

On joint motion of all Councilmembers present the following ordinance was offered:

SUMMARY NO. 23224 ORDINANCE NO. 24011

An ordinance amending Chapter 2, Article V of the Code of Ordinances by adding Division 2.8, and adopting Section 2-155.10 relative to the establishment of the Office of Inspector General; amending Chapter 2, Article VI of the Code of Ordinances by adding Division 2.3, and adopting Section 2-536 through 2-539 relative to the establishment of the Ethics and Compliance Commission; amending Chapter 23 of the Code of Ordinances, by amending and renumbering Section 23-2 through 4; amending Chapter 23 of the Code of Ordinances Article V entitled Ethical Standards relative to amending and re-adopting various sections including Sections 23-84, 23-118, 23-130, and 23-140 and adopting Sec 23-131.1 in order to conform to current state law and the Jefferson Parish Charter and to provide jurisdiction to the Office of Inspector General and the Ethics and Compliance Commission to enforce the ethical standards of Jefferson Parish; and amending Section 2-529 of the Code of Ordinances relative to jurisdiction for ordinances relating to ethical standards of Jefferson Parish; and to provide for related matters. (Parishwide)

WHEREAS, the Jefferson Parish Council has adopted Ordinance No. 23989 on April 6, 2011 relative to amending the Jefferson Parish Charter to provide for the establishment of the Office of Inspector General and to create the Ethics and Compliance Commission; and

WHEREAS, the original ordinances regulating ethical standards for Jefferson Parish personnel and elected officials were originally adopted over 30 years ago; and

WHEREAS, the Council intends for these proposed newly created entities, the Office of Inspector General and the Ethics and Compliance Commission, to oversee and enforce ethical standards for Jefferson Parish employees and public servants; and

WHEREAS the Council recognizes that the proposed office of inspector general and that ethics and compliance commission will exist to promote and protect the public's confidence in public servants by promoting ethical conduct of present and former public employees and to investigate and adjudicate potential violations. The jurisdiction of an ethics commission extends beyond just classified employees and encompasses all persons who work in any capacity, including elected officials and an ethics commission functions primarily as an independent body that investigates and adjudicates ethics complaints against employees and public servants; and

WHEREAS the Council desires to update the ordinances regulating the ethical standards of Jefferson Parish's public servants and provide the authority and jurisdiction of the Office of Inspector General and the Ethics and Compliance Commission; now, therefore,

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Chapter 2, Article V of the Code of Ordinances be and is hereby amended by adding Division 2.8, and adopting Section 2-155.10 to read as follows:

Article V Departments

Division 2.8 Office of Inspector General

Sec. 2-155.10 - Office of inspector general.

- (1) *Creation of the Office of Inspector General.* Pursuant to Section 4.09 of the Jefferson Parish Charter, the Office of Office of Inspector General is established.
- (2) *Purpose.* The purpose of this section is to establish a full-time program of investigation, audit, inspections, and performance review to provide increased accountability and oversight of entities of parish government or special districts or entities receiving funds through the parish, and to assist in improving agency operations and deterring and identifying, fraud, waste, abuse, and illegal acts. Further, in pursuing its mandate to prevent and detect fraud, waste, abuse and illegal acts, the office of inspector general shall use all the powers in this article to assist management in the establishment of effective systems of control.
- (3) *Appointment.*
 - (a) The appointing authority for the inspector general shall be the ethics and compliance commission.
 - (b) The ethics and compliance commission shall convene within 60 days of a vacancy in the position of inspector general to initiate the national search for the inspector general.
 - (c) The appointing authority shall conduct a nationwide search to fill the position of inspector general. The appointing authority will also recommend the annual salary of the inspector general and approve the annual salary each year thereafter.
 - (d) In case of a vacancy in the position of inspector general, the chairperson of the appointing authority may appoint a first assistant inspector general, deputy inspector general, or other office of inspector general management personnel as interim inspector general until such time as a successor inspector general is appointed. The appointing authority may by majority vote of all members overrule the chairperson's appointment and appoint an alternative candidate with majority approval.
 - (e) The inspector general is to be selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration or other closely related fields. In

addition, the inspector general should possess demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews.

