

JACKSONVILLE ETHICS COMMISSION
Annual Report
2013

As 2013 draws to a close, I am grateful for the opportunity to have served as the Ethics Commission Chair. It has been an exciting year where a great deal was accomplished in further developing Chapter 602, Jacksonville Ethics Code; resolving ethics challenges as they were identified; and setting a structured course for the future. In accordance with Ethics Commission Internal Operating Procedures, paragraph VII, adopted August 25, 2010, this summary of the Ethics Commission's activities for 2013 is hereby filed.

Our members (designated by their appointing organization) included: James Young, Chair (Ethics Commission); L. E. Hutton, Vice Chair, (State Attorney); Ywana Allen (Ethics Commission, term expired December 2013 – nominated for reappointment); Dr. George Candler (City Council); Alan Pickert (Mayor); Cynthia Irvin (Chief Judge, term expired December 2013); Joe Jacquot (Public Defender, term expired December 2013 – nominated for reappointment); Thomas Paul (Ethics Commission); and Larry Pritchard (Sheriff's Office). Also serving for a partial year were Tatiana Salvador (through March 2013) and Braxton Gillam IV (through July 2013). The Ethics Commission was supported by Carla Miller, Director of the Office of Ethics, Compliance and Oversight (ECO); Jason Gabriel (through June 2013) and Cherry Shaw (from June 2013) as Ethics Counsel; and Susan Stewart and Allan Childers (beginning December 2013), ECO Coordinators.

Working with a team of volunteer professionals, we focused on six key areas of importance in following the goals for the City Ethics Program.

1. Position the Ethics Commission to provide a focused, thoughtful and comprehensive approach to current and future issue resolution of ethics issues.
2. Develop and recommend legislation that implements ethics governance safeguards.
3. Enhance the Ethics Program by continuing to seek ways to simplify the ethics code, processes related to ethics within the City, and Ethics Commission procedures.
4. Provide proactive approaches to ensure new technologies available to City officials and employees comply with ethics legislation and intent.
5. Assist in building the independent Office of Ethics, Compliance & Oversight (ECO) by supporting the independence of the Director, ECO, and in obtaining necessary resources.
6. Develop mechanisms to support ethics training across the City.

Year-End Review

Using the guiding principles outlined in Chapter 602, Jacksonville Ethics Code, the Ethics Commission successfully accomplished the following milestones during 2013.

1. Position the Ethics Commission to provide a focused, thoughtful, and comprehensive approach to current and future issue resolution.

The Ethics Commission began the year by developing a Strategic Planning Session where Commissioners outlined key objectives for a future 4-5 year timeframe. Our purpose was to determine priorities, allocate and assign resources, and design a roadmap to achieve the goal to “Enhance and strengthen the ethics and compliance culture of the City and its agencies and build citizen trust.” The Subcommittee on Rules and Planning, led by Commissioner Tom Paul, spearheaded and pursued development and refinement of a long-range planning spreadsheet titled “Strategic Plan Project Priorities.” The Subcommittee added a planning calendar to give Commissioners a perspective that combined their administrative responsibilities and approach to resolving ethics compliance issues within their purview. With this perspective, the Nominating Subcommittee supported activities to replace departing Commissioners throughout the year as required by reappointment/appointment, the Chair and Vice Chair positions were nominated and elected on schedule, and Commission ethics oversight responsibilities continued without interruption.

The spreadsheet and planning calendar are now tools updated regularly by incorporating inputs from subcommittees and real-world changes affecting Ethics Commission priorities, powers and duties. The Subcommittee laid the foundation for future work on measuring success of the ethics and compliance program, engendering citizen trust.

2. Develop and recommend legislation that implement ethics governance safeguards.

Implementing ethics governance safeguards is a primary responsibility of the Commissioners. The Commission implements ethics governance safeguards through a number of ways. Sometimes, these safeguards result from complaints that City officials are not following existing legislation and the Commission seeks enforcement or provides additional clarification of the legislation. Other times, we identify when new legislation is needed. The following offers some examples of Commission actions which were closed in 2013 after potential violations to existing legislation were identified and investigated:

- The Commission often identifies the need for governance safeguards when potential ethics violations are reported. In 2013, the Commissioners closed a complaint resulting from an anonymous Hotline tip in 2012 concerning interpretation of State gift law on travel per State of Florida Ethics Commission (SEC) opinions. The Jacksonville Commission’s position was ultimately validated by the SEC and changes/clarifications to City policy, procedures for processing travel gifts to City officials, and appropriate training ensued. Travel Funds legislation was passed by City Council and clarified procedures.

- In another Hotline case, a City official was identified as performing secondary employment without complying with City ordinance on reporting such employment. The case was resolved and additional ethics training was determined as required for City employees.

Commissioners reviewed and endorsed through resolutions their support to State legislation in several areas. The following bullets provide examples. In each case, Commissioners will continue to pursue these issues in the future to engender public trust in City of Jacksonville processes.

- The Commission offered a resolution endorsing City Council proposed legislation regarding permitting citizens the right to speak at hearings and the need to establish standards and procedures to encourage public participation in public meetings. The Legislative Subcommittee followed up by drafting local legislation regarding public comment at COJ meetings. The State legislature enacted legislation effective October 1, 2013 which the Ethics Commission continued to monitor as to implementation.

