

CITY OF JACKSONVILLE

YWANA ALLEN
CHAIR

GEORGE CANDLER
JOHN HARTLEY
LESLIE JEAN-BART



BRIAN AULL
VICE CHAIR

JOSEPH ROGAN
DAVID RYBAK
ANTHONY SALEM

ETHICS COMMISSION

MINUTES

November 14, 2016
Lynwood Roberts Room
City Hall

The meeting was called to order by Joe Jacquot, Chair, at 5:35 p.m. A quorum was present.

Attendees: Ywana Allen, Brian Aull, Richard Brown, Dr. George Candler, John Hartley, Tom Paul, David Rybak and Anthony Salem. Other attendees: Carla Miller, Director of Office of Ethics, Compliance and Oversight ("OECO"); Kirby Oberdorfer, Deputy Director of OECO; and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel ("OGC").

Chair Jacquot opened with the Pledge of Allegiance. Ms. Pollock then provided the Ethics Thought. Chair Jacquot advised that the review of the minutes from the Ethics Commission meeting on October 3, 2016 was tabled for consideration at the next Ethics Commission meeting due to the inability to obtain the audio recording of the meeting.

Staff Reports

Next, Ms. Miller provided the OECO update. She reported that she and Ms. Oberdorfer would be attending the annual conference of the Association of Moral Education at Harvard University and presenting a panel on engaging citizen participation in government. Ms. Miller also summarized her upcoming presentation and attendance at the United Nations conference on transparency in Panama in December. Finally, Ms. Miller advised that a new part-time assistant had recently been hired for the OECO.

Ms. Pollock provided the report for OGC. She advised that the OGC is preparing an opinion on public comment at City Council meetings. The Ethics Commission then discussed the process and timing for issuance of opinions by OGC.

Committee Reports

Mr. Brown provided the report for the Complaints Committee. He advised that Complaint numbers 2016-03, 2016-04 and 2016-05 were recently dismissed by the full Ethics Commission. Mr. Hartley requested clarification on the manner of preliminary investigation the Complaint Procedures authorize the OECO to engage in prior to presenting a complaint to the Complaints Committee or Ethics Commission. Ms. Miller confirmed that the Complaint Procedures authorize the OECO to obtain preliminary information from public records, City departments, etc.

Mr. Paul provided the report of the Internal Operations Committee. He advised the committee

completed its second review of the Ethics Commission Strategic Plan for the Commission as a whole and each individual committee. Mr. Paul further advised that the Internal Operations Committee determined that each individual committee should review and determine its respective role for the Ethics Commission and its goals and objectives, as well as establish a timeline to complete their respective goals. Mr. Paul recommended that each committee review its role and Strategic Plan goals and objectives in January and February 2017 and present its determinations to the Ethics Commission at the March 2017 meeting.

Mr. Aull subsequently provided the report of the Legislative Committee. Mr. Aull first summarized the discussion during the November 2, 2016 meeting of the Legislative Committee regarding public comment at City Council meetings and specifically the requirement that public comment speakers provide their names and addresses. Mr. Aull advised that the Legislative Committee will try to obtain additional information on the reason City Council passed the bill requiring the names and addresses of public comment speakers. Mr. Aull further advised that the committee is in the early stages of reviewing provisions in Part Four of the Jacksonville Ethics Code that need revising. The committee will receive assistance from various other persons with the revisions and is also reviewing a model local ethics code and the City of El Paso, Texas Ethics Code to obtain sample provisions. Ms. Miller then advised the goal of the revisions to Part Four of the Jacksonville Ethics Code is to develop a simplified version that is written in plain language and easy for the City officials, employees and public to understand. Ms. Miller noted that the Legislative Committee will await the OGC opinion on public comment at City Council meetings before taking further action on this issue. Chair Jacquot then requested clarification of the Ethics Code provision restricting future employment of City officials and employees. He recommended a recusal process be added to the provision that would permit officials and employees to recuse themselves from their City employment duties and responsibilities related to an outside employer if they are pursuing employment with the same outside employer.

Next, Ms. Allen advised that the Open Government Committee did not have any report.

Finally, Dr. Candler provided the report for the Nominating Committee. He updated the Ethics Commission members on the selection process for the forthcoming vacancy of the seat currently held by Tom Paul.

Unfinished Business

Ms. Allen subsequently provided an update on the Inspector General Selection and Retention Committee. She advised that the committee determined at its last meeting to re-advertise the Inspector General position in January 2017 and determined a tentative timeline for the application and interview process. Ms. Allen then explained the status of the prior interview process in response to a question by Mr. Salem regarding a prior applicant for the Inspector General position.

New Business

The Ethics Commission next considered the selection of the Chair and Vice-Chair for 2017. Ms. Miller advised that Ms. Allen had submitted her name for the Chair position and Mr. Aull had submitted his name for the Vice-Chair position. Mr. Brown then made a motion to approve Ms.

Allen as the Chair and Mr. Aull as the Vice-Chair of the Ethics Commission for 2017. Mr. Paul seconded the motion. Motion passed unanimously by vote of 9-0.

The Ethics Commission then discussed the compensation of Ms. Miller, OECO Director, in her annual contract. Ms. Miller advised that her contract requires the Ethics Commission to review and approve her compensation annually up to the maximum amount of \$75,000 per year. She further noted that her compensation has remained the same amount for the last ten (10) years. The Ethics Commission then discussed its concern that the contract and compensation for Ms. Miller may need to be revised to reflect the work required of the OECO and increased duties. Upon recommendation of Dr. Candler, the Ethics Commission discussed drafting a resolution to support an increase to Ms. Miller's compensation and contract closer to the upcoming budget season and also discussed including this item in the revised Strategic Plan. Ms. Miller confirmed that her contract will expire in December 2017. Mr. Aull then made a motion to approve Ms. Miller's compensation of \$75,000 as provided in her contract. Mr. Paul seconded the motion. Motion passed unanimously by vote of 9-0.

Ms. Miller next provided an update to the Ethics Commission members regarding a letter sent by the TRUE Commission to Ms. Miller requesting the Ethics Commission examine the facts in Council Audit # 779 for a potential conflicts of interest issue. Ms. Miller advised she will notify the TRUE Commission Chair that the Ethics Commission dismissed the Complaints related to this audit due to the expiration of the statute of limitation and she will provide the TRUE Commission a copy of her recommendation and relevant documents.

Thereafter, the Ethics Commission discussed the details of the upcoming Holiday Gathering at Restaurant Orsay on December 12, 2016 at 6:00 p.m. Ms. Allen reminded the Commission members that they would pay for their own dinner and explained how the gratuity would be allocated for the celebration.

Public Comment

There were no public comments provided during the meeting.

Announcements

Following discussion, the Ethics Commission determined to schedule its next meeting for a date to be determined in January 2017.

Ms. Miller then thanked Chair Jacquot for his outstanding tenure and service on the Ethics Commission and summarized his numerous contributions to the Commission.

The meeting was then adjourned at 6:21 p.m.

Kirby G. Oberdorfer

Kirby Oberdorfer, Ethics Deputy Director

1-09-2017

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>