

CITY OF JACKSONVILLE



JAMES YOUNG
CHAIR

YWANA ALLEN
GEORGE CANDLER
CYNTHIA IRVIN
JOE JACQUOT

L. E. HUTTON
VICE CHAIR

TOM PAUL
ALAN M. PICKERT
LARRY PRITCHARD

ETHICS COMMISSION

Minutes
Ethics Commission
September 3, 2013
Don Davis Room
City Hall

The meeting was called to order by James Young, Chair, at 5:02 p.m., a quorum was present.

Attendees: George Candler, L. E. Hutton, Cynthia Irvin, Joe Jacquot, Tom Paul, Alan Pickert, Larry Pritchard and James Young Excused: Ywana Allen

Others in attendance: Carla Miller, ECO Office; Cherry Shaw, Office of General Counsel; and Susan Stewart, Ethics Coordinator

A motion was made to approve the minutes from the August 5, 2013 meeting. The motion was unanimously adopted.

The Chair recognized Stan Weston, who was recently appointed to the State of Florida Ethics Commission, for a few remarks.

Reports:

ECO Office: Ms. Miller provided an update that the two City Council bills, (one on whistleblower and the other on travel funds), had passed Council. She discussed she is working on conflict of interest; training; the ethics plan; and state form filing compliance. Questions and answers followed relating to the new travel policy and its distribution. The travel policy will be disseminated by Carla.

Education subcommittee: No report.

Legislative subcommittee: No report.

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

Nominating subcommittee: No report.

Rules and Planning: No report.

Transparency and Open Government: Mr. Jacquot reported on the status of text messaging and a recent conversation with a Councilmember regarding text messaging. He also discussed how he was able to access text messages and that the technology exists and he is pleased how that part is successful.

Unfinished business:

The Chair announced that he had met with Mia Jones regarding the previously discussed handling of complaints for people serving on Boards and Commissions complaints. He indicated that she will work on policy solutions about complaint procedures with boards and commissions members, employees and volunteers.

Ms. Miller indicated she sent an email on the new law for boards and commissions relating to public testimony at meetings.

New Business: Ms. Miller discussed that she is working with the Employee Services Division on hiring for the position for hiring the ECO Coordinator, and provided a handout. Ms. Irvin volunteered to assist in the process. Discussion followed. Mr. Pritchard requested that any lobbying for the position should be disclosed in writing, so the process is transparent.

A motion was made by Mr. Paul to adopt the hiring process, seconded by Mr. Pickert and unanimously approved.

Public Comments: Conrad Markel spoke, remarks are attached.

The next meeting of the Ethics Commission was set for Monday, October 7, at 5:00 p.m.

There being no further business the meeting adjourned at 6:01 p.m.

Susan Stewart, Ethics Coordinator

Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A recording of these proceedings is available in the Duval Legislative Delegation Office at City Hall.

New Law for Boards and Commissions- effective October 1, 2013

The Right to Be Heard – Now a Right of Citizens at ALL public meetings.

- This new law (effective Oct. 1, 2013) applies to all local boards or commissions
- Citizens must be given an opportunity to be heard on any proposition.
- The opportunity to be heard does not have to be at the same meeting when action is taken on a proposition, but must be within a reasonable time period before that meeting.
- The opportunity to be heard does not apply to: an emergency situation; a ministerial act (approving minutes, for example); or in quasi-judicial hearings.
- A board or commission may adopt rules governing public comments at meetings, but the rules are limited to:
 - Setting time limits;
 - Establishing procedures for a representative to speak for a group, rather than every member of the group speaking individually;
 - Making forms for citizens to notify the board or commission of a desire to be heard; or,
 - Setting a specific time for public comments.
- A board or commission is considered to be complying with this law if it adopts rules and follows those rules when giving an opportunity for citizens to be heard.
- To enforce this law, a circuit court may grant an injunction.
- If an action is filed against a board or commission and the court finds a violation of this law, the board or commission will have to pay reasonable attorney fees to the citizen.
- If an action is filed by the citizen in bad faith or is frivolous, the court may require the citizen pay reasonable attorney fees to the board or commission.
- If a board or commission takes action in violation of this law, the action they voted on is still valid.

Proposed Procedure:

1. Have speaker cards at every public meeting.
2. Before taking a final vote on a motion, make sure there has been an opportunity for public comment, unless proposal is merely ministerial.
3. If citizens are in attendance at a meeting, allow for public comment.

Sec. 602.611. Office of Ethics, Compliance and Oversight; Creation.

(a) There is hereby created, pursuant to Section 1.203 of the Charter of the City of Jacksonville, the Office of Ethics, Compliance and Oversight, the purpose of which is to coordinate ...

(b) The Office of Ethics, Compliance and Oversight is an independent office which is:

(1) Independently budgeted and accounted for; and

(2) **Whose executive director is appointed by the Jacksonville Ethics Commission subject to Council confirmation;** and

(3) Whose budget is recommended to the Mayor by the Director of the Office of Ethics, Compliance and Oversight and approved by Council.

Sec. 602.612. Organization.