- (f) Qualified candidates for inspector general shall be a person who:
 - 1) Has at least five years of experience in any one, or combination, of the following fields:
 - i. As an inspector general;
 - ii. As a federal law enforcement officer;
 - iii. As a federal or state court judge;
 - iv. As a licensed attorney with expertise in the areas of audit and investigation of fraud, mismanagement, waste, corruption, and abuse of power;
 - v. As a senior-level auditor or comptroller;
 - vi. Supervisory experience in an office of an inspector general or an investigative public agency similar to an office of inspector general.
 - 2) Has a four-year degree from an accredited institution of higher learning
- (g) Highly qualified candidates, in addition to the minimal qualifications contained in this section, shall be a person who:
 - 1) Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception and conspiracy;
 - 2) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary; and/ or
 - 3) Has an advanced degree in law, accounting, public administration, or other relevant field.
- (h) A former or current elected official or employee of parish government may not be appointed inspector general within five years following the end of such individual's period of service. Notwithstanding the foregoing restriction, employees of the office of inspector general who have served in the office for four or more years may be immediately eligible for appointment to the position of inspector general. The inspector general shall hold at appointment, professional certification as a certified inspector general (CIG). Two or more other professional certifications such as certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), certified governmental financial manager (CGFM), and certified fraud examiner (CFE) are recommended. A former or current elected official or employee of the state or its political subdivisions may not be appointed inspector general within five years following that individual's period of service. This shall not prohibit the reappointment of an inspector general currently holding the position of Inspector General.
- (i) The inspector general shall not hold, nor be a candidate for, any elective office while inspector general, and no officer or employee of the office of the inspector general shall hold, or be a candidate for, any elective office while an officer or employee. The inspector general shall not hold office in any political party or political committee, nor shall he/she participate in any political campaign of any candidate for public office, nor make any campaign contribution or campaign endorsement, while inspector general. No officer or employee of the office of the inspector general shall hold office in any political party or political committee, or participate in any political campaign of any candidate for public office, or make any campaign contribution or campaign endorsement, while an officer or employee of the office of inspector general.
- (4) *Term of office.* The inspector general is appointed for a term of five years, which term shall begin when the inspector general begins employment with the parish. Subsequent four year terms may be renewed at the discretion of the appointing authority.
- (5) *Removal from office.* Following a public hearing by the appointing authority, the inspector general may be removed from office for cause by two-thirds vote of the entire membership of the ethics and compliance commission, which must then publicly report the reasons for removal to the parish council. Causes for removal may include abuse of power or authority, conviction of a state or federal felony, or entry of a guilty or nolo contendere plea to a state or federal felony charge, discrimination, ethical misconduct in office, unprofessional conduct, and other acts tarnishing the integrity of the office of inspector general.
- (6) *Resources.*
 - (a) The office of inspector general shall be funded by an annual appropriation by the parish council in an amount sufficient to cover its operations pursuant to section 4.09(D) of the Jefferson Parish Charter.
 - (b) The inspector general shall prepare and transmit an annual operating budget to the chief operating officer, identifying in the budget all proposed expenditures.
- (7) *Organizational placement.*
 - (a) The office of inspector general shall be operationally independent from the legislative and executive branches of the parish, including the Parish Council, and the office of the Parish President, but is authorized and encouraged to work cooperatively with the ethics and compliance commission. "Operationally independent" shall mean that the neither the Parish Council, the Parish President, nor any employee of the parish shall prevent, impair, or prohibit the inspector general

- from initiating, carrying out, or completing any audit, investigation, inspection or performance review.
- (b) The office of inspector general shall conduct preliminary inquiries, inquiries or investigations on behalf of the ethics and compliance commission on all matters brought before it. For the purposes of performing the duties, powers, authority, and functions of this article, legal counsel may be retained by the ethics and compliance commission pursuant to Section 4.09 of the Jefferson Parish Charter to serve as legal counsel for the ethics and compliance commission and the office of inspector general.
 - (c) The office of the inspector general shall be considered a parish law enforcement agency for the purposes of this chapter, but shall not be a police force and shall not bear firearms. Upon the request of the inspector general, the sheriff may deputize investigative employees of the office of inspector general with limited police powers. Such deputies shall not be granted arrest power, and shall be deputized solely for the purpose of carrying out the duties of the office of inspector general and only in connection with the investigation of a matter within the purview of the office of inspector general.
- (8) *Records disclosure.* All records of the office of inspector general shall be exempt from public disclosure and shall be considered confidential, unless it is necessary for the inspector general to make such records public in the performance of his duties. Unauthorized disclosure of information by the inspector general or any employee of the office of inspector general is subject to review and disciplinary action by the appointing authority.
- (9) *Reporting the results of inspector general findings.*
- (a) The office of inspector general shall report its recommendations and results of its findings to the ethics and compliance commission.
 - (b) Prior to concluding a report or recommendation, which contains findings as to the person or entity being reported or who is the subject of the recommendation, the inspector general shall provide the affected person or entity a copy of the report or recommendation.
 - (c) Such person or entity shall have 30 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation.
 - (d) This section shall not apply when the inspector general, in conjunction with a district attorney, attorney general or United States attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.
- (10) *Annual reports.* The inspector general shall report on the activities of the office of inspector general for the preceding calendar year to the ethics and compliance commission, on or before March 31 of each year, on matters undertaken, costs incurred, costs recovered, matters concluded, and results. The report shall describe accomplishments of the office of inspector general. copies of the report shall be provided to the Parish Council, the Parish President, and any oversight agencies interested in the activities of the office of inspector general. Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. Such reports will be provided to them upon request.
- (11) *Authority.* The office of inspector general is authorized to engage in the following specific functions:
- (a) Audit, evaluate, investigate, and inspect the activities, records, and individuals with contracts, subcontracts, procurements, grants, agreements, and other programmatic and financial arrangements undertaken by parish government and any other function, activity, process, or operation conducted by parish government.
 - (b) Audit the efficiency and effectiveness of parish government operations and functions and conduct reviews of parish government's performance measurement system.
 - (c) Review the reliability and validity of the information provided by parish government performance measures and standards.
 - (d) Initiate such investigations, audits, inspections, and performance reviews of parish government as the inspector general deems appropriate.
 - (e) Receive and investigate complaints from any source and investigate those complaints that the inspector general deems credible or upon his own initiative conduct investigations concerning alleged fraud, waste, abuse, illegal acts, and service deficiencies including deficiencies in the operation and maintenance of facilities.
 - (f) Engage in prevention activities, including but not limited to: the prevention of fraud, waste, abuse, and illegal acts; review of legislation; review of rules, regulations, policies, procedures, and transactions; and the supplying, providing, and conducting of programs for training, education, certification and licensing.
 - (g) Conduct joint investigations and projects with other oversight or law enforcement agencies, including, but not limited to the district attorney, attorney general, and the United States attorney.
 - (h) When efficiency problems are noted, the inspector general has an affirmative duty to provide a standard of efficient practice to the unit in question, and assess whether adequate resources are available for implementation of a program.
 - (i) Issue reports and recommend remedial actions to be taken by the parish council, the Parish President, or parish departments or agency heads to overcome or correct

