

MINUTES OF ETHICS COMMISSION

DATE: September 22, 2008

Call to order: The Ethics Commission was held in City Hall-St. James Building, Jacksonville, Florida on September 22, 2008. The meeting convened at 3:36 p.m.

Attendees:

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

Carla Miller, Ethics Officer, Christine Lyle, Ethics Coordinator, Jon R. Phillips, General Counsel's office were also in attendance.

Mr. Filbert led the meeting in Mr. Williams' absence and called the meeting to order. Carla Miller gave the Ethics Thought. Ms. Miller advised the Commission that she recently provided ethics training to the Mayor and the senior staff. She also passed out a "definitions" sheet to the Commission for their review.

The Commission was provided a copy of the minutes from the August 15, 2008, August 25th Hotline Committee, August 25, 2008 Commission and August 29th Commission meeting. Ms. Oberdorfer noted that her attendance at the August 25, 2008 Hotline Sub-Committee was not noted in the minutes. With that correction, Ms. Oberdorfer made a motion to approve the listed minutes and Mr. Plumlee seconded the motion. The motion carried unanimously.

Carla Miller thanked the Commission for their support on the ethics office budget and advised that the ethics office budget was passed. She suggested the priorities for the Commission in the next budget year should be to 1) review the Ethics Office structure; 2) Hotline process and 3) Campaign finance reforms. Ms. Miller will do some research regarding campaign finance and bring to the Commission for consideration.

Carla Miller stated that prior to the meeting she had e-mailed a Times Union article to Commission members on the Trail Ridge contract. She stated that she did this because it concerned the City's bidding process, which the Ethics Commission had voiced interest about in the previous meeting. There was discussion regarding the contents of the article. A motion was raised by M. Phelan for the Commission to express their concerns about waiving the procurement process for this many years to Council Member Webb as the Rules Committee Chair and to ask for the process to be explained to the Commission by Council Member Webb, the City Council Auditors and Office of General Counsel. B. Wilkens seconded the motion. Jon Phillips stated that waiving the bidding process under the circumstances is provided for by law, and that none of the process was conducted in secret, as all of the committee meetings, council meeting, and voting by the Council would be done in the Sunshine with the opportunity for public participation as with any legislation. Carla Miller commented on the need for a truly

transparent system for citizens: Is there enough time for issues to be considered? Are the issues described in plain language and do citizens know the process or how to give their input?

The Commission discussed the importance of transparency of contract waiving and it was moved by P. Sher that the Commission obtain a copy of the contract, call an emergency meeting on this subject, inviting the Office of General Counsel, the Council Auditor, Chris Pearson and CM Webb, to educate the Committee on the Trail Ridge contract. M. Swart seconded the motion. The motion carried unanimously. M. Phelan's previous motion was withdrawn.

The Commission discussed 602.803 and future discussions by the Legislative Sub-Committee to review the language and consider new language to include that over a certain amount of money a lobbyist must disclose his/her fee.

Carla Miller noted that Paul Harden had not amended his lobbyist registration for Waste Management. There was discussion about whether he was required to do so and inquiry concerning what the normal practice was for all registered lobbyists.

Sub-Committee Reports:

Legislative: The August meeting was cancelled and will be rescheduled.
Hotline: No report; however, M. Phelan stated the need for procedure to be in writing.
Compliance: No report.

New Business:

K. Oberdorfer invited the Commission to hold a regular Commission meeting at the Florida Coastal School of Law and to have a question/answer period for the students following the meeting. The best time for the students to have the meeting there is on Tuesday and Thursdays from 12-1 p.m. (lunch). A quorum is not necessary for this meeting. The meeting must be noticed and there will be adequate access for the public to hold the meeting at the school. There was positive discussion about holding the November meeting at the School. M. Swart moved to have the November meeting at the Florida Coastal School of Law. P. Plumlee seconded the motion and it was carried unanimously.

Carla Miller advised the Committee that she will be at the International Anti-Corruption Seminar in Greece (Transparency International) from October 22, 2008 through the first week of November.

A discussion was held regarding the October meeting. K. Oberdorfer moved to hold the meeting on the 20th instead of the 27th and B. Wilkens seconded the motion. The motion was carried unanimously and the next regular meeting will be held on October 20, 2008 at 3:30 p.m.

Public Comment:

Don McClintock, interested citizen, suggested to the Commission that a letter be sent to Paul Harden asking him to amend his lobbyist registration form to include his financial interests in the Waste Management contract, if any, given the newspaper article.

A discussion was held regarding the lobbyist forms and the updates of same. M. Swart moved that Carla Miller, as the Ethics Officer, send all lobbyists a letter detailing the specifics of the form reminding them to update the forms. P. Plumlee seconded and the motion was carried unanimously.

Gary Hall spoke to the Commission and voiced his agreement to the recent motion regarding lobbyists.

The Commission adjourned at 4:45 p.m.

Next meeting scheduled: October 20, 2008 at 3:30 p.m.

/s/ Christine Lyle
Christine Lyle
Ethics Commission Coordinator

September 30, 2008
Date of Approval

