

CITY OF JACKSONVILLE



GENE FILBERT
Chair

KIRBY OBERDORFER
Vice-Chair

ETHICS COMMISSION

BRAXTON GILLAM
HELEN LUDWIG
PATRICK PLUMLEE

MINUTES
June 29, 2009
5:00 p.m.

PATRICIA SHER
SCOTT SHINE
MARY SWART
RHONDA PEOPLES-
WATERS

Don Davis Room; 1st Floor, City Hall; 117 W. Duval Street

Attendance: Gene Filbert, Chair; Kirby Oberdorfer, Vice Chair; Braxton Gillam, Helen Ludwig, Rhonda Peoples-Waters, Pat Plumlee, Scott Shine and Mary Swart (Pat Sher via Teleconference)

Also in attendance: Carla Miller, Ethics Officer; Jon Phillips, Office of General Counsel, Pam Markham, Inspector General, Mike Clapsaddle, Chief of Procurement, Devin Reed, Central Operations, John Germany, Office of General Counsel; Peggy Sidman Office of General Counsel; and Susan Stewart, Ethics Coordinator

The meeting was called to order at 5:07 p.m., followed by the Pledge of Allegiance and introductions by the members.

Carla offered the ethics thought provided by Jon Phillips.

A motion was made by Helen Ludwig to move the minutes, seconded by Patrick Plumlee and the motion carried unanimously to approve the minutes as offered.

Carla provided the Ethics Officer report and that she is currently working on the state financial disclosures and one day ethics training for city employees.

Jon Phillips reported that he and Carla are making progress on the procedures.

Mr. Plumlee reported that the Hotline Subcommittee had two items on the agenda. Case 08-19 was approved to move to the full commission. Braxton Gillam made the motion for closure and the motion carried unanimously. The members voted unanimously, on a voice vote, to close the case.

Case 09-07, was discussed by the full commission in the meeting following the Hotline subcommittee June 22.

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Braxton Gillam as Chair of the Legislative Subcommittee, reported that they will be preparing a presentation for the Charter Revision Commission, more of a discussion rather than a formal meeting and extended an invitation to the entire Ethics Commission to attend the meeting scheduled for Thursday, July 23 at 1:00 p.m.

Mary Swart, Chair of the Procurement Subcommittee stated she had no official report but education will be provided which will be helpful for the full commission.

Carla introduced the members of the General Counsel Office who were there to answer any of the Ethics Commission questions.

A packet was provided to the members that contained section 126.107, Procurement & Exemptions, an example of a pending case, explanation of Council Rules, and part nine on Emergency Legislation.

Discussion followed about the exemptions and competitive bid process.

Peggy Sidman, Office of General Counsel, Chief of Council Legislative Affairs, spoke about resolutions and ordinances that are considered as an emergency and about resolutions needing to be done within a particular time frame and that Council Rules 4.901-4.906, provides for emergency legislation. Any emergency must be approved by 2/3 vote of the Council after public hearings.

Questions, answers and discussion followed.

Mike Clapsaddle, Chief of Procurement, explained 126.107 and exemptions, particularly (g). He stated that procurement doesn't take action until the bill is passed by Council, relative to "G."

Discussion followed with questions and answers with Mr. Clapsaddle.

John Germany, Deputy General Counsel, stated that the City Council controls the purse strings and the authority that is either through ordinance or a procurement award and that the Charter allows Council to enact legislation on any subject not in conflict with state law. There are several state statutes that require specific types of procurements, for instance, anything over \$200,000 for a capital improvement or public construction.

The members had discussion.

Pat Sher offered a motion, with an amendment to refer the issue to the Legislative Subcommittee. Scott Shine seconded the motion. The motion carried unanimously after public comments were made.

Public Comment: Phillip Laibe, Leslie Goller, Nick Callahan and David Hodges

Rhonda Peoples-Waters requested clarification. If the motion pertained to education, and looking into definition as well? Mr. Gillam responded the motion was to refer the matter of legislative change or include in the presentation to the Charter Revision Commission changes that will better serve the public on procurement issues and the use of the term emergency and the removing of the bidding process.

Public Comment: Leslie Goller, David Hodges, Phillip Laibe

Kirby Oberdorfer thanked Chairman Filbert and Carla on the letter regarding the batting cage. She made a motion that was seconded by Braxton Gillam and unanimously approved for Carla to draft a letter to Peggy Sidman, Mike Clapsaddle and John Germany thanking them for their time in educating the commission.

The chair announced the Legislative Subcommittee meeting and the Ethics Commission meetings.

There being no further business, the meeting adjourned at 7:03 p.m.

Susan Stewart
Ethics Coordinator

Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A tape recording of these proceedings is available in the Duval Legislative Delegation Office at City Hall.