- operating or maintenance deficiencies and inefficiencies identified by the office of inspector general.
- (j) Issue public reports as set forth in subsections (9) and (10).
 - (k) Monitor implementation of recommendations made by the office of inspector general and other audit, investigative, and law enforcement agencies.
 - (l) Establish policies and procedures to guide functions and processes conducted by the office of inspector general.
 - (m) Maintain information regarding the cost of investigations and cooperate with appropriate local, state, and federal administrative and prosecutorial agencies in recouping such costs from non-governmental entities involved in willful misconduct.
 - (n) Require reports from the office of the Parish President, Parish Council, or Parish departments, agencies, special districts, boards, or commissions, regarding any matter within the jurisdiction of the Inspector General.
 - (o) Upon discovering credible information of corruption, fraud, waste, abuse or illegal acts in carrying out his duties and responsibilities as inspector general, the inspector general shall report to the district attorney, or the United States attorney, or other appropriate law enforcement agency.
 - (p) Whenever the inspector general has reasonable grounds to believe there has been a violation of federal or state law, the inspector general shall refer a matter to the district attorney, the United States attorney or other appropriate law enforcement agency.
 - (q) When the inspector general has reason to believe he must recuse himself from a matter, because of a potential conflict of interest, the inspector general shall refer such matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.
 - (r) The inspector general shall refer audit, investigative, inspection, or performance review findings to the ethics and compliance commission, the state ethics board, or to any other federal, state or local agency he deems appropriate.
 - (s) After referring a matter to any appropriate law enforcement agency, the inspector general may assist the law enforcement agency in concluding any investigation.
 - (t) Upon detecting a potential violation of state ethics law the office of inspector general shall notify the state ethics board pursuant to R.S. 42:1161.
 - (u) Upon detecting a potential violation of a parish ethics ordinance or code, the office of inspector general shall notify the ethics and compliance commission.
 - (v) The inspector general shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services by the parish, including meetings involving third-party transactions. The notice required shall be given to the inspector general as soon as possible after a meeting has been scheduled, but in no event later than 24 hours prior to the scheduled meeting. The Inspector General may attend all parish meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the inspector general. An audio recorder or court stenographer may be utilized to record all selection or negotiation committee meetings attended by the office of the inspector general.
 - (w) The person in charge of any department, agency, board, commission, the Parish President, the Parish Council, or any parish council member, may request the assistance of the office of inspector general with respect to implementation of any suggested legislation or legislative policy. In such an event the inspector general may assign personnel to conduct, supervise, or coordinate such activity.
 - (x) The inspector general may do all things necessary to carry out the functions and duties set forth in this section, including the promulgation of rules and regulations regarding the implementation of responsibilities, duties and powers of the office.
- (12) *Powers.* The office of inspector general shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, and any other material of the Parish Council, office of the Parish President, all parish departments, agencies, boards, commissions, or of any individual, partnership, corporation, or organization involved in any financial or official capacity with parish government that the inspector general deems necessary to facilitate an investigation, audit, inspection, or performance review. The inspector general shall have access to all employees of the parish. At all times the inspector general shall have access to any building or facility that is owned, operated or leased by the parish or any department, agency, board, commission, or any property held in trust to the parish.
- (13) *Professional standards.* Standards for initiating and conducting audits, investigations, inspections, and performance reviews by the office of inspector general will conform to the Principles and Standards for Offices of Inspectors General (Green Book) promulgated by the Association of Inspectors General. The office of inspector general shall develop an operations manual available to the public that contains principles based on these standards.
- (14) *Physical facilities.* the ethics and compliance commission and the office of inspector general shall be located off site from the General Government Building and the Yenni Building, and shall have sufficient and necessary equipment, office supplies, and office furnishings to enable

the ethics and compliance commission and the office of inspector general to perform their functions and duties.

(15) *Organizational structure.*

- (a) The inspector general and the ethics and compliance commission shall have the power to establish personnel procedures and procurement procedures for each of their offices. The inspector general and the ethics and compliance commission shall have the power to appoint, employ, contract, and remove such assistants, employees, consultants, and personnel including, but not limited to legal counsel, as deemed necessary for the efficient and effective administration of the activities of each of their offices.
- (b) The office of inspector general may include, but not be limited to, a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review.

