

CITY OF JACKSONVILLE



GENE FILBERT
Chair

KIRBY OBERDORFER
Vice-Chair

ETHICS COMMISSION

BRAXTON GILLAM
HELEN LUDWIG
PATRICK PLUMLEE

MINUTES
April 20, 2009
1:00 p.m.

PATRICIA SHER
SCOTT SHINE
MARY SWART
RHONDA PEOPLES-
WATERS

Lynwood Roberts 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; Mary Swart and Jay Williams; Excused: Pat Sher

Also in attendance: Carla Miller, Ethics Officer; Jon Phillips, Office of General Counsel and Susan Stewart, Ethics Coordinator

The meeting was called to order at 1:13 p.m.

The ethics thought was given by Carla Miller, followed by the Pledge of Allegiance and a brief introduction by each member of the commission.

Carla introduced the guest speaker, Robert Myers, Executive Director of Miami-Dade Ethics Commission.

Braxton Gillam offered changes to the minutes. A motion was made, seconded and approved to adopt the minutes, as amended.

Carla indicated she did not have a report, but provided handouts for the meeting.

Legislative Sub-Committee:

Braxton Gilliam, Chair of the Legislative Sub-Committee reported they reviewed a complaint from last year involving access to public records, relating to the Super Bowl Host Committee. He stated that the Mayor's Office has initiated a webpage that outlines procedures for obtaining public records and the assignment of a point person to oversee the process, along with an appeal procedure. The subcommittee recommended sending a letter to Mr. Edwards thanking him for his efforts. In addition, another recommendation was offered to thank the Mayor for addressing the complaints and responding by making government more transparent on the public records requests.

Mr. Gillam indicated the subcommittee also feels a need for a time-frame in which complaints are submitted, not a formal statute of limitations but a standing time frame as there are no procedures in place.

Robert Myers stated that Miami-Dade has an 18 month time-frame to submit a complaint and a three year statute of limitations.

Ethics|Office
117 W. Duval Street, Room 450
Jacksonville, FL 32202
Phone: (904) 630-1476, Fax: (904) 630-2670
Email: ethics@coj.net
HOTLINE: 630-1015

Mr. Phillips stated that most violations of the local ethics code are misdemeanors, so there are applicable statute of limitations laws.

Carla stated that Miami-Dade has a 15 page manual that she and Jon Phillips are adapting for Jacksonville, which includes a statute of limitations. When they finish a draft, they will submit it to the Legislative Subcommittee.

A motion was made, seconded and approved to draft the two letters, as previously discussed.

Hotline Sub-Committee:

Mr. Plumlee reported that the sub-committee recommends that the Commission clear the following cases for closure:

- 2009-03
- 2008-9

The recommendation was seconded and passed unanimously on a voice vote.

Nominating Committee:

Mary Swart, Chair of the Nominating Subcommittee, reported that the subcommittee comprised of Jay Williams and Scott Shine reviewed two applications and spoke with both applicants. The subcommittee recommends Rhonda Peoples-Waters as the nominee. It was suggested that the other candidate, Mechelle Herrington be considered for future openings on the commission. Mrs. Swart proposed to the commission to accept Rhonda Peoples-Waters as the nominee to replace Jay Williams. By voice vote, Ms. Peoples-Waters' nomination was approved unanimously.

Carla distributed and discussed handouts: Roles of an Ethics Officer – internal & external models and stated that Jacksonville has a blend of both. She explained the jurisdiction of the Ethics Commission and that it does not have subpoena power and that the commission does not have the ability to levy civil fines or penalties and that there are no formal procedures in place for processing complaints.

Robert Myers, Executive Director of the Miami-Dade Ethics Commission distributed and discussed his three handouts; 1) the Citizen Bill of Rights; 2) Report documenting the impact of the commission and 3) recommendation to the County Commission.

Mr. Myers provided history, make-up and jurisdiction of their commission and that the Miami-Dade government has 33,000 employees and encompasses 35 municipalities and that they have jurisdiction over 40,000 individuals. The commission is comprised of 5 members with subpoena power. The budget of the Ethics Commission is \$2.3 million set by County Commission with a staff of 15. They work closely with the Inspector General's Office, who has a separate budget of approximately \$5 million.

Questions and answers followed with members and Robert Myers about conflict of interest, bidding processes, and legislation.

Mr. Myers was asked to list the top things, in his experience, that needs to be addressed by this commission. He responded 1) Rules of procedure 2) an independent staff 3) subpoena power and 4) remove elected officials from the procurement process.

Mr. Myers was asked to provide an organizational chart of the Ethics Commission in Miami.

Mr. Myers discussed Miami-Dade's lobbyist policies, such as registration and meeting logs, and that no contingency fees shall be awarded to lobbyists, as well as, disclosure fees and lobbying activities.
Teleconference:

San Francisco: Stated their Ethics Commission was created by Charter Amendment in 1993 and staff came later. When the Ethics Commission was created they established a provision enabling them to place initiatives on the ballot. The Commission consists of five members and they have an Executive Director that reports directly to the Ethics Commission. Their budget is approximately \$2 millions. Questions and answers followed.

New York Conflict of Interest Board – consists of five members and has a budget \$1.9 million and a staff of 21. Their responsibilities are to provide legal advice, enforcement, impose fines, investigate complaints, education, training and financial disclosure of employees. Discussion followed relating to internal and external functions of boards and public and private reprimand letters and situations in which private letters are exempt from public records law.

The Chair recognized Mr. Gillam who requested that issues discussed at this meeting be placed on the agenda for the next meeting for further review. He then read the drafts of the letters to Mr. Marvin Edwards and the Mayor thanking them for their efforts in making government more transparent.

Date for the next meeting was set for Tuesday, May 26th at 3:30 p.m.

There being no further business, the meeting adjourned at 4:45 p.m.

Susan Stewart Date _____ of Approval
Ethics Coordinator

This is not a verbatim transcript of these proceedings, but a summary. A tape recording of these proceedings is available in the Duval Legislative Delegation Office at City Hall.