

ETHICS COMMISSION
MINUTES
January 12, 2009

The Ethics Commission meeting was held in Committee Room A at City Hall-St. James Building, Jacksonville, Florida on January 12, 2009. The meeting convened at 5:00 p.m.

Attendees:

Gene Filbert, Chair
Kirby Oberdorfer, Vice Chair
Braxton Gillam
Helen Ludwig
Mary Alice Phelan
Pat Plumlee
Pat Sher
Mary Swart
Jay Williams

Other in attendance: Carla Miller, Ethics Officer, Christine Lyle, Ethics Coordinator, Jon Phillips, OGC and Susan Stewart.

The Chair called the meeting to order and opened with the Pledge of Allegiance.

A motion was made and seconded to approve December minutes.

The Ethics thought was given by Carla Miller.

The Chairman stated there were two applications for the position being vacated by Mary Alice Phelan. The commission afforded each applicant a few minutes to encourage the commission's favorable consideration.

Leslie Goller gave a brief overview of her experience followed by Scott Shine, who expressed his interest in the appointment as well.

Following voting, Scott Shine received the appointment to the Ethics Commission.

The Chairman and Commission thanked Mary Alice Phelan for her service.

The Ethics Officer provided the following report:

- A recommendation had been made in 2008 to support City Council Bill 2008-839, by Councilman Yarborough relating to Ethics. (requiring the Independent Agencies to comply with aspects of the Ethics Code, including lobbying and gifts.) This bill passed
- The Ethics Hot Line manual has been updated and will be revised annually, if necessary, in July.

Sub-Committee Reports

Hotline Committee had nothing to report.

Legislative Committee Chairman Braxton Gillam suggested that his committee meet at a specified date and time for scheduling purposes. He offered the 2nd Wednesday of the month at 5:00 p.m.

Compliance Committee reported that the annual reports are online.

Chairman Filbert opened the floor to commission members and the public as to goals or areas of focus for the coming year.

Suggested goals were outlined as follows:

1. Independence of the Ethics Office/Commission

Staffed

Line of Reporting E/O (who should the Ethics Officer report to? Currently, it is the Mayor and President of the City Council.)

2. Additional focus on the Procurement Process

Bidding Process

3. Clarification of Duties of the Commission and Ethics Office

Investigations/enforcement; should there be an ability to conduct investigations? more penalties, enforcement?

4. Feedback from Elected Officials

5. Public Records

Council votes should be on line

6. JEA

7. Subpoena Powers of the Commission to investigate

The Commission stated that structure, sustainability and feedback would fall under the Legislative Subcommittee.

New Business: Mary Swart thanked the Chairman for his part on the report in the Times Union regarding the meeting and suggested that meeting notices be listed in the "Business Happenings" section of the paper.

Citizen Comments:

A gentleman addressed the abuse of the three minute rule at City Council meetings and that government needs to be accountable.

A gentleman spoke about how transparency in government has not been done in the past and that leads to the erosion of confidence in public officials.

A Mr. Thomas explained why he thinks JEA is unethical.

Leslie Goller expressed concern about a public records issue. Jon Phillips stated that the commission had already considered that issue at a prior meeting.

Leslie Goller addressed several issues. The first was the response by the Office of General Counsel to the Commission's request to address the public records request issue written about in Folio magazine. Jon Phillips advised that a letter from the General Counsel was submitted to the Commission at the last meeting. Ms. Goller advised that the letter had not been provided to the public and requested a copy, which Mr. Phillips said he would. Second, Ms Goller addressed the ethics issue needing to be investigated by the Commission of the conflict of interest of the Office of General Counsel acting as lawyer and Judge to city agencies: it is the lawyer to city agencies and when they get into disputes, it then acts as Judge, issuing a binding legal opinion. Finally, Ms. Goller suggested that the Commission consider holding its meeting in different parts of town to encourage more public access and involvement.

The Chairman announced the next meeting will be Monday, February 23, 2009 to be held at the Florida Coastal School of Law. The meeting will convene at 3:30 p.m. and Kirby Oberdorfer will make arrangements for the room. The following meeting will be March 23, 2009 at City Hall at 5:00 p.m.

There being no further business the meeting adjourned at 6:34 p.m.

Next meeting scheduled: February 23, 2009

Susan Stewart
Ethics Commission Coordinator

Date of Approval