

CITY OF JACKSONVILLE



JAMES YOUNG
CHAIR

L. E. HUTTON
VICE CHAIR

YWANA ALLEN
GEORGE CANDLER
CYNTHIA IRVIN
JOE JACQUOT

ETHICS COMMISSION

TOM PAUL
ALAN M. PICKERT
LARRY PRITCHARD

Minutes
Ethics Commission
October 7, 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: Ywana Allen, L. E. Hutton, Joe Jacquot, Tom Paul, Alan Pickert, Larry Pritchard, James Young, and Cynthia Irvin (5:09 p.m.) Excused: George Candler

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

The Chair recognized Tina Miller, Human Resource Specialist from Employee Services, who provide an update on the status of applications received for the position of Ethics Coordinator. To date, 32 applications have been received, of those, 14 have been deemed eligible.

A motion was made by Mr. Pickert to approve the minutes from the September 3, 2013 meeting. The motion was seconded by Mr. Hutton and unanimously adopted.

Reports:

ECO Office: Ms. Miller provided an ethics thought. She discussed the Ethics Coordinator position; provided an update on her Harvard fellowship; her attendance at the State Ethics Conference and modules for training; and the new legislation relating to public speaking at board and commission meetings.

OGC Report: Ms. Shaw announced that she has provided ethics opinions to newly hired appointees.

Education subcommittee: Ms. Allen reported that she has met with Mr. Alan Moore, Director of School Safety and Discipline, for Duval County Schools. They discussed integrating ethics in new initiatives and the importance of helping students develop into responsible citizens. She indicated any volunteers going into schools, will need to comply with certain protocols, she will provide the information.

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011	GENERAL FUND - GSD	CURRENT YEAR ACTUALS		ORIGINAL	MAYOR'S	CHANGE	% OF	COUNCIL	POSITIONS	PART-TIME
OE	OFFICE OF ETHICS, COMPLIANCE & OVERSIGHT	YTD-MAY	PROJECTION	BUDGET	RECOMMENDED	FROM ORG BUDGET	ORG BUDGET	APPROVED		HOURS
OE00011	OFFICE OF ETHICS, COMPLIANCE & OVERSIGHT									
Capital Outlay										
06403	OFFICE EQUIPMENT	0	1	1	1	0	100	1		
Total Capital Outlay		0	1	1	1	0	100	1		
Extraordinary Lapse										
05804	EXP CREDIT-CONTINGENT LAPSE	0	0	-82	0	82	0	0		
Total Extraordinary Lapse		0	0	-82	0	82	0	0		
Total Indexcode OE00011		55,766	122,640	121,872	173,025	51,153	142	173,374	1	2,080

1 Introduced by the Jacksonville Ethics Commission:
2
3

4 **ORDINANCE 2013-**

5 AN ORDINANCE AMENDING CHAPTER 602, ORDINANCE
6 CODE (JACKSONVILLE ETHICS CODE) PART 8
7 (LOBBYING) TO AMEND SECTION 602.804
8 (PENALTIES) TO ADD A NEW SUBSECTION PROVIDING
9 FOR A ONE YEAR SUSPENSION FOR TWO OR MORE
10 VIOLATIONS OF PART 8; AMENDING PART 11
11 (RESERVED) TO REPLACE "RESERVED" WITH A NEW
12 PART II ENTITLED "PENALTIES"; PROVIDING FOR A
13 PUBLIC REPRIMAND OR A FINE UP TO \$500.00 FOR
14 VIOLATIONS OF CHAPTER 602; PROVIDING FOR THE
15 RESCISSION OR VOIDANCE OF ANY BENEFIT
16 INCLUDING BUT NOT LIMITED TO A CONTRACT,
17 GRANT, SUBSIDY, LICENSE, PERMIT, FRANCHISE,
18 USE, CERTIFICATE OR DEVELOPMENT GAINED FROM
19 THE ACT OF VIOLATING CHAPTER 602; PROVIDING
20 FOR THE DISCRETIONARY REFERRAL OF VIOLATIONS
21 OF CHAPTER 602 TO THE STATE ATTORNEY; PROVIDING
22 AN EFFECTIVE DATE.