(16) *Quality review.*

- (a) Audits, investigations, inspections and performance reviews shall be subject to annual quality assurance reviews by a third-party advisory committee to include one representative named by the Parish Council, one representative named by the Parish President, one representative named by the Louisiana Supreme Court, one representative named by the Association of Inspectors General, and one representative named by the Ethics and Compliance Commission; said committee shall be renewed annually.
- (b) The office of inspector general shall be subject to peer review by the Association of Inspectors General every three years. Such peer review shall be paid for by the office of the inspector general. When completed, the Association of Inspectors General shall submit its recommendations and findings of such peer review to the ethics and compliance commission and the inspector general. The inspector general shall comply with the recommendations of the peer review within 90 days, provided that the recommendations and findings are accepted and approved by the ethics review board. Copies of the written report resulting from this peer review shall be furnished to the ethics review board, Parish Council, and the Parish President. This report shall also be made available to the public, when such process is completed.
- (c) Within 180 days from the date of the inspector general's employment with the parish, the inspector general shall submit to the Parish Council the governing policies of the office of inspector general for review and acceptance.

(17) *Annual work plan.* The inspector general shall present an annual work plan for the ensuing calendar year to the ethics and compliance commission, no later than September 1 of each year. The plan shall include:

- (a) Risk assessment criteria used in establishing the work plan;
- (b) A schedule of projects and anticipated completion dates; and
- (c) Quality assurance procedures planned for implementation

(18) *Subpoena power and access to information.*

- (a) For purposes of an investigation, audit, inspection, or performance review, the inspector general may administer oaths and affirmations, subpoena witnesses, compel their attendance and testimony under oath, take evidence, and require the production of any records which the inspector general deems relevant or material to an investigation, audit, inspection or performance review.
- (b) In carrying out the provisions of this ordinance, the inspector general, shall have access to all records, reports, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence, including information relative to the purchase of supplies and services or anticipated purchase of supplies and services from any contractor by any parish department, agency, board, or commission, and any other data and material that is maintained by or available to the parish which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities.
- (c) The inspector general may request information, cooperation, and assistance from any parish department, agency, special district, board, or commission. Upon receipt of a request for such information, cooperation, and assistance from the inspector general, each person in charge of any parish department, agency, special district, board, or commission, or shall furnish the Inspector General or his authorized representative with such information, cooperation, and assistance.
- (d) The inspector general shall have direct and prompt access to the head of any parish department, agency, special district, board, or commission, when necessary for any purpose pertaining to the performance of his duties and responsibilities.
- (e) The inspector general may require by summons, the attendance and testimony under oath of persons, and the production of all records, reports, audits, inspections, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence and any other data and material relevant to any matter under audit, investigation, inspection, or performance review. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the state. Any judge of the 24th Judicial District Court may, upon application by the inspector general, issue an

order to compel the production of records, reports, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, correspondence, and any other data and material as aforesaid in the same manner and to the same extent as before said court. Any failure to obey such order may be punished by said court as contempt.

- (f) Any person who fails to appear in response to a subpoena, fails to answer any question, fails to produce information requested, or knowingly gives false testimony during an investigation, audit, inspection or review shall be guilty of contempt of court, or chargeable with appropriate criminal offenses and subject to loss of employment with the parish.
- (19) *Cooperation.* It shall be the duty of every parish officer, employee, department, agency, special district, board, and commission; and the duty of every contractor, subcontractor, and licensee of the parish, and the duty of every applicant for certification of eligibility for a parish contract or program, to cooperate with the inspector general in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter. Every parish contract and every bid, proposal, application or solicitation for a parish contract, and every application for certification of eligibility for a parish contract or program shall contain a statement that the corporation, partnership, or person understands and will abide by all provisions of this chapter. Any employee, appointed officer or elected official of the parish who violates any provision of this chapter shall be subject to discharge, in addition to any other penalty provided in the Jefferson Parish Charter or ordinances.
- (20) *Legal Communications.* Providing the office of inspector general, an agency of parish government, with communications by and between any parish attorney and the Parish Council, Parish President, or any parish officer, employee, department, agency, special district, board, or commission, pursuant to the provisions of this section, shall not be deemed or construed as a waiver of any attorney-client privilege enjoyed by the parish, the Parish Council, the Parish President, or any parish officer, employee, department, agency, special district, board, or commission.
- (21) *Complaints by public employees.* The inspector general may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, abuse, and illegal acts. The inspector general shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the written consent of said employee, unless the inspector general determines such disclosure is necessary and unavoidable during the course of the investigation. In such event the employee shall be notified in writing at least seven days prior to such disclosure. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the inspector general, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

SECTION 2. That Chapter 2, Article VI of the Code of Ordinances be and is hereby amended by adding Division 2.3, and adopting Sections 2-536 through 539 to read as follows:

Article VI Boards, Commissions, Committees and Other Agencies of the Parish

Division 2.3 Ethics and Compliance Commission

Sec. 2-536 - Ethics and Compliance Commission.

