practice of law through which the Board Counsel or additional legal counsel provides legal services to the Board shall not engage in such political activity in its organizational capacity.

c. A violation of this subsection may constitute grounds for termination of the legal services contract, removal as Board Counsel or additional legal counsel, or other action deemed appropriate by the Board.

D. ADVOCATES

1. The Board shall appoint contract counsel to serve as Advocates as needed.

2. An Advocate is appointed by and serves at the direction of the Board and may be relieved or replaced for any reason at any time.

3. An Advocate may be retained for the purpose of prosecuting cases before the Board on a hearing to determine probable cause.

4. An Advocate shall prosecute cases referred to the Division of Administrative Hearings for hearing involving disputed issues of material fact.

5. An Advocate shall be a member of the Florida Bar in good standing.

E. INVESTIGATORS

1. The Ethics Officer may appoint independent contractors to serve as Investigators on a case-by case-basis as directed by the Board.

2. An Investigator serves at the direction of the Ethics Officer and may be relieved or replaced for any reason at any time.

3. An Investigator shall limit investigations to only those allegations of the Complaint but shall include all facts and persons related to the allegations of the Complaint.

4. If, during the course of an investigation, an Investigator discovers evidence of a wrongful act not materially related to the Complaint that gives the Investigator reason to suspect a different potential violation of the Ethics Code, the Investigator shall notify the Ethics Officer and may document such evidence and/or facts in a separate narrative investigative report. Nothing in this subsection authorizes the Board to self-initiate a Complaint or investigation based on such evidence and/or facts.

5. The Investigator shall inform all persons being interviewed of the confidential nature of the investigation and of the Complaint, unless the Respondent has waived confidentiality in writing.

6. An Investigator shall strive to be impartial and unbiased in the conduct of the preliminary investigation. It will be the duty of the Investigator to collect all evidence materially related to the allegations of the Complaint, whether such evidence tends to prove or disprove the allegations.

    a. If an Investigator believes for any reason that he or she cannot be impartial or unbiased during the investigation, then the Investigator shall immediately notify the Ethics Officer or Chair of the Board and shall immediately discontinue all work on the investigation.

    b. If the Ethics Officer and/or the Board conclude that an Investigator cannot be unbiased or impartial at any point in time during the preliminary investigation, the Ethics Officer shall terminate any further investigation by the Investigator.

7. Upon the completion of either a preliminary investigation or investigation, an Investigator shall prepare a narrative

investigative report and submit said report to the Ethics Office.

8. An Investigator shall be available to testify at any hearings related to the investigation.

ARTICLE VI – COMMITTEES

The Board may establish committees or designate member(s) to perform certain tasks as deemed necessary. Committees may include probable cause committees not to exceed two (2) Board members.

ARTICLE VII – MEETINGS

A. AGENDA

1. There shall be a written agenda for each regular meeting of the Board.

2. The agenda shall be provided to the Board members and public at least 48 hours prior to the meeting.

3. Consistent with Article IV(B)(4), the Chair will approve the final Agenda for each meeting.

4. Members may suggest items in new business during the meeting for discussion and voting at the discretion of the Chair with consideration for public notice requirements.

B. QUORUM

No action shall be taken absent a quorum. Four or more members of the Board shall constitute a quorum.

C. ATTENDANCE BY ELECTRONIC MEANS

Attendance telephonically or electronically shall be allowed if approved by the Chair on a case-by-case basis; however,

members participating telephonically or electronically shall not count toward a quorum.

D. PUBLIC NOTICE, PUBLIC INPUT, AND PUBLIC COMMENT

1. All meetings will be open to the public except as otherwise provided by rule or by state or federal law.

2. The Ethics Officer shall provide to the Department of Communications' Public Information Office a schedule of its meetings and will ensure agendas and minutes are available to the public in accordance with the State of Florida Sunshine Laws as found in section 286.011, Florida Statutes.

3. Members of the public shall be given a reasonable opportunity to be heard on any issue before the Board. The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the issue if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the Board takes the official action.