23 **BE IT ORDAINED** by the Council of the City of Jacksonville:

24 **Section 1. Amending Chapter 602 (Jacksonville Ethics**
25 **Code), Ordinance Code. Chapter 602 (Jacksonville Ethics Code),**
26 **Ordinance Code, is hereby amended to read as follows:**

27 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

28 * * *

29 **PART 8. LOBBYING**

30 * * *

31 **Sec. 602.804. Penalties.**

32
33 A person who, knowingly and willfully:

- 1 (a) Being at the time required to register as a lobbyist and not
2 exempt from registration, fails or refuses to do so; or
- 3 (b) Having registered as a lobbyist, fails or refuses to properly
4 file with the Council Secretary a corrected or amended
5 registration statement when required by Section 602.801(c) to
6 do so; or fails to disclose on the registration statement any
7 information required by this Part;
- 8 (c) Continues to act as a lobbyist after the expiration of the
9 period for which the registration statement was filed with the
10 Council Secretary; or
- 11 (d) Commits, or procures or acquiesces in the commission of, any
12 violation of this Part; shall be guilty of a class D offense
13 against the City.
- 14 (e) Commits two (2) or more violations of this Part, shall be
15 suspended from the privilege of lobbying for a maximum period
16 up to one (1) year.

17 **PART 11. PENALTIES RESERVED**

18 **Sec. 602.1101. Public Reprimand, Fine or Restitution.**

19 A finding by the Ethics Commission of a violation of any part
20 of this Chapter shall subject the person or entity to a public
21 reprimand, a fine of up to five hundred dollars (\$500), or both.
22 The Ethics Commission may also order the person or entity to pay
23 restitution when the person or entity or a third party has received
24

1 a pecuniary benefit as a result of the person's or entity's
2 violation.

3 **Sec. 602.1102. Rescission or Voidance of Benefit.**

4 Upon a finding by the Ethics Commission that a violation of
5 this Chapter resulted in a contract, grant, subsidy, license,
6 permit, franchise, use, certificate, development order or other
7 benefit conferred by the Jacksonville City Council as applicable,
8 then such contract, grant, subsidy, license, permit, franchise,
9 use, certificate, development order or other benefit may be
10 rescinded or declared void by the Jacksonville City Council at the
11 request of the Ethics Commission.

12 **Sec. 602.1103. Discretionary Referral to the State Attorney.**

13 The Ethics Commission may, in its discretion, refer violations
14 of this Chapter to the state attorney to prosecute as municipal
15 code violations.

16 **Section 2. Effective Date.** This ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

19
20 Form Approved:

21
22 _____
23 Office of General Counsel

24 Legislation prepared by Cherry A. Shaw
25

state agency or authority, or of an agency or authority of a county, municipal corporation, or political subdivision. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

BTW when would you allow public comment, before the discussion or after the meeting when it is usually held? If I have opportunity for input on an issue prior to a discussion do you believe I still have opportunity to talk prior to other issues and at the end like usual?

Much to think about...

Carla thank you for your attention to this issue. Im grateful.

Stewart, Susan

From: Miller, Carla
Sent: Monday, October 07, 2013 1:44 PM
To: Stewart, Susan
Subject: FW: Public Comment Issue

Carla Miller
Director ECO
Ethics, Compliance and Oversight
City of Jacksonville
(904) 630-1476
(904) 630-1015 Hotline

From: Miller, Carla
Sent: Monday, October 07, 2013 1:44 PM
To: Alan Pickert (pickert@terrellhogan.com); Cynthia Irvin; 'g.candler@unf.edu'; James Young (jyoung@forthepeople.com); Joe Jacquot; L.E. Hutton; Larry Pritchard; Tom Paul; Ywana Allen
Subject: Public Comment Issue

From citizen Connie Benham, who may not be able to get to today's meeting.
Carla

From: Connie Benham [<mailto:cjbenham@hotmail.com>]
Sent: Monday, October 07, 2013 1:32 PM
To: Miller, Carla
Subject: RE: Thinking of you

Ive been thinking about trying to get there since we last spoke.

I know this may be hard to believe but I have a little bit of tough time getting away multiple days in a row. CTDC has requested I attend their meetings on the Mondays prior to council meetings but rarely make them.

Being a house mouse has its rewards but there is much to tend to if Ill be away during the dinner hour which is also family time :)

I have a ROTC high school function that is pulling me away too Wednesday night.

I am going to try to be there but if I cant make it please know from what I read of the law I believe sub committees would be under the same conditions because it is a political sub division.

paragraph 8 section 2 sums it up nicely

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

Section 2. The Legislature finds that a proper and legitimate state purpose is served when members of the public have been given a reasonable opportunity to be heard on a proposition before a board or commission of a