Pursuant to Section 4.10 of the Jefferson Parish Charter, an Ethics and Compliance Commission is hereby established to be administrative, advisory, and quasi-judicial in nature and authorized to review, interpret, render advisory opinions on all matters that are the subject of its jurisdiction and authority. The Ethics and Compliance commission shall perform such other administrative, advisory or quasi-judicial duties as may be assigned to it by law, ordinance or resolution.

Section 2-537 Composition

- (1) *Membership.* The commission shall consist of five members, all of whom shall be domiciled in and electors of the parish. and shall be appointed by the Parish President from lists of three nominees each submitted by the presidents or chancellors of Tulane University Loyola University of the South, Xavier University, University of New Orleans, and Delgado Community College. Each appointment is subject to approval by a majority of the members of the parish council.
- (2) *Qualifications.* No member may hold any elective or appointed position with the parish nor any other government or political party office or have held such position within two years before appointment to the Ethics and Compliance Commission.
- (3) *Removal.* A member of the Ethics and Compliance Commission may be removed only for cause in accordance with the procedures established in Section 4.10 of the Jefferson Parish Charter
- (4) *Vacancy.* Within ten (10) days of a president's or chancellor's recommended appointee's vacancy being created, the Parish President shall request the university presidents or chancellors to submit within 30 days lists of three nominees each to the Parish President for consideration to fill the unexpired term. Within 30 days of receiving the lists of nominees, the Parish President shall submit a selection to the Parish Council for its consideration. Within 30 days of receiving a nomination by the Parish President, the council shall approve or reject the appointment.
- (5) *Term.* The terms of the initial members shall be as follows: One member shall be appointed for a term to expire on December 31 of the first year; one member shall be appointed for a term to expire on December 31 of the second year; one member shall be appointed for a term to expire on December 31 of the third year; one member shall be appointed for a term to expire on December 31 of the fourth year; and one member shall be appointed for a term to expire on December 31 of

the fifth year. At the expiration of the term of each initial member and of each succeeding member, a successor shall be appointed to serve for a term of five years. Each such term shall expire on December 31 of the fifth year.

- (6) *Public meetings.* The meetings of the Ethics and Compliance Commission shall be open to the public in accordance with the Louisiana Open Meetings law.
- (7) *Quorum.* Three members of the Ethics and Compliance Commission shall constitute a quorum for the purpose of transacting the business of the commission.
- (8) *Rules and regulations.* The Ethics and Compliance Commission, pursuant to Section 4.10 of the Jefferson Parish Charter, shall adopt rules and regulations governing the transaction of its business not inconsistent with the laws of the State of Louisiana and ordinances of the Parish of Jefferson.
- (9) *Staff.* The Ethics and Compliance Commission may employ necessary staff in accordance with Section 4-10 of the Jefferson Parish Charter.
- (10) *Investigations.* For purposes of an investigation or a hearing, the Ethics and Compliance Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records which the commission deems relevant or material to an investigation or hearing.

Section 2-538 Jurisdiction, Powers and Authority

- (a) *Jurisdiction.* The Ethics and Compliance Commission shall be the ethics board or ethics body of Jefferson Parish and shall administer and enforce the provisions of the code of ordinances and the regulations, rules and orders issued hereunder regarding ethics and standards of conduct for Jefferson Parish employees, officials and other persons who are the recipients of public funds, or who are engaged in the performance of a parish governmental function, who do business with the Parish, or are in a position to influence the conduct of Parish employees or officials.

Powers. Pursuant to Section 4.10 of the Jefferson Parish Charter, the Ethics and Compliance Commission may establish additional recommendations for the code of ordinances pertaining to ethics and standards of conduct for Jefferson Parish employees, officials and other persons who are the recipients of public funds, or who are engaged in the performance of a parish governmental function, who do business with the Parish, or are in a position to influence the conduct of Parish employees or officials. The commission may issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the parish's ordinances, rules and regulations pertaining to ethics and standards of conduct, refer cases for investigation on referral or complaint, retain counsel, and impose fines.

Section 2-539 - Advisory opinions

The Ethics and Compliance Commission shall prepare and promulgate procedures for requesting official advisory opinions pertaining to parish ordinances rules and regulations governing ethics and standards of conduct for Jefferson Parish employees, officials and other persons who are the recipients of public funds, or who are engaged in the performance of a parish governmental function, who do business with the Parish, or are in a position to influence the conduct of Parish employees or officials. All such official advisory opinions shall be in writing. All such official advisory opinions shall be distributed to all agencies of parish government and be accessible to all parish employees.

SECTION 3. That Chapter 23, Article I of the Code of Ordinances be and is hereby amended by adding Article I-A, and by amending and renumbering Sections 23-2 through 23-4 to Sections 23-17 through 23-19 to read as follows:

Article I-A Political Activity

Sec. 23-217. - Political activities of parish employees.

