

November 30, 2018

Dear Ethics Naples Supporter:

We want to bring you up to date on our effort to develop a new and better ethics code for the City of Naples through passage of an amendment to the City Charter.

The Short Story

- **Successful petition!** Your petition for a vote on better ethics for Naples was certified in April by the County Election Supervisor for the August 28, 2018 election.
- **The City Sues!** The City then sued Ethics Naples in May, refused to refer the petition to the Supervisor of Elections for the August election, and denied Naples citizens the right to vote and express their own views on this issue.
- **The Court rules 100% for Ethics Naples!** On October 5, Circuit Court Judge Hayes ruled that the City was wrong, that the petition met all the requirements to be on the ballot, and that the petition should be put to a vote at a special election he set for March 26, 2019.
- **Ethics Naples meets with City Council.** On November 5, Ethics Naples representatives met with City Council at a workshop aimed at determining whether the two parties could agree on a common approach to local ethics policy. Ethics Naples reviewed the City's proposal but told Council that its insistence on creating an ethics commission and ethics office that was a creature of City Council rather than independent was in direct conflict with the Ethics Naples proposal and common/best practice across the state and country. It was therefore not supportable.
- **The City appeals, preventing a vote.** The City on November 7 then appealed the Court's ruling to the State's 2nd District Court of Appeals, again attempting to deny Naples citizens the right to vote on this initiative. The appeal has not yet been scheduled for a hearing.
- **City shenanigans continue.** At its meeting on November 19, the City Council voted to move forward with its own charter amendment and ordinance, leaving out the key provisions required for real ethics reform that are included in the Ethics Naples petition.
- **No opportunity for public input or consultation.** Apparently, City Council plans to jam through approval of their "ethics -lite" proposal prior to Christmas, with no opportunity for appropriate public review or input.

What's Really Happening? City Council does not want an independent ethics commission or an independent ethics officer that is not entirely under its control. This is the usual response by any elected body facing citizen initiatives for better ethics. Naples City Council is employing legal and diversionary tactics to avoid a vote by our citizens.

The Court ruled clearly and definitively in our favor and publicly stated that it did not believe the City would win on appeal. Therefore, the City is now proposing a variety of “alternative” approaches to ethics, including a revision of the code, a City-sponsored charter amendment, and a Blue-Ribbon panel to consider all things ethical. How these actions would be sequenced or coordinated is not clear. This is political Three-Card Monte, and if the voters play it, they will likely not find real ethics reform under the City’s cup.

The key elements to watch for in a truly better city ethics policy include an independently appointed ethics commission, a small (usually just one person) independent office of ethics reporting to the commission rather than City officials, and the ability to investigate matters that come before the office and commission in a confidential manner. These are central to the petition you have supported.

At the November 19 City Council meeting when Council first considered its alternative approach, a letter written by Carla Miller – the head of the Jacksonville Ethics Office and an internationally recognized expert on local government ethics policy – was read into the public record. In the letter, Ms Miller stated that the “worst way to choose an Ethics Commission is for the Council to pick all of the members. That is what I call the “Stone Age” of creating an Ethics Commission. Citizens just don’t trust the actions of a Commission created that way. You might as well not do it at all.”

What can you do?

1. **Understand:** Take some time to understand the issues. Visit our website (Ethics Naples.org). We will be updating the website with a additional background documents and legal filings.
2. **Communicate with City Council:**
 - Attend the City Council meetings on December 5 and 19 and make your views known (this issue should be near the front of the agenda on December 5).
 - Write clearly and respectfully to City Council members. Make it clear that you vote, that you want to have the opportunity to vote on the Ethics Naples petition, and that you will vote in future City Council elections for candidates who support your right to vote, not suppress it.
3. **Donate:** Make a financial contribution to Ethics Naples – a significant one if you can. We are incurring significant legal expenses as we battle the City on this issue and have other expenses as well with regard to communications and planning an eventual ballot campaign. You can send your contribution by mail (Ethics Naples, P.O. Box 7249, Naples, FL 34101, or contribute on-line through our website).

4. **Volunteer:** We still expect to eventually win the right to vote and have an election on our amendment. Let us know if you are interested in being on our list of volunteers for that campaign.

Thank you again for your past support. Working together we can still make sure Naples does the right thing in local ethics reform.

Sincerely,

The Board of Directors, Ethics Naples