4. Each member of the public desiring to address the Board shall do so from a podium or location designated by the Chair, shall be recognized by the Chair, and shall state his or her name in an audible tone for the record. Any remarks shall be addressed to the Chair and to any or all members of the Board.

5. Once the Chair recognizes a speaker, the Chair may limit the period of speaking to a reasonable period of time of no more than three minutes per person, excluding any question and answer initiated by a member of the Board. Public

speakers shall avoid all personal attacks and indecorous language.

6. Any public speakers addressing matters deemed by the Chair to be repetitious or outside the Board's jurisdiction may be limited to a period of time of no more than one minute per person.

E. MINUTES AND TRANSCRIPTS

The Ethics Officer will ensure that written minutes of all proceedings are transcribed and maintained by the Board. The Ethics Officer will provide a copy of written minutes for all public meetings to the Department of Communications' Public Information Office. The Ethics Officer will provide a copy of transcripts for all closed meetings, held pursuant to this article or to state or federal law, to the Department of Communications' Public Information Office upon the subject of said meeting becoming public. All actions taken at the meetings of the Board will be properly and promptly recorded.

F. REGULAR AND SPECIAL MEETINGS

The Board will meet routinely, typically monthly, based upon an adopted meeting schedule, which will be provided to the City Treasurer-Clerk, but shall convene at least once every two months. The Board may meet more often if required. The meeting date may be changed by the Chair with at least five (5) calendar days advance notice to Board members. Special meetings may be called by the Chair.

All meetings will be conducted in accordance with these Bylaws and Florida law.

G. NOTICE OF MEETINGS

Notice of meetings will be posted on the City of Tallahassee's calendar, available on the Ethics Board website at Talgov.com

H. CLOSED SESSIONS

1. Pursuant to section 112.324, Florida Statutes, any portion of a proceeding conducted by the Board under its authority as a local investigatory body, pursuant to a Complaint or preliminary investigation, is exempt from section 286.011, Florida Statutes; Section 24(b), Art. I of the State Constitution; and section 120.525, Florida Statutes.

2. Pursuant to Section 112.324, Florida Statutes, any portion of a proceeding of the Board in which a determination regarding a referral is discussed or acted upon is exempt from section 286.011, Florida Statutes; and Section 24(b), Art. I of the State Constitution and section 120.525, Florida Statutes.

3. The exemptions in paragraphs (1) - (2) above apply until:

    a. The Complaint is dismissed as legally insufficient;
    b. The Subject requests in writing that such records and proceedings be made public;
    c. The Board determines that it will not investigate the referral; or
    d. The Board, under its authority as a local investigatory body determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.

I. EX PARTE COMMUNICATIONS

When acting upon a Complaint, the Board is a quasi-judicial body entrusted by the Tallahassee Charter to investigate violations of and enforce the Ethics Code. No ex parte communications will be permitted on any matter materially related to a Complaint coming before the Board. An ex parte communication is defined as an oral or written contact with a Board member by a party or interested person regarding a matter materially related to a Complaint pending before the Board or a matter materially related to a Complaint that may be reasonably foreseen to come before the Board, without giving notice to other interested parties. If a Board member receives such a communication, the Board member will file the City's ex parte discussion form. For purposes of this subsection, discussions at any publicly noticed meeting or closed session will not constitute an ex parte communication.

ARTICLE VIII –VOTING

A. VOTING AND ABSTENTION

1. Each member shall be entitled to one (1) vote and shall cast that vote on each item submitted when they are present and not prohibited from voting.

2. Proxy votes and absentee ballots shall not be permitted.

3. Members shall only abstain from a vote when there is a valid conflict of interest pursuant to Florida law and the member complies with the disclosure procedure.

4. No Board member shall vote on any matter involving an alleged violation of the City's Ethics Code unless the member bases his or her determination on all facts, evidence, and testimony received by the Board in the matter.

5. Unless expressly provided otherwise in Board bylaws or administrative policies and procedures or required by law or ordinance, all decision requiring a vote of the Board shall be made by majority vote of the Board members present. A quorum must be present for any vote. A Board member who is present but precluded from voting for any reason shall not count toward a quorum.