- (a) Any person employed in the service of the parish is hereby prohibited from engaging in any activity of a political nature.
- (b) No employee in the service of the parish shall pay or promise to pay any assessment, subscription or contribution for any political purpose, or solicit any assessment, subscription or contribution from any political purpose, or solicit any assessment, subscription or contribution from any parish employee, including but not limited to the selling and/or subscribing to political fund raising cocktail parties, suppers and dinners and/or testimonials.
- (c) No person shall give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the unclassified service of the parish.
- (d) No employee in the service of the parish shall be an officer or member of any national, state or local committee of a political party, factional political club or organization, candidate for nomination or election to any public office.
- (e) No employee in the service of the parish shall make any political speech or political statement on behalf of any candidate, faction or party, as a part of any campaign for the nomination or election of public officers, or shall take part in the management or affairs of such groups, except to exercise his right as a citizen to express his opinion privately, to cast his vote for whom he pleases, and to serve as a commissioner or an official watcher at the polls in any election.
- (f) Any violation of the provisions of this section shall be reported to the ~~personnel~~ ethics board, whose duty it shall be to make a thorough investigation concerning the alleged violations.
- (g) It shall be the duty of any employee or parish official who knows of any activity in violation of this section to report the violation to the ~~personnel~~ ethics board.
- (h) It shall be unlawful for any employee or any elected parish official to knowingly participate in violation of provisions of this section, and such action may be punishable by the maximum penalty allowed by law.

- (i) None of the prohibitions in this section shall apply to the parish president or his administrative assistants, members of the council or their administrative assistants, other elected officials, members of advisory boards or other unpaid bodies who are not parish employees, or to organizations who are engaged by the parish on a contractual basis rather than as employees; provided, however, that no such person shall knowingly participate in the violation of any of the provisions of this section by any employee of the parish to whom these prohibitions apply.

Sec. 23-318. - Penalty for violating sections 23-17 and 23-218.

The violation of any of the provisions of sections ~~23-1 and 23-2~~ 23-17 and 23-18 shall be cause for the ~~immediate discharge of any person employed in the unclassified service of the parish;~~ following penalties:

- (a) Classified employees shall be subject to disciplinary action up to and including dismissal by their appointing authority in accordance with the personnel rules.
- (b) Unclassified employees shall be subject to suspension or dismissal by their appointing authority provided, however, that before any such unclassified employee is discharged, the council shall hold a public hearing to determine whether or not such employee has violated the provisions of section 23-1 or 23-2 23-17 and 23-18.
- (c) Elected officials shall be subject to censure by the parish council for violation of Section 23-17(h).

Sec. 23-419. - Soliciting funds for political purposes; discharge of employee.

- (a) *Prohibition; definition.* Notwithstanding the provisions of section ~~23-24~~ 23-17(i), no employee in the service of the parish, except as otherwise provided in this section, shall solicit any funds for political purposes. As used in this section, "soliciting for political purposes" shall mean asking or requesting any person, firm, business or other organization to contribute or donate funds, goods or other items reportable under state campaign laws to be used to campaign or promote the candidacy of any person seeking public office at a partisan election.
- (b) *Application.* Nothing in this section shall apply to the parish president or the members of the council.
- (c) *Discharge of employees for violation; public hearing.* The violation of any of the provisions of this section shall be cause for the discharge of any person employed in the unclassified services of the parish; provided, however, that before any such employee is discharged, the council shall hold a public hearing to determine whether or not such employee has violated the provisions hereof.

SECTION 4. That Sections 23-84 of the Code of Ordinances be and the same is hereby amended to read as follows:

Sec. 23-84. - Definitions.

Unless the context clearly indicates otherwise, the following words and terms when used in this article shall have the respective meanings:

Action of a governmental entity means any action on the part of the parish or agency thereof, including, but not limited to:

- (1) Any decision, determination, finding, ruling or order, including the judgment or verdict of a court or quasi-judicial board, in which the parish or any of its agencies has an interest, except in such matters involving criminal prosecutions;
- (2) Any grant, payment, award, license, contract, transaction, decision, sanction or approval, or the denial thereof, or the failure to act with respect thereto, in which the parish or any of its agencies has an interest, except in matters involving criminal prosecutions;
- (3) As the term relates to an employee or elected official of the parish, any disposition of any matter by the parish council or any committee thereof.

Agency means any department, division, office, agency, authority, commission, board, committee or other instrumentality of the parish.

Agency head means the executive or administrative officer of any agency.

Assist means to act in such a way as to help, aid, advise, furnish information to or otherwise provide assistance to a person, believing that such action is of help, aid, advice or assistance to such person, with the intent to assist such person.

Board, ethics board, or ethics body means ~~the Board of Ethics for elected officials~~ the Jefferson Parish entity responsible for enforcing ethical standards established by ordinance, or rule regulating the conduct of public servants in Jefferson Parish government.

Compensation means any thing of economic value which is paid, loaned, granted, given, donated or transferred or to be paid, loaned, granted, given, donated or transferred for or in consideration of personal services to any person, and;

- (1) As the term relates to a public employee, to another public employee of the parish or to the parish; and

- (2) As the term relates to an elected official, to another elected official of the parish or to the parish.

Elected official means any person holding an office in a parish which is filled by the vote of the appropriate electorate, It shall also include any person appointed to fill a vacancy in such offices.

Immediate family as the term relates to any agency head or other public employees having the authority to appoint a person to public employment, means such agency head's children, brothers, sisters, parents, spouse and the parents of his or her spouse.

Participate means to take part in or to have or share responsibility for an action of the parish or a proceeding, personally, as a public employee or an elected official of the parish, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or the failure to act or perform a duty.

