

CITY OF JACKSONVILLE



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ETHICS COMMISSION MEETING MINUTES

Monday, November 1, 2021

In-Person Meeting

City Hall, First Floor, Lynwood Roberts Room

Commission Attendees: Ellen Schmitt, J.J. Dixon, Darcy Galnor, Imani Boykin, Dr. Erich Freiberger, Carlton DeVooght, Linda McCallum and LaTonya Lipscomb Smith. Excused Absence: Mary Bland Love. Other attendees: Kirby Oberdorfer, Director, Office of Ethics, Compliance and Oversight (“OECO”); Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel (“OGC”); Andrea Myers, Program and Training Manager, OECO and Sandy Homrighouse, OECO Executive Assistant.

Public in Attendance: John Nooney and Sanya Shah.

The meeting was called to order by Ellen Schmitt, Chair of the Ethics Commission, at 4:36 p.m. The meeting began with Ms. Schmitt leading the attendees in the Pledge of Allegiance. Ms. Schmitt confirmed a quorum of Ethics Commission members were physically present for the meeting. Ms. Oberdorfer shared the Ethics Thought. Ms. Schmitt welcomed Youth Leadership Jax participants Alan Li and Sanya Shah.

Minutes Approval:

September 9, 2021 Ethics Commission minutes: Ms. Boykin made a motion to approve the minutes. Dr. Freiberger seconded the motion. There being no discussion, the motion to approve the minutes passed unanimously with a vote of 8-0.

Staff and Committee Reports:

OECO: Ms. Oberdorfer stated that Ms. Miller was recognized by City Council on October 26 and was presented a proclamation. Ms. Oberdorfer generally reviewed the scheduled activities for the OECO for the remainder of the year and the general matters on which OECO has been recently working on including training through the end of the year and her transition into the Ethics Director position. The Ethics Office budget for the next fiscal year is finalized and the previous fiscal year is closed out. The Ethics Office has also been working on conflicts and has received good feedback on a candidates flyer that was created. The Ethics Office will be conducting the last hour of City Council training and has prepared a JEA fourth quarter tool kit.

OGC: Ms. Pollock reported that on October 26 City Council confirmed Jason Teal as General Counsel.

Complaints Committee: Ms. Galnor advised that the Complaints Committee will meet after the conclusion of the Ethics Commission meeting. There are five pending complaints. At the last meeting of

the Complaints Committee, one complaint was dismissed.

New Business:

Ordinance 2021-761 – Funding for Nonprofit Organizations that Employ Council Members: Ms. Oberdorfer summarized Ordinance 2021-761. As a result of COVID, the City received federal funding this year to assist businesses with COVID related recovery. Part of the funding provided to the City was allotted by Council Members to non-profit organizations with which they had relationships.

Additionally, several non-profit organizations that employ Council Members received direct funding in the City's budget for this fiscal year. As reported in the news, concerns were raised by some non-profit organizations and others about the lack of notice regarding the funding opportunities and potential conflicts of interest.

In response, Council Member Rory Diamond has filed Ordinance 2021-761 to increase notice and transparency of funding to non-profit organizations that employ Council Members. The Ordinance requires all funding appropriated to non-profit organizations is to be awarded through competitive evaluated award processes. The Ordinance creates a new Ethics Code Section 602.413 to require affidavits from Council Members employed by non-profit organizations receiving City funding to disclose certain information required by state ethics laws to avoid conflicts of interest and voting conflicts. The Ordinance also requires financial information from the non-profit. The non-profit financial information and affidavit will be filed in the Ethics Office.

Council Member Diamond has requested the Ethics Commission provide its input into Ordinance 2021-761. Typically, the Ethics Commission issues a resolution in support of ethics related legislation filed by Council Members. Ms. Oberdorfer referred to a draft resolution for consideration. A discussion regarding the ordinance occurred. The Ethics Commission generally agreed to request two changes be made to Ordinance 2021-761. The first requested change was to require information for Council Members and their immediate family members (spouse and children) that are employed by non-profits receiving City funding. The second requested change was to limit the level of participation and influence the Council Member would have on the side of the non-profit preparing the funding application. Ms. Schmitt asked for public comment. Mr. Nooney shared his opinion that not-for-profits should not receive special treatment. Ms. Galnor made a motion to defer Ordinance 2021-761 and instruct Ms. Oberdorfer to relay the Ethics Commission feedback and requested changes to Council Member Diamond and Paige Johnston (OGC). Mr. DeVooght seconded the motion. There being no further discussion, the motion to defer with the two requested changes passed unanimously with a vote of 8-0.

Hiring of Ethics Attorney: The Ethics Attorney position was posted on October 20 and distributed to the Jacksonville Bar Association, Hispanic Bar Association, D.W. Perkins Bar Association, alumni for Edward Waters College, UNF and JU, Florida Association of County Attorneys, Florida City and County Management Association, Florida Bar Local Government Section Listserv, Indeed, LinkedIn and the City's social media pages. The position closes November 14. Employee Services will perform qualification reviews and send the applications to the Ethics Office. There will be an exam and the applicants with the top exam scores of a passing grade and above will be sent to the Ethics Office to interview. Ms. Schmitt will participate in the interviews.

Ethics Commission Officer Elections: Ms. Oberdorfer stated that she polled all eligible Ethics Commission members to obtain preference for Chair and Vice Chair for 2022. Only Ms. Schmitt

expressed an interest in serving as Chair again and only Ms. Galnor expressed an interest in serving as Vice Chair again. Ms. Boykin made a motion to accept both nominations. Dr. Freiburger seconded the motion. Ms. Schmitt asked for public comment. There was no public comment. There being no further discussion, the motion to approve the nominations of Ms. Schmitt as Chair and Ms. Galnor as Vice Chair of the Ethics Commission for 2022 passed unanimously with a vote of 8-0.

2020 Committee Preferences:

Ms. Schmitt requested Ms. Homrighouse poll the Ethics Commission members regarding their preference rankings of all four standing committees and committee leadership roles for 2022.

Old Business:

Ordinance 2020-705 – Political Consultant Registration: Ms. Oberdorfer gave an update on Ordinance 2020-705. The Legislative Committee previously requested that the Ethics Office share their comments and questions with Ms. Johnston and Council Member Dennis. Ms. Pollock, Council Member Garrett Dennis, Ms. Johnston and Ms. Oberdorfer met to discuss the information from the Legislative Committee. Ms. Johnston amended the legislation to address comments and concerns from the Legislative Committee. Ms. Johnston and Ms. Oberdorfer met to review the amended legislation. Ms. Johnston will meet with Council Member Garrett Dennis regarding the amended bill.

Public Comment:

Ms. Schmitt requested public comment. Mr. Nooney shared his opinion regarding public participation.

Announcements:

There were several announcements by Ms. Schmitt and Ms. Oberdorfer regarding accomplishments of Ethics Commission members and the former Ethics Director.

Adjourn: There being no further business to discuss, the meeting was adjourned at 5:24 p.m.

Sandy Homrighouse

5-4-22

Sandy Homrighouse, Executive Assistant, OECO

Date of Approval

This is a summary of the meeting and not a verbatim transcription. A recording of these proceedings is available at <http://www.coj.net/departments/ethics-office/notices,-agendas-minutes> .