B. RECUSAL AND DISQUALIFICATION IN QUASI-JUDICIAL PROCEEDINGS

1. In quasi-judicial hearings, members may be disqualified or recused for bias, prejudice or interest, by self-initiation or by motion timely filed. Members must disqualify or recuse themselves if they are family members or business associates of the subject of the Complainant or Respondent.

2. Motions to disqualify or recuse a Board member from a quasi-judicial hearing must be made by the movant and decided by the Board member prior to the commencement of the Complaint hearing or other vote or proceeding.

3. The standard for disqualification or recusal of a Board member is whether the motion is legally sufficient and whether the allegations create an impression that a Board member's impartiality might reasonably be questioned. A motion is legally sufficient if the facts alleged would prompt a reasonably prudent person to fear that he or she could not get a fair and impartial trial. A member, in deciding whether to disqualify or recuse himself or herself, must assume the truth of the facts alleged but the member is not bound by movant's conjecture or legal conclusions.

ARTICLE IX – HOTLINE CALLS AND COMPLAINT PROCEDURES

A. HOTLINE CALLS, E-MAILS, AND WRITTEN COMPLAINTS

1. The Ethics Officer will maintain a log of all calls received by the Ethics and Fraud Hotline and any Complaints received using the Board's form. The Ethics Officer will provide this log at every regularly scheduled meeting.

2. The Ethics Officer, or his or her designee, will receive all Hotline calls and Complaints and examine any materials submitted therewith to assure completeness and that required documents are in good order.

3. All Hotline calls and Complaints within the jurisdiction of the Board, including, but not limited to, local corruption, fraud, waste, mismanagement, campaign finance, conflicts of interest, corruption, Ethics Code violations, and voting conflicts, shall be given a tracking number and reviewed by the Ethics Officer or referred as outlined below.

4. The policies and procedures for receiving and processing official Complaints will be established by the Board.

5. The following classifications of Hotline calls that are not the subject of any official Complaint will be referred within 10 days by the Ethics Officer, noted on the Complaint log, and tracked until resolution:

    a. Employee conduct/misconduct will be reported to the employee's supervisor, the appropriate appointed official, or Assistant City Manager and to Human Resources director. If the Hotline call contains allegations that the Board determines cannot be adequately investigated, for any reason, by the city

staff referenced above, the Board may direct the Ethics Officer to investigate the Hotline call, to have an investigation conducted by a third party, or to otherwise pursue resolution on the call. The Ethics Officer shall report the status at the next Board meeting;

b. Fraud, waste or misuse of city resources will be reported to the City Auditor's Office;

c. Issues of retaliation or discrimination will be referred to the Office of Workforce Development, the Florida Commission on Human Relations, or the US Equal Employment Opportunity Commission;

d. Issues relating to potential criminal actions will be referred to law enforcement, as appropriate;

e. Issues of workers' compensation fraud shall be referred to the Risk Management Division of the City Treasurer-Clerk's Office;

f. Issues relating to campaign finance violations shall be referred to the Florida Elections Commission, or the Department of State, Division of Elections, as appropriate;

g. Issues related to violations of the open meeting or public records law shall be referred to the state attorney's office or Attorney General's Office;

h. Any other issues shall be referred to the appropriate authority; and

i. The Resolution of issues a-h of this section shall be reported to the Board at the next scheduled meeting following the resolution.

6. Inquiries consisting of a question or issue that can be readily answered or resolved by the Ethics Officer can be completed by the Ethics Officer, with the date, topic and resolution of issue noted on the Hotline log.

7. The following statement shall accompany both:

   a. Responses to requests for copies of hotline reports or information contained therein, as distinguished from sworn complaints and other than requests from Board Members, and

   b. The Hotline log presented at each meeting of the Board.

   Reports to the Hotline are received pursuant to the Board's responsibilities under the Charter of the City of Tallahassee. Hotline reports are not submitted to the Board as sworn ethics complaints. Information contained in Hotline reports has not been verified by the Board, though some background information may have been gathered by the Board before making a decision to dismiss and refer to the appropriate enforcement authority or to initiate a complaint. Any copy of a hotline report or of information contained therein will be redacted in accordance with Florida's public records laws before being released or published.

