

CITY OF JACKSONVILLE



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CHAIR

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VICE CHAIR

YWANA ALLEN
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JOE JACQUOT

ETHICS COMMISSION

TOM PAUL
LARRY PRITCHARD
JAMES YOUNG

LEGISLATIVE SUBCOMMITTEE
MINUTES

August 20, 2012
Don Davis Room
City Hall

The meeting was called to order by James Young, Chair at 5:25 p.m., a quorum was present.

Attendees: Ywana Allen, Braxton Gillam, L. E. Hutton, Cynthia Irvin, Joe Jacquot, Tom Paul, Larry Pritchard and James Young

Others in attendance: Carla Miller, Director of the ECO Office; Jason Gabriel, Office of General Counsel; and Susan Stewart, Ethics Coordinator

The minutes from the May 7, 2012 meeting were unanimously approved.

Jason reported to the Subcommittee that the legislation, specifically 2012-364E, regarding the Downtown Investment Authority, passed with the Commission's recommendations regarding financial disclosures.

Carla reported on lobbying and that Kirby Oberdorfer, former EC member, will be in charge of legislation relating to lobbying and that Wes will work her and they will provide drafts on lobbying reform for the Ethics Commission.

Members discussed obtaining volunteers for various issues.

Carla informed the members of an incident that happened at the Police and Fire Pension Fund meeting where Mr. Bates was charged \$0.30 for an agenda, he didn't have any change, so Councilman Crescimbeni loaned Tony the change so he could get an agenda. The Chair asked Carla to bring this up at the Ethics Commission meeting.

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The "Ideas for Proposed Ethics Legislation" handout was discussed. Carla provided a copy of San Antonio's Ethics Code.

From the handout, James Young volunteered to provide the whistleblower laws from Miami (#3 on the handout). Larry will look at statistics from Miami and West Palm Beach (#2 on the handout). Possibly recruit an intern for item #5 and Mary Swart for #6. Carla will draft a policy for instituting a fine for violation of non-disclosure of secondary employment (#7 on handout).

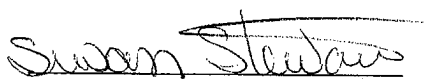
Rule 8 from the Rules for Review, Investigation and hearing of Complaints was discussed. Jason and Carla will work together on details for self-initiating complaints, drafting a concept flow-chart and procedures. Suggestions were made to rely on the Office of General Counsel for insuring the Commission has procedures for due process and clarification of wording.

Braxton made a motion to temporarily use standard hotline procedures on non-sworn hotline matters that come to the Ethics Commission anonymously or through the Hotline until Rule 8 procedures are in place. That way there will be due process for those complaints that are not sworn. The motion was seconded by Tom and unanimously approved.

Members offered suggested changes to Rule 8, and a proposed flow document. Members should get with Carla to offer additional suggestions and it will be discussed at the next Ethics Commission meeting.

Carla will locate other procedures for commissions that have self-initiating procedures, to compare so as to not reinvent the wheel.

There being no further business, the meeting adjourned at 6:40 p.m.


Susan Stewart
Ethics Coordinator

5/28/13
Date of Approval

This is not a verbatim transcript and a recording of these proceedings is available in the delegation office.

IDEAS FOR PROPOSED ETHICS LEGISLATION
August 20, 2012 by Carla Miller ECO Director

1. Review of the conflict section of Chapter 602; coordinate with Chapter 112 Florida law; eliminate duplications.
2. Take a look at stats in Miami and WPB Ethics Commission; what cases do they handle? They have many complaints, hearings, etc. Based on what laws? Should we use those laws?
3. Whistleblower protection section (see Miami)
4. Revamp lobbying laws
5. Move campaign infractions back into 602; maybe add some
6. Transparency in Procurement; online access to sole source contracts and proprietary kept online; notification to City Council of all appropriations in excess of one million
7. Specific penalties for non-disclosure of secondary employment; defer to HR for reporting

RECOMMENDATIONS FOR LEGISLATION -
Ethics Officer, April 26, 2010 (per Code section 602.1102 p)

LOBBYING—note: we need a live online system (Orange County has software we can adapt); we need it to be user friendly and searchable.

