

## MINUTES OF ETHICS COMMISSION

DATE: August 25, 2008

Call to order: The Ethics Commission was held in City Hall-St. James Building, Jacksonville, Florida on August 25, 2008. The meeting convened at 4:08 p.m.

Attendees:

Jay Williams, Chair  
Pat Plumlee  
Mary Swart  
Mary Alice Phelan  
Braxton Gillam  
Gene Filbert, Vice-chair  
Pat Sher  
Kirby Oberdorfer  
Bill Wilkens (excused absence)

Christine Lyle, Ethics Coordinator, Jon R. Phillips, General Counsel's office and Pam Markham, Inspector General, were in attendance. Also in attendance: Tia Mitchell, FTU, David Hunt, FTU, Helen Ludwig, LWV, Joe Wilhelm, Financial News/Daily, David Thomy, Citizen, Don McClintock, cityethics.org.

The Chair called the meeting to order. The July 28, 2008 Commission meeting minutes were reviewed and a motion was made by Pat Sher to approve the minutes. The motion was seconded by Gene Filbert and carried unanimously.

### Sub-Committee Reports:

Hotline: Carla Miller reported to the Commission regarding the Sub-Committee meeting held this date, August 25, 2008. The Sub-Committee reviewed 5 of the 18 hotline cases and brought their recommendation to the Commission for final action. She reported that the current process was as follows: The hotline calls are screened by Carla Miller. The calls that allege ethical violations are assigned a number and forwarded to Pam Markham, Inspector General to review and investigate. A review and audit is prepared and posted on the web-site once the case is closed. This posting provides further transparency to the citizens and hopefully promote Hotline usage.

Education: No report.

Legislative: A meeting was held on Friday, August 15, 2008 at noon at the Office of General Counsel. Braxton Gillam gave a summary of the meeting discussion providing that the Sub-Committee has concerns regarding protocol. The Sub-Committee also discussed The State Commission's issued opinion that JPA board members are not required to file financial disclosure and the Commission's support for a J-Bill to require JPA board members to file financial disclosures. The Sub-Committee is scheduled to meet again on September 19<sup>th</sup>.

Compliance: No report.

The Commission held discussion regarding support of the J-Bill to require JPA board members to file financial disclosures. It was determined that in order to get the legislation passed for the next fiscal year, a J-Bill would have to be filed by October 1, 2008.

Braxton Gillam moved for the Ethics Commission to support a J-Bill to require JPA to file financial disclosures. Pat Sher seconded the motion and the motion was approved.

Carla Miller provided the current procedure for Hotline complaints to the Commission and advised the Commission of the uniqueness of the City of Jacksonville's internal procedures, via the City's ethics office, the inspector general and the Commission. She advised the Commission that they will be involved in all of the ethics related hotline complaints following the incoming hotline call received by the Ethics office and the determination of whether the action violates state or local laws. An investigation would be made by the ethics office and the inspector general. She stated that all criminal complaints will be forwarded to the State Attorney's Office and the Jacksonville Sheriff's Office. To date, there have been recommendations made to City departments as a result of reviews, investigations and audits from the hotline complaints.

Ms. Oberdorfer and Mr. Braxton of the Legislative Sub-Committee voiced concerns regarding transparency in the complaint process. Carla Miller responded that the calls are reviewed first for violation of State and local laws, then to the Office of General Counsel, then to the Inspector General for review, investigation and audit, then to the Ethics Commission. The Inspector General's audit will be placed on line. She also stated that the complaint remains confidential until made inactive or closed. Ms. Miller stated that this is the optimum process.

Carla Miller handed out five (5) hotline complaints to the Commission that had been reviewed by the Hotline Sub-Committee, four of which were complaints that were resolved internally and department recommendations were made. One of the five complaints had a recommendation by the Inspector General. She assured the Commission that in the future they would receive the complaints earlier but that she had a back-log coming through the process. Professor Plumlee announced his latest appointment to the Hotline Sub-Committee and expressed that it is prudent for the Hotline Sub-Committee to review the complaints and bring a recommendation to the full Commission; thereby saving the Commission from reviewing and discussing each and every complaint and if the need for full Commission discussion, the complaint in need would be brought before the Commission.

Professor Plumlee moved for the Commission to accept the following motions:

2007-1 be accepted and resolved. Motion passed as amended action – referred to Legislative Sub-Committee.

2007-2 be accepted and resolved. Motion passed.

2007-4 be accepted and resolved. Motion passed.

2007-5 be accepted and resolved. Motion passed.

2008-8 be accepted and resolved. Motion passed.

The Commission discussed the allegations regarding Corrine Brown receiving sand-bags during the recent storm. Carla Miller reported that the Mayor has stated it was an error and it would not happen again. She also stated that there were no State or local laws broken in this action. The Commission agreed no further action necessary, as the Mayor had already addressed and resolved the issue.

Professor Plumlee thanked Carla Miller for her work and stated his appreciation for her help.

There was a brief discussion on a 2-step process before the full Commission thereby saving the full Commission's time if issues are addressed in the appropriate Sub-Committee. All agreed.

Public Comment:

David Thomy discussed the availability of the red-lined Code changes and the availability of the past and present versions on different websites and the Municode website. He stated the need for everyone to have access to the Charter and the difficulties he has had obtaining a bound copy of same. He stated it is his opinion that "we are not following the ordinances". Carla Miller advised Mr. Thomy that all Code revisions are posted on the website in real time and the Ethics Office has it posted on its website. Mr. Thomy urges the Commission to read the ordinances.

Ms. Helen Ludwig wanted to formally thank the Commission and Steve Rohan, Deputy General Counsel, for assistance in changing the legislation to allow campaigning in Senior Centers. She advised that the Code was changed in a timely fashion and she appreciates the help.

The Chair thanked everyone and there was a short discussion on new full Commission meeting dates due to some of the member's schedules. Christine will send an e-mail to determine a better date and time for the future meetings.

Adjourned 5:17 pm.

Next meeting scheduled: September 22, 2008

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Christine Lyle  
Ethics Commission Coordinator

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Date of Approval