8. If a hotline report contains allegations about an individual within the Board's jurisdiction over alleged violations of the

City's ethics code, all information received and/or gathered in relation to said allegations shall remain confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution pursuant to s. 112.324, F.S., and Sec. 2-22, Tallahassee Code of General Ordinances. Any and all information pertaining to said allegations shall be excluded from the hotline log presented at public meetings of the Board until the allegation is no longer confidential and exempt as provided under Sec. 2-22, Tallahassee Code of General Ordinances.

9. If a member of the Board requests to initiate a complaint pursuant to this Board's Administrative Rule 1.03, the Board shall provide a copy of the report or complaint, as well as all other required information, pursuant to and consistent with those applicable administrative procedures adopted by this Board.

10. The terms "hotline calls" and "hotline reports" mean any report received by the Board pursuant to its responsibility under the City Charter to "manage a citywide ethics hotline for receipt of allegations of local corruption, fraud, waste, mismanagement, campaign finance and ethics violations;" and includes reports received by telephone, email, letter, or any other method, regardless of the physical form, characteristics, or means of transmission. Neither term includes sworn complaints on matters within the Board's ethics jurisdiction.

ARTICLE X – ADMINISTRATIVE HEARING PROCEDURES

Pursuant to Section 61, Tallahassee Charter, the Board shall adopt separate due process policies and procedures for the administration of the Ethics Board and the processing, prosecution, and adjudication of

ethics complaints.

ARTICLE XI - AMENDING, WAIVING, OR SUSPENDING BOARD BYLAWS

A. These bylaws may be amended by a majority of the Board. An amendment may be proposed at any meeting of the Board. A proposed amendment shall not be acted upon until the following meeting unless the amendment was included in the notice for the meeting, time for public comment is allowed, and the amendment is approved by a 2/3 vote of the members present. Not less than five (5) days prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed change.

B. A rule of procedure or bylaw may be suspended or waived at any meeting by two-thirds (2/3) vote of Board members present, unless such rule is established by statute or applicable code.

ARTICLE XII - SEVERABILITY

If any section, subsection, sentence, clause or phrase of these Bylaws is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Bylaws.

ARTICLE XIII - BYLAWS AND EFFECTIVE DATE

These Bylaws shall become effective upon adoption by the Board.

These Bylaws were originally adopted on November 4, 2014, and last amended on September 15, 2026.

Revision History:

- September 15, 2026 (Art. V.A., B., and C.)
- August 18, 2026 (Art. V.D. and Art. IX.A.)
- February 18, 2025 (Art. III,B.1. 2., and 3.)
- October 18, 2022 (Art. III,C.1. and 3.)
- April 19, 2022 (Art. III,D.4. and 5.)
- October 20, 2020 (Art. IX.A.9.)
- May 19, 2020 (Art. VII.D. and Art. IX.A. 8., 9., and 10.)
- January 21, 2020 (Art. III.E. and Art. IX.A. 7., 8., and 9.)
- June 18, 2019 (amended and created Art. I. – XIII.)
- December 18, 2018 (Art. III.A.1.b.)
- May 15, 2018 (Art. III.D. 1. b., Art. V. A. 2 & 3, and Article IX. A. 7. a.)
- October 17, 2017 (Art. IX)
- March 21, 2017 (Art.III.C.1.d. and Art.IV.D)
- January 17, 2017 (replace training w/education (Art. III.D.1.c. and Art.V.A.6.)
- October 18, 2016 (Art. V.B.(4))
- September 20, 2016 (Art. VI)
- July 19, 2016 (Art. IX.4.Third Stage Art V.B.4.)
- April 19, 2016 (Art XI)
- February 16, 2016 (Art IX, V.A.8, Art III.A.3.)
- January 19, 2016 (Art. IX)
- December 15, 2015 (Art V.C, Art IX)
- November 12, 2015 (Art III)
- June 4, 2015
- November 4, 2014