- Commissioners endorsed proposed legislation amending and clarifying Chapter 15 of the Ordinance Code concerning the “Sunshine Compliance Act.”

- Commissioners drafted and proposed legislation emphasizing City Council support for State legislation requirements on ethics training and associated accountability for City officials and employees. Commissioners acted because of a divergence of opinion between the Jacksonville Office of General Counsel and the Ethics Commission on whether the State legislation applies to our local officials.

3. Enhance the Ethics Program by continuing to seek ways to simplify the Ethics Code, processes related to ethics within the City, and Ethics Commission procedures.

The Ethics Commission approach enhanced the City program through several avenues. This year the Commission specifically focused on implementing into the Jacksonville Ethics Code, Chapter 602, language concerning conflicts of interest and whistleblower protection.

- A new Chapter 602, Section 602.401, “Conflicting Relationships,” was written by Director ECO and the OGC representative to the Commission and supported by the Ethics Commission. The legislation will simplify and combine portions of previous language in Chapter 602, Sections 3, 4, and 5.

- A new Chapter 602, Section 602.501, “Whistleblower Protection,” was written by Director ECO and the OGC representative to the Commission, supported by the Ethics Commission, and implemented by bill from the City Council in August. The legislation supports State of Florida Whistleblower’s Act F.S. 112.3187 (1993) and creates a local structure for processing whistleblower cases.

In another effort, the Commission began to address how procurement codes from around the state (e.g., conflict of interest laws) through the work of volunteer Cole Cartledge. The goal is to provide future language concerning procurement ethics policy and guidance in the Ethics Code.

We revised and implemented the Ethics Commission “Rules and Procedures for Review, Investigation, and Hearing of Complaints” to simplify the document and, therefore, understanding of the process.

4. Provide proactive approaches to ensure new technologies available to City officials and employees comply with ethics legislation and intent.

The Subcommittee on Transparency and Open Government developed policy, and provided leadership and knowledge concerning the use of text messaging for official business. Commissioner Jacquot led the campaign to change City policy and the associated training on retention of text and other non-transitory messages. The goal is to avoid potential ethics conflicts similar to what Commissioners learned transpired in Orange County, Florida.

5. Assist in building the independent Office of Ethics, Compliance & Oversight (ECO) by supporting the independence of the Director ECO.

The Commission and Director ECO continued their independent operations and support to each other throughout this period. Commissioners successfully supported City Council approving an adequate ECO budget, and hiring and approving the first full-time staff appointee to support the program.

6. Develop mechanisms to support ethics training across the City.

The Subcommittee on Education developed projects to review the following: Miami/Dade programs and goals (including Ethics Bowl); to provide presentations at six different Duval County school social studies classes; and to discuss with the Director of School Safety and Discipline for engagement with Duval County schools. Discussions with the Director ECO focused on integrating ethics in Duval County with new initiatives as well as establishing protocols for volunteers who would present ethics education. A transition in Duval County School contacts delayed enactment of these projects until a future timeframe.

As required by the Code, Section 602.1001, “Ethics Education,” the Director ECO trains officers and employees at New Employee Orientation on their ethical responsibilities when beginning work with the City. Consistent with inputs from the Ethics Commission, the ECO office collaborated on ethics training with current City department leaders and persons outside City government. The ECO conducts ethics training several times each month.

The Director ECO and OGC Ethics Counsel continue to address and educate City Boards and Commission officials on ethics provisions in the Jacksonville’s Ethics Code and State of Florida legislation. In December, ECO, the Public Accountability Officer Alexis Lambert, and OGC conducted annual Sunshine Law and Ethics Compliance training to the City Council members and staffs, Mayor’s office, and department personnel. Our Ethics Commissioners also continued to receive regular ethics training throughout the year.

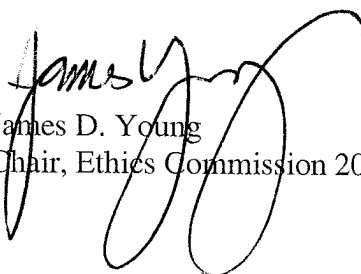
Summary

The Commission, supported by the ECO Office, worked extensively to enhance and strengthen the ethics and compliance culture of the City of Jacksonville in 2013. We attacked several complex issues which required a thoughtful, coordinated, and comprehensive approach. We approached each task with a focus on engendering citizen trust. We sought citizen inputs throughout the year.

The Ethics Commission supports an Ethics webpage to promote openness of all meetings and procedures except those that remain confidential per Florida law. For public transparency, a complete picture of Ethics Commission processes, procedures, and meeting notices/minutes with audio files are located at <http://www.coj.net/departments/ethics-commission.aspx>.

The Commission continues to reflect the issues and transparency in governance demanded by the citizens of Jacksonville. Our focus and practices have become more sophisticated and representative of the need for clarity and a comprehensive approach to ethics challenges. I trust that this Commission will remain an example for truly objective, transparent, and fair deliberative governance within Jacksonville.

Respectfully Submitted,



James D. Young
Chair, Ethics Commission 2013