Person as that term relates to a public employee or elected official means, in the case of a public employee, an individual or legal entity other than an agency or public employee of the parish, or in the case of an elected official of the parish, whether or not the legal entity is operated for profit.

~~*Personnel board* means the personnel board of the parish.~~

Public employee means anyone, whether compensated or not, who is:

- (1) An administrative officer or official of the parish who is not filling an elective office;
- (2) Appointed by an elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the parish or an agency thereof, either as a member of an agency, or as an employee thereof;
- (3) Engaged in the performance of a parish governmental function; or
- (4) Under the supervision or authority of an elected (2) official or another employee of the parish.

A public employee shall be in such status on days on which he performs no services as well as days (3) on which he performs services. The termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced.

Responsibility in connection with a transaction involving the parish means the direct administration or operating authority, whether intermediate or final, and exercisable either alone or with others, and either personally or through or with others or subordinates, to effectively direct action of the parish, as the case may be, in respect to such transaction.

Substantial economic interest means an economic interest which is of greater benefit to the public employee, elected official or person than to a general class or group of persons, except:

- (1) The interest that the public employee or elected official has in his position, office, rank, salary, per diem or other matter arising solely from his public employment or office; and
- (2) The interest that a person has as a member of the general public.

Supervisory position means any position of public employment the duties of which include the making of determinations to expend public funds or the directing of official activities, actions or duties of other public employees.

Thing of economic value means any money or other thing having economic value except food, drink or refreshments consumed by a public employee or by an elected official including reasonable transportation and entertainment incident thereto, while the personal guest of some person, and includes:

- (1) Any loan, except a bona fide loan made by a duly licensed bank or savings and loan association at the normal rate of interest, any property interest, interest in a contract, merchandise, service and any employment or other arrangement involving a right to compensation;
- (2) Any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option;
- (3) Any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

In the case of an option, promise or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, regardless of the conditions to its exercise, and the time when the promise or undertaking is made, regardless of the conditions to its performance.

Transaction involving the parish means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case or other such particular matter which the public employee, former public employee or elected official of the parish in question knows or should know:

- (1) Is, or will be, the subject of action by the parish;
- (2) Is one to which the parish is or will be a party; or
- (3) Is one in which the parish has a direct interest.

SECTION 5. That Sections 23-118 of the Code of Ordinances be and the same is hereby amended to read as follows:

Sec. 23-118. - Administration of sections pertaining to public employees.

- (a) *Jurisdiction.* The ~~personnel board in accordance with provisions of the Charter~~ ethics board shall administer and enforce the provisions of this division and the regulations, rules and orders issued hereunder regarding ethical standards.
- (b) *Preventive measures by agency heads:*
 - (1) *Filing of reports.* Every department or agency head shall file confidential reports with the ~~personnel~~ ethics board on any matters that come to his attention which may constitute a violation of this division.
 - (2) *Cooperation with ~~personnel~~ ethics board.* Every department or agency head shall cooperate in every possible manner in connection with any investigation or hearing which may be conducted by the ~~personnel~~ ethics board.
 - (3) *Compliance with order of ~~personnel~~ ethics board.* Every department or agency head shall forthwith comply with any lawful order received from the ~~personnel~~ ethics board and shall immediately take disciplinary action against any employee under his supervision when ordered to do so by the ~~personnel~~ ethics board.
 - (4) *Failure of department or agency head to comply with ~~personnel~~ ethics board order.* Failure on the part of any department or agency head who is not an elected official to comply promptly with any lawful order received from the ~~personnel~~ ethics board shall subject him to all penalties provided for elsewhere in this article and shall cause the immediate suspension of all salary and other benefits which he otherwise would be entitled to receive. Such suspension shall remain in effect during the period in which he fails or refuses to comply, and all public employees are hereby directed to refuse to honor any drafts or other documents which would violate this provision.
- (c) *Administrative enforcement as to current public employees:*
 - (1) Every department or agency head shall take such action as may be ordered by the ~~personnel~~ ethics board with respect to any public employee of his department or agency upon a finding by the ~~personnel~~ ethics board that such employee has violated any provision of this division or any order, rule or regulation promulgated hereunder.
 - (2) Any public employee or other person, whether or not such person is covered by the provisions of this division, having the authority to appoint a person to any position of public employment, regardless of

whether or not such appointment requires the approval of the parish council or any other body, employee or person, shall take such action as may be ordered by the personnel ethics board with respect to any such appointee upon the personnel ethics board's finding that such appointee has violated any provision of this division.

(d) *Civil action for damages.* The parish attorney, ~~district attorney or the personnel board~~ pursuant to Sec 4.04 of the Charter or other attorney authorized by law, may bring a civil action against any public employee or former public employee in the district court in which the employee or former employee is domiciled who shall, to his economic advantage, have acted in violation of this division, and in such action may recover on behalf of the parish an amount equal to such economic advantage.

(e) *Civil penalties for illegal payments.* The parish attorney, ~~district attorney or the personnel board~~ pursuant to Sec 4.04 of the Charter or other attorney authorized by law, may bring on behalf of the parish a civil action to recover from any person who shall violate the provisions of this division in the district court having jurisdiction where such violation occurs, a civil penalty of ~~not more than five thousand dollars (\$5,000.00)~~ in an amount equal to the maximum penalty allowed by law.

