

# City Code of Ethics

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# City Ethics Code Supplemental

- § 2-744

The city code of ethics in subdivision III of this division is intended to ***supplement the provisions of the state code of governmental ethics***. In some matters, the city ethics code is intended to be ***more restrictive than the state code of governmental ethics***. If any provisions of the state code of governmental ethics are more restrictive than any provisions contained in the code of ethics for the city, the provisions of the state code of governmental ethics prevail.

# Nonpartisanship and Nondiscrimination

- § 2-770

Public officials and employees should take action and make decisions based on the merits, objectively and without partisanship. In taking action and making decisions, public officials and employees should not discriminate against any person because of racial, ethnic, religious, political, sexual or personal prejudice or because of age, disability or sexual orientation.

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# Freedom from Reprisal and Disclosure of Improper Acts

- §2-772 [*“Whistleblower” Protection*]

(a) Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate shall be free from discipline or reprisal for reporting such acts of alleged impropriety. . . .

(b) The provisions of this section are in addition to the protection afforded by the state code of governmental ethics . . .

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# Matters of Public Information

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# R.S. 44:33(B)(1): Public Records Act

- If the public record applied for is immediately available, because of its not being in active use at the time of the application, the public record shall be immediately presented to the authorized person applying for it. If the public record applied for is not immediately available, because of its being in active use at the time of the application, the custodian shall promptly certify this in writing to the applicant, and in his certificate shall fix a day and hour within three days, exclusive of Saturdays, Sundays, and legal public holidays, for the exercise of the right granted by this Chapter.

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# Prohibited Financial Interests

- §2-777

No city officer or employee shall have a financial interest in any contract with the city, and no contract for professional or other services shall be awarded on the basis of fee kickbacks.

# Leases and Concessions Restricted

- § 2-778

No lease or concession shall be granted to any corporation in which one or more city officers, employees, or board members hold or control the majority financial interest.



# Borrowing from, Interest in Contractors

- § 2-779

No member, officer or employee of a board shall borrow money or receive anything of value from any contractor doing business with the board.

No member, officer or employee of a board shall have any interest in any contract let by the board of which he is a member.

# Recusal of Board Members

- § 2-782

[N]o member of a board, commission, advisory committee . . . who is excepted from the provisions of R.S. 42:1112 of the state code of governmental ethics . . . because of the provisions of R.S. 42:1123(1) shall vote on or participate in a transaction otherwise prohibited by R.S. 42:1112 and . . . shall, verbally or in writing at a public meeting, announce his recusal from participation in the transaction and the reason for recusal. The intent of this section is to require recusal of board, commission, or committee members who serve on the boards of certain nonprofit corporations in cases where a conflict of interest arises.

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# Enforcement by Ethics Review Board

- Home Rule Charter § 9-402(1): The Council shall by ordinance establish an ***Ethics Review Board*** and shall authorize it ***to enforce*** the provisions of ***the Code of Ethics***. . . . The City Council shall ***authorize the Ethics Review Board . . . to impose fines***.
- § 2-719(1): Pursuant to section 9-402 of the Home Rule Charter, ***the ethics review board may . . . impose fines***.
- BUT no fines are yet authorized for the ERB.

# National “Best Practices” Survey

- The City Ethics Code has not been updated since its adoption 60+ years ago.
- A national “best practices” survey of municipal ethics codes would suggest areas where the local ethics regime could be strengthened.

# Council Actions to Strengthen Local Ethics Enforcement

- #1 The new City Council should establish by ordinance a schedule of fines and authorize the ERB to levy fines upon finding an ethics violation.
- #2 The new City Council should consider the results of a “best practices” survey and pass ordinances updating the City Ethics Code.