

CITY OF JACKSONVILLE

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ETHICS COMMISSION

MINUTES

November 2, 2015
Don Davis Room
City Hall

The meeting was called to order by Joe Jacquot, Chair, at 5:02 p.m. A quorum was present.

Attendees: Ywana Allen, Brian Aull, Dr. George Candler, Tom Paul, Alan Pickert, Larry Pritchard and James Young. Absent: Richard Brown. Other attendees: Carla Miller, Director Office of Ethics, Compliance and Oversight ("OECO"), Kirby Oberdorfer, Deputy Director OECO, and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel.

Public in Attendance: Conrad Markle, John Nooney, and Marshall M. Wood. (Note: only individuals who signed the attendance sheet and noted their election to be recognized are included in the minutes)

Chair Jacquot opened with the Pledge of Allegiance. Ms. Miller provided the Ethics Thought. Chair Jacquot then explained that matters on the Agenda would be addressed out of order.

OECO Report

Ms. Miller provided the report for the OECO regarding her training of Council Members on an individual basis on the Sunshine Law. Ms. Miller advised the other matters in her report would be addressed during the New Business portion of the meeting Agenda.

New Business:

The Commission first addressed the findings of the recent Police and Fire Pension Fund ("PFPF") audit and the pending legislation 2015-683 introduced by Council Member Gulliford regarding the PFPF. Ms. Miller summarized the audit findings and advised the prior work of the Ethics Commission on the travel of the PFPF staff was mentioned in the audit. Following discussion of Ordinance 2015-683, Ms. Miller recommended the Legislative Subcommittee meet with Council Member Gulliford to offer assistance on the legislation and also consider making additional recommendations for Ordinance 2015-683, such as a financial disclosure filing requirement for the PFPF board and Executive Director. Ordinance 2015-683 was referred to the Legislative Subcommittee.

The Commission next addressed the text messaging issues related to City Council and the pending legislation 2015-697 introduced by Council Member Gulliford. Ms. Miller recommended legislation at the local level to address the text messaging issues. She discussed Ordinance 2015-697 and advised that Council Member Gulliford is looking for input from the Ethics Commission on this legislation. The Commission then discussed Ordinance 2015-697 and the current policy by Council President Anderson banning cell phone usage by Council

Members during all City Council meetings. Mr. Pritchard motioned that Chair Jacquot attend the City Council Rules Committee meeting on November 3rd to provide the Ethics Commission perspective on the current ban of cell phone use and Ordinance 2015-697. Motion passed 8-0. The Ethics Commission agreed that it will develop its own legislation to address this issue. Ordinance 2015-697 was referred to the Legislative Subcommittee.

Public comment was then provided by Mr. Nooney and Mr. Markle on Ordinance 2015-697. Mr. Nooney advocated for separate cell phones for Council Members for public business. Mr. Markle thanked the Ethics Commission for its work on addressing the text messaging issue.

The Commission next addressed various public records issues and proposed legislation by Ms. Miller related to the production of public records by City officials and employees. Mr. Denton, Editor of the Florida Times-Union, provided extensive public comment on the various public records issues faced by news media and the public and the difficulty in obtaining public records. Ms. Miller then summarized the existing local laws addressing compliance with public records requests. Ms. Miller offered proposed legislation to amend the current laws to make the failure to comply with the Public Records Act a violation of the Jacksonville Ethics Code and to provide jurisdiction to the Ethics Commission to address these issues. Currently, the Jacksonville Ethics Code classifies a violation of the Public Records Act as a municipal offense with criminal penalties and thus jurisdiction solely resides with the State Attorney. Upon recommendation of Mr. Young, the proposed legislation by Ms. Miller regarding public records was referred to the Legislative Subcommittee.

The Commission then addressed the distribution of football tickets by the Jaguars to City officials and employees. Ms. Miller provided a summary of the issue to the Commission and a copy of e-mail correspondence she sent to the Jaguars general counsel regarding the distribution of gift tickets. Ms. Miller advised she is currently addressing this issue through training and additional work with individual Council Members.

The Commission next addressed proposed legislation by Ms. Miller for changes to the ethics education and training requirements in the Jacksonville Municipal Code. Ms. Miller summarized the current laws and advised the Commission of her work with Council Member Crescimbeni on proposed legislation to eliminate specific dates and timing requirements for training and include a provision that the frequency and content of the education and training will be determined by the Ethics Commission upon recommendation of the Ethics Director. During discussion of the proposed legislation, the Commission indicated its general support for the proposed legislation. Mr. Paul recommended that the proposed legislation be referred to a subcommittee.

The Commission then review and discussed the minutes from the prior Ethics Commission on September 8, 2015. Mr. Paul noted a minor revision to the last paragraph before the Public Comments section of the minutes. Minutes approved 8-0 with minor revision.

The Commission next recognized Dr. Gaffney, the liaison from Mayor Curry's administration to Boards and Commissions. Dr. Gaffney addressed the Ethics Commission and thanked the Commission for all of its work. Dr. Gaffney offered assistance from the administration to the Ethics Commission.

General Counsel Report

Ms. Pollock reported that the draft legislation supported by the Commission amending the statute of limitations for ethics violations to five (5) years was approved by Mr. Pickert and she will file the legislation. Ms. Pollock also reported that Ms. Allen's reappointment to the Ethics

Commission was approved by City Council.

The Commission deferred Part III of the Ethics Training for Boards and Commission until a later meeting.

Committee Reports:

Dr. Candler, Chair of the Nominating Subcommittee, reported on the application and interview process for the appointment of a nominee for the forthcoming vacancy on the Ethics Commission. Dr. Candler announced the three finalists for the vacancy. All three finalists attended the meeting. Two of the finalists addressed their interest in serving on the Ethics Commission and their qualifications for the vacancy while the third finalist was unable to stay for the full meeting. Dr. Candler provided a summary of the other finalist's background and interest in serving on the Commission. Following a vote on a printed ballot, the Ethics Commission selected David Rybak as the nominee for the forthcoming vacancy.

Dr. Candler then reported on the Nominating Subcommittee's recommendation for the Chair and Vice-Chair of the Ethics Commission in 2016. The Nominating Subcommittee recommended Mr. Jacquot continue as Chair of the Commission and Mr. Paul continue as Vice-Chair of the Commission. Motion to select Mr. Jacquot as Chair and Mr. Paul as Vice-Chair of the Commission in 2016 was approved 8-0.

Unfinished Business:

The Commission approved the compensation in the annual contract for Ms. Miller by vote 8-0.

Public Comments:

Mr. Nooney expressed concern regarding inconsistencies at various City Board meetings relating to speaker comments. Specifically, Mr. Nooney indicated some boards do not permit speaker comments, some do not recognize speakers in attendance, and speaker comments at the City Council meeting are not read into the record. His comments are on file.

Chair Jacquot advised that the Ethics Commission would welcome any additional comments and documents being included on the agenda for future meetings.

The Commission then discussed administrative items. Ms. Allen reminded the Commission of the holiday gathering at Restaurant Orsay on December 7th. Additionally, it was discussed that an Ethics Commission meeting may be scheduled for December 7th prior to the holiday gathering.

There being no further business, the meeting adjourned at 7:11 p.m.

Kirby Oberdorfer, Ethics Deputy Director

Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A recording of these proceedings is available <http://www.coj.net/departments/ethics-office/notices,-agendas---minutes.aspx>