

Our Opinion: Step up disclosure

City must enact antidotes to financial conflicts

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The city of Tallahassee must take a hard look at its ethics and disclosure codes in an effort to address what Commissioner Mark Mustian last week described as a "heightened concern about conflicts of interest and potential conflicts."

The city had little choice but to return a \$1.2 million federal grant for improved technology on the south side earlier this month because of ethical questions regarding a vote by Mayor John Marks. He'd advocated for and then voted for a project involving a nonprofit that paid him \$86,000 to be on its advisory board. More entangling, the nonprofit is funded almost entirely by one of the mayor's longtime law firm clients, AT&T.

The project and the grant were part of a partnership with Atlanta-based Alliance for Digital Equality, which would have expanded high-speed Internet services to underserved areas of the community, specifically the Apalachee Ridge neighborhood's Technology Learning Center off of Orange Avenue.

Mr. Marks, through attorney Barry Richard, insisted that he was "completely unaware" that AT&T funded ADE to the tune of \$7.36 million. He was also oblivious to the fact that he should have revealed the fact that ADE had paid him for three years to be an adviser. The cause was so worthy that it apparently didn't dawn on him that his vote was a direct conflict of interest. But it was. ADE obviously felt it needed his clout, given that it had applied unsuccessfully for this kind of federal grant six times in the past. It wasn't until the nonprofit secured the association with the city that it was to be awarded the \$1.2 million.

Commissioner Gil Ziffer last week asked City Hall administration to make sure systems are in place to more closely examine partnerships and other business dealings — no matter how well-meaning or benign on the surface — that are brought before the commission.

That is an important step, to make sure due diligence occurs in any city-related partnerships, and it should have been implemented instantaneously.

Beyond that, city officials — as well as county officials — ought to disclose all of their sources of revenue, including those that are paying them indirectly, as AT&T did through three law firms Mr. Marks either worked for or owned.

In accordance with state ethics codes, elected city officials now disclose their direct sources of revenue — anything that brings in more than 5 percent of their annual income. According to state financial disclosure laws, they're also required to report secondary sources of income after a certain threshold — more than 10 percent of the revenue of that secondary source (such as a law firm, consulting, real estate or other such business), which, in turn, pays the official.

No specific dollar amounts are required, nor any real verification of income beyond that once honored tradition of one's word as bond. The same is true for conflicts of interest: It's up to the office holders to know when it's time to abstain from a vote that could be perceived as benefitting them, and then sit out that vote.

The reason for not only doing a better job of vetting the proposed partners or others engaged in city activities, but also stepping up disclosure by officials is simple, but monumental. It's so citizens may know and have their faith restored that commissioners will put citizens' best interests first and not the interests of themselves or the companies they work for.

Kraig Conn of the Florida League of Cities said that municipalities can adopt their own more stringent standards than found in the state code of ethics, but that regarding financial disclosure, most don't do anything additional to what the state requires.

From time to time, he said, municipalities do move beyond state minimum requirements in areas of lobbyist registration, lobbying contracts and standards regarding anti-nepotism and conflicts of interest.

Commissioner Nancy Miller could not have put it more clearly when she said: "All of us who are elected to office need to be trying to win back the confidence of the public, because they are skeptical and concerned."