Recommend disclosure of fees in certain cases (see current State of Florida law)B

Ban on all gifts from lobbyists

Log of contacts with city council members (see Orange County)

Ethics Commission/Office to have more oversight in lobbying compliance

Part 6 of Chapter 602 of the Ethics Code to be named: Procurement Ethics

If city official or employee or their family members are banned from certain employment/contracts with the city by state law, then disclosure or ban if they sub-contract to a company doing the same

Cone of Silence (around procurement officials when they are evaluating bids; no contact with procurement staff by city officials.

All Sole Source and Proprietary contract information to be kept online (including the justification for that type of bid; who won the contract and summary of the contract details)

Disclosure of Campaign Contributions in bidding process

Discussion on Charter amendment recommendation that no contract can be finalized by Council unless the FINAL contract is attached to the bill; if any amendments are added, there should be a new public hearing. (If this is not done by charter amendment, a code provision can be waived by Council.)

RULE 8: PROPOSED FLOW

Aug. 20, 2012

(Situations can come in by the Hotline, letters, non-Hotline phone calls; newspaper articles, etc.)

ED (ethics director) reviews for legal sufficiency (Rule 6b); is this something that falls under Chapter 602? Within the 2 year statute of limitations period? Is an allegation against a specific person? (if not, can go to the EC Commission to open a discussion on general policy).

If legally sufficient, ED does summary report on situation for review by EC Chairman. Summary of ED's report sent to Respondent. If NOT legally sufficient, and anonymous, case logged in for later review.

Rule 6b: If the ED finds legal sufficiency, she shall consult with the Chair. Possible options to discuss between ED and EC Chair:

1. Direct referral of matter to entire EC for self-initiation of complaint
2. ED and/or OGC directed to do more of a basic investigation to get additional facts, and then, back to Chair for a decision on whether at that time there is enough to take to entire EC
3. Clearly not enough evidence for a case; dismissal;
4. Referral.

Then, Share meeting of entire Commission to make decision as to self-initiation; (6 of 9 must vote in favor of moving forward). EC can decide to:

1. Self-initiate
2. Ask for more of an investigation
3. Dismiss
4. Refer and end case; or refer and stay case (pick it up again in the future)
5. Start a policy discussion/end specific case though

Full Investigation for Probable Cause
Probable Cause determination by EC
Case becomes public
Hearing

Division 1: Declaration of Policy

Section 2-41 Statement of Purpose

Section 2-42 Definitions

Division 2: Present City Officials and Employees

Section 2-43 Conflicts of interest

Section 2-44 Unfair Advancement of Private Interests

Section 2-45 Gifts

Section 2-46 Confidential InformatiON

Section 2-47 Representation of Private Interests

Section 2-48 Conflicting Outside Employment

Section 2-49 Public Property and Resources

Section 2-50 Political Activity

Section 2-51 Actions of Others

Section 2-52 Prohibited Interests in Contracts

Section 2-53 City Council Contract Personnel

Section 2-54 Persons Required to Report; Time to Report

Division 3: Former City Officials and Employees

Section 2-55 Continuing Confidentiality

Section 2-56 Subsequent Representation

Section 2-57 Prior Participation in Negotiating or Awarding of Contracts

Section 2-58 PROHIBITED INTEREST IN Discretionary Contracts

Division 4: Persons Doing Business With the City

Section 2-59 Persons Seeking Discretionary Contracts

Section 2-60 Disclosure of Association with City Official or Employee

Section 2-61 prohibited contacts during contract solicitation period

Division 5: Lobbyists

Section 2-62 Definitions

Section 2-63 Persons Required to Register as Lobbyists

Section 2-64 Exceptions

Section 2-65 Registration

Section 2-66 quarterly Activity reports

Section 2-67 Restricted Activities

Section 2-68 Identification of Clients

Section 2-69 Timeliness of filing registrations and reports

Section 2-70 Administration

Section 2-71 Constitutional Rights

Division 6: Members of the Public and Others

Section 2-72 Forms of Responsibility

Division 7: Financial Disclosure

Section 2-73 Financial Disclosure Report

Section 2-74 Contents of Financial Disclosure Reports

The City of San Antonio
Ethics Code
September 17, 2009

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- Section 2-42 Definitions

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