

MINUTES OF ETHICS COMMISSION SUBCOMMITTEE

DATE: January 18, 2008

Call to order: An Ethics Commission Sub-Committee meeting was held in City Hall-St. James Building, Suite 480, Conference Room A, Jacksonville, Florida on January 18, 2008. The meeting convened at 2:46 p.m. Attending was Vice-President, Gene Filbert and Commission member Kirby Oberdorfer.

Vice-President called the meeting to order and discussion was made regarding the procedure for Jacksonville citizens to report complaints to the Ethics Commission. The Sub-Committee discussed the following two processes for citizens to report complaints regarding Ethics Code violations to the Ethics Commission: (1) open forum, where citizens could make an oral complaint during the monthly Ethics Commission meeting and (2) written complaint procedure, where citizens could file written complaints with the Ethics Officer.

In regards to the open forum, the Sub-Committee determined that each citizen should be given no more than five (5) minutes to make an oral complaint before the Ethics Commission at the beginning of each meeting following the Pledge of Allegiance. The complaints should be limited to issues regarding mismanagement, malfeasance, misfeance, gross waste of public funds, neglect of duty and violations of City of Jacksonville Ethics Code by covered city officials and employees. The Sub-Committee further determined that the Ethics Commission should inform the citizen about the written complaint procedure at the end of the citizen's oral complaint to the Ethics Commission.

In regards to the written complaint procedure, the Sub-Committee determined that the Ethics Commission should adopt portions of the Atlanta, Georgia Board of Ethics rules for written citizens' complaints. Under the procedure, each citizen would have an opportunity to make a written complaint to the Ethics Officer on the issues of mismanagement, malfeasance, misfeance, gross waste of public funds, neglect of duty and violations of City of Jacksonville Ethics Code covered city officials and employees. The written complaint would be submitted on a form approved by the Ethics Commission. Upon receipt of a written citizen's complaint, the Ethics Officer would then make a preliminary review of the written complaint to ensure that all required information was provided and that the Ethics Commission had jurisdiction to review the complaint. If the requirements were met in the written complaint, the Ethics Officer would send a written notice to the person against whom the complaint was filed and the person would have an opportunity to respond to the allegations in the written complaint. The Ethics Officer would also conduct an investigation to determine if probable cause of a violation existed. If the Ethics Officer found probable cause of a violation, she would provide a written report of her findings to the Ethics Commission and the person against whom a written complaint has been filed. Following receipt of the probable cause report from the Ethics Officer, the Ethics Commission would schedule a hearing to determine whether there has been a violation. The person filing the written complaint and the person responding to the written complaint would be given notice of the hearing before the Ethics Commission. During the hearing, both the complaining and defending party or parties would have an opportunity to attend and testify at the hearing. Additionally, the defending party would have an opportunity to be represented by counsel, call witnesses and cross-examine witnesses and present evidence. At the conclusion of the hearing,

the Ethics Commission would deliberate on the evidence and determine whether a violation had occurred. If a violation is found to have occurred, the Ethics Commission would issue an appropriate sanction as authorized in the Ethics Code. A defending party who is found by the Ethics Commission to have violated the Ethics Code or committed mismanagement, malfeasance, misfeance, gross waste of public funds, or neglect of duty would have the right to appeal the decision to the appropriate judicial forum.

Finally, the Sub-Committee discussed developing a procedure whereby the Ethics Officer could report to the Ethics Commission a general summary of the complaints received on the Ethics Hotline, in writing or from other sources. Such report may contain information such as the number of complaints received, process from which complaint was received (i.e. Ethics Hotline, written complaint procedure, etc.), number of complaints with merit and without merit and number of complaints pending investigation. However, the Ethics Officer would not provide any details or information regarding a specific complaint.

A motion to approve the above procedures was moved by the Vice-President. Motion carried.

Adjournment: The meeting was adjourned at 4:05 p.m.

Kirby Oberdorfer
Ethics Commission member

Date of Approval