

Creating ethics code takes time, expert says

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BY CATHLEEN F. CROWLEY

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PROVIDENCE -- Mayor David N. Cicilline's administration has accused the City Council of dragging its feet on adopting a proposed ethics code, but last night, a national expert validated the council's equivocation.

"It's painful to write an ethics code for a city and it's nearly impossible to get it right," said Carla Miller, an ethics officer for Jacksonville, Fla., and a former federal prosecutor. "You are in the upper echelon because you are at least struggling with it."

Miller and two colleagues briefed the council on their experience in Jacksonville and gave the legislators suggestions that Providence can use.

Miller successfully prosecuted the mayor of Jacksonville and president of the state Senate on corruption charges. Afterward, she served on a commission that created an ethics code for the city. It took two years to draft, and another year to convince the Jacksonville City Council to approve it.

Cicilline's proposed ethics code was based on recommendations from a seven-member task force that he formed after he took office in the wake of the corruption trial of former Mayor Vincent A. "Buddy" Cianci Jr.

The council has sat on the legislation for a year.

A proposed municipal integrity officer was the main sticking point for the council. Cicilline said that would be someone who would investigate ethics violations and train city workers on the ethics code. Cicilline had said the officer would report directly to him.

The prospect of an ethics investigator controlled by the mayor did not sit well with council members, who would be subject to the ethics code. Council members feared the officer could become a political tool.

Council President John J. Lombardi invited the ethics experts to speak with the council to share a national perspective. In addition to Miller, the council heard from Don McClintock, a member of Jacksonville's Ethics Commission, and Robert F. Wechsler, director of research for City Ethics, a Web site that focuses on ethics programs in municipal government. All three are active in the national Council on Governmental Ethics Laws and volunteered their expertise. The council paid only their travel costs.

The municipal integrity officer's job must be strictly educational and have no punitive or investigatory powers, Miller said. In Jacksonville, newly elected officials are required to take ethics training within the first 60 days in office and new employees must undergo training during their first week on the job.

She advised the council to avoid creating a code for every possible violation because the city can't think of every sneaky way to break the law. Keep it simple, she said, unlike the federal code of regulations, which has 30 pages on gifts.

Code-based ethics doesn't work, Miller said, noting that Enron had a voluminous ethics code and an ethics officer. Instead, Providence must create an "ethical culture," she said.

Jacksonville's five-page ethics code has a preamble that sets forth the city's goals.

"Ethics is more than the avoidance of criminal behavior," the document reads. "It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens."

Miller recommended the city create an ethics board. The board would not duplicate the role of the state Ethics Commission, but it would serve as a traffic cop to direct ethics complaints to the right body and to advocate for new ethics laws. The Jacksonville Ethics Commission has nine members, including representatives of unions and community groups.

She also suggested that Providence create a hotline so people could anonymously alert the ethics board of possible problems.

Miller warned the council not to delay passage of an ethics code. Nothing is perfect. It can always be amended, she said.

"You can copy Jacksonville's," she said. "We've spent a lot of time on it."

Council members who attended the meeting called the session enlightening. Councilwoman Rita M. Williams, chairwoman of the Ordinance Committee, directed the city solicitor's office to draft a new ordinance based on Miller's suggestions and present it to the council.

Cicilline said in a statement that the ethics code remains a priority for his administration and he is pleased that the City Council is focused on the issue.

"I certainly hope that the City Council's engagement of these consultants accelerates the enactment of an ethics ordinance," he said. "I will carefully review any recommendations put forward by these consultants but I remain committed to an ethics code that is comprehensive and covers all city employees and elected officials."

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May 26, 2006

City of Providence, Rhode Island

The Honorable John Peyton
Mayor of Jacksonville
4th Floor, City Hall at St. James
117 W. Duval Street
Jacksonville, FL 32202

Dear Mayor Peyton:

I am writing to let you know about the wonderful presentation Carla Miller shared with the Providence City Council during her visit to Rhode Island on May 18th.

We asked Ms. Miller to help the City Council review the proposed municipal ethics code our city is considering and to come to Providence to discuss her comments and recommendations. She offered to do so as a volunteer and quickly sprang into action, seeking out her colleagues in the field of municipal ethics, and recruiting them to join the process.

Ms. Miller gave a dynamic and informative presentation to the Council Committee on Ordinances and I received exceptional feedback from all the councilors' who attended. Ms. Miller and her colleagues truly helped to reenergize our deliberations on this important legislation and we are moving forward in a more focused approach to implement an ethics code.

For your information, I am enclosing a copy of an article from the Providence Journal which appeared the following day, and which summarizes Mr. Miller's presentation. The entire City Council indeed feels very fortunate to have had her expertise and guidance.

I am sure you already know what a gem you have in Ms. Miller, but I wanted to share with you our experience, which went above and beyond all expectations.

Sincerely,



John J. Lombardi
Council President

Enclosure

cc: Adam Hollingsworth
Chief of Strategic Initiatives