(a) Staffing. (1) General staffing. The Office of Ethics, Compliance and Oversight **shall be staffed, at the discretion of the Ethics Commission, and subject to available funding, with a director and such other executive positions approved by Council,** each of whom must be knowledgeable and experienced in management, leadership, auditing, oversight, investigation, training, contract administration, and clerical functions deemed necessary to the proper functioning of the office.

(2) Director. (i) Appointment. The director of the Office of Ethics, Compliance and Oversight shall be a registered Duval County voter at the time of hire, or shall relocate to Duval County within six (6) months of hire, and shall be appointed for a term of three (3) years by the Jacksonville Ethics Commission, and the appointment shall be confirmed by Council. The Director shall be exempt from civil service.

(ii) Separation. (iii) Vacancy. In the event of a director vacancy, the position shall be filled temporarily by a non-confirmed appointment by the Ethics Commission for a period not to exceed 180 days, and then as provided for in subsection (i) above.

(3) Volunteers..

(b) Administrative support.

(1) Additional staffing. The Director of the Office of Ethics, Compliance and Oversight shall have the power to appoint, employ, and remove such other personnel as is deemed necessary for the efficient and effective

administration of the activities of the office, subject to the budget approval of City Council. All such appointees shall serve at the pleasure of the Director and shall be exempt from civil service.

(c)Qualifications. The Executive Director shall have a bachelor's degree or higher from an accredited college or university, with a preference for an advanced degree in applied ethics, law, or public administration; at least ten years experience in related activities such as administration of an ethics office or activity, ethics related legal work, criminal justice administration; and administrative experience.

ETHICS COMMISSION 602.921

Powers and Duties:

e) Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

CHARTER Section 1.202. Ethics Code, Ethics Commission.

The City of Jacksonville, acting in its capacity as a county, shall enact an ethics code with

(f)act as the hiring committee for the administrative staff of the ethics oversight and compliance office;

ETHICS COORDINATOR TO APPOINTED OFFICIAL (ECO Director)

**General Administration
Administrative & Office Support
Worker
Sort Code:**

**Occ Code:
Non-Exempt Status
Pay Grade:**

This position reports to the Director of Ethics, Compliance and Oversight (ECO) and provides program and administrative support to the Director. The ECO Office is responsible for administering and enforcing city laws relating to governmental ethics, and in complying with all duties in Part 6 of the Ethics Code (ECO office duties).

Primary responsibilities include the following:

- Review an analysis of complaints, questions to office and to Hotline; conducts basic fact finding research; makes recommendations on intakes and complaints;
- Ability to establish and maintain effective working relationships with elected officials, employees and citizens
- Provides excellent customer service through proactive responses, resolving concerns, performing research, providing referrals and follow up.
- Prepares routine and complex correspondence and reports, reviews for accuracy all documents for the Director's approval.
- Prepares for and participates in meetings; scheduling location, preparing agenda, inviting subject matter experts and guests, and recording and transcribing minutes.
- Manages the Director's calendar and schedule and sets and coordinates meetings.
- Serves as a resource for administrative duties, purchasing, personnel matters, customer services, and other duties as required.

Qualifications:

This employee is expected to demonstrate, model and reinforce the office's values of fairness, respect, honesty, excellence and teamwork.

Exceptional written and verbal communication skills

Exceptional interpersonal skills

Exceptional judgment

Ability to understand, interpret analyze and communicate complex laws

Ability to use software and electronic technology

Flexibility and an ability to successfully juggle competing priorities

Ability to work well under pressure and in a politically sensitive environment

Salary: Negotiable; no defined benefit pension plan (eligible for defined contribution plan); health insurance provided.

Position Requirements: A degree from an accredited college or university with an emphasis in political science, ethics, public policy, law, accounting or a related field. An advanced degree would be desirable.

Application Process:

Email cover letter, resume, and a recent writing sample (up to 5 pages) to: _____

Applications must be received by: _____

For additional information, please submit in writing to: _____

Approved:

Public Comment

Please note that your comments will not be considered a formal complaint unless you complete and submit an official complaint form. These complaint forms are available on-line and at meetings.

Name: MARKLE, CONRAD Date: 3 Sept 2013

Address: 1146 Romney ST Phone: 744 4569

Representing: CTDC

Issue: Charlie Appleby CEO Advanced Disposal Being Awarded Business Ambassador Award By Gov. Scott who came to The New HQ in OCCATEE TO MARK THE A
Award -

Comments: This is a DISCONNECT AT BEST THAT
The Gov. would come to ST. Johns CTY TO Award A Business
Ambassador Award For ^{AN} Exemplary Business - This Immediately
AFTER ADVANCED DISPOSAL MOVED FROM DWAL CTY owing
±\$5M Going Back 4yrs. (ATLEAST) DUE TO IMPROPER HANDLING
OF A MOUNTAIN OF YARD WASTE HIS COMPANY HAS AGGRAVATED
CITED AS ILLEGAL BY DEP AT THEIR (ADVANCED) OLD KINGS ROAD LANDFILL

Email: cmill43@yahoo.com

Please provide your telephone in case we need to contact you for additional information. Thank you.