SECTION 6. That Sections 23-130 of the Code of Ordinances be and the same is hereby amended to read as follows:

Sec. 23-130. - Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Candidate means a candidate for public office as defined in Title 18 (Election Code) of the Louisiana Revised Statutes of 1950.

Ethics board or ethics body means the ~~board of ethics for elected officials~~ Jefferson Parish entity responsible for enforcing ethical standards established by ordinance regulating the conduct of public servants in Jefferson Parish government.

Person or individual mean those entities as defined in Title 18 (Election Code) of the Louisiana Revised Statutes of 1950.

Hearing officer means any ethics body member or staff member of the ethics body who is authorized by the ethics body to conduct an investigation or hold a hearing concerning a violation of this section.

SECTION 7. That Sections 23-131.1 of the Code of Ordinances be and the same is hereby adopted to read as follows:

Sec. 23-131.1. - Administration of sections pertaining to elected officials.

The ethics board shall have jurisdiction and shall administer and enforce the provisions of this division and the regulations, rules and orders issued hereunder regarding ethical standards.

SECTION 8. That Sections 23-140 of the Code of Ordinances be and the same is hereby amended to read as follows:

Sec. 23-140. - Civil action for damages.

The parish attorney, ~~district attorney or the board~~ pursuant to Sec 4.04 of the Charter or other attorney authorized by law, may bring a civil action against any elected official or former elected official in the district court in which the official or former official is domiciled who shall, to his economic advantage, have acted in violation of this division, and in such action may recover on behalf of the governmental entity an amount equal to such economic advantage.

SECTION 9. That Chapter 23, Article V of the Code of Ordinances be and is hereby amended by adding Division 4 entitled Penalties and that Section 23-145 and 23-146 of the Code of Ordinances be and the same is hereby adopted to read as follows:

Division 4 Penalties

Sec. 23-145. Civil penalties.

The violation of any provision of this Article shall be subject to the penalties provided in Section 1-10 of the Code of Ordinances.

Sec. 23-146. Additional Civil penalties.

In addition to any other penalties allowed by law:

Classified employees shall be subject to disciplinary action up to and including dismissal by their appointing authority in accordance with the personnel rules for violation of the provisions of this Article.

Unclassified employees shall be subject to suspension or dismissal for violation of this Article provided, however, that before any such unclassified employee is discharged, the council shall hold a public hearing to determine whether or not such employee has violated the provisions of this Article.

Members of boards, commissions, and agencies shall be subject to removal and/or forfeiture their appointment in for violation of this Article.

Elected officials shall be subject to censure by the parish council for violation of this Article.

Upon finding that any public employee has violated any provision of any ordinance within the jurisdiction of the board, the board by a majority vote of the membership, may order the removal, suspension, or a reduction in pay, or demotion of the public employee.

Upon finding that any person has violated any ordinance within the jurisdiction of the board to his economic advantage, the board may order the forfeiture of any gifts or payments made in violation of said ordinance.

SECTION 10. That provisions of Sections 1 and 2 of this ordinance are contingent upon the approval by the electorate of the proposed Charter amendments provided for in Ordinance No. 23989; accordingly, Sections 1 and 2 of this ordinance shall not become effective until approved by the electorate on October 22, 2011. If the electorate fails to approve the proposed Charter amendments set forth in Ordinance No. 23989 on October 22, 2011, then the provisions of Section 1 and 2 of this ordinance shall be null and void and deemed to have never been enacted.

SECTION 11. That Section 2-529 of the Code of Ordinances be and the same is hereby amended to read as follows:

Sec. 2-529. - Jurisdiction.

The governmental and ethics compliance and audit committee is authorized to adopt procedural rules and regulations not inconsistent with the laws of the State of Louisiana and ordinances of the Parish of Jefferson. The committee shall have jurisdiction to review all investigations on governmental ethics violations and make recommendations to the Council. The committee shall be the ethics board or ethics body of Jefferson Parish and shall administer and enforce the provisions of this the code of ordinances and the regulations, rules and orders issued hereunder regarding ethical standards.

SECTION 12. That provisions of Section 11 of this ordinance shall take effect if the electorate fails to approve the proposed Charter amendments set forth in Resolution No. 116808 on October 22, 2011. If the electorate approves the proposed Charter amendments set forth in Resolution No. 116808 on October 22, 2011, then the provisions of Section 11 of this ordinance shall be null and void and deemed to have never been enacted.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

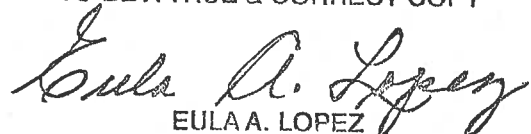
YEAS: 7

NAYS: None

ABSENT: None

The ordinance was declared to be adopted on this the 11th day of May, 2011, and shall become effective as follows; if signed forthwith by the Parish President, ten (10) days after adoption, thereafter upon signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY



EULA A. LOPEZ
PARISH CLERK

JEFFERSON PARISH COUNCIL