

CITY OF JACKSONVILLE

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ETHICS COMMISSION

MINUTES

December 16, 2015

Don Davis Room

City Hall

The meeting was called to order by Joe Jacquot, Chair, at 5:04 p.m. A quorum was present.

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

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. Thereafter, Chair Jacquot and Ms. Miller recognized the distinguished service of outgoing Ethics Commission members Mr. Pickert, Mr. Pritchard and Mr. Young, and thanked them for their service. Ms. Miller then provided the Ethics Thought. Chair Jacquot explained that matters on the Agenda would be addressed out of order.

Chair Jacquot acknowledged and welcomed new Ethics Commission appointees who will be joining the Ethics Commission in January 2016: John Hartley, appointed by Sheriff Williams, and David Rybak, appointed by the Ethics Commission. Mr. Hartley and Mr. Rybak provided brief remarks regarding their background and recent appointments to the Ethics Commission.

OECO Report

Ms. Miller provided the report for the OECO regarding recent training sessions for City Boards and Commissions members, the Jacksonville Small & Emerging Business Department, and the Ethics Coordination Council comprised of department ethics officers from every department, independent agency and constitutional office in the City.

New Business

The Commission first addressed the distribution of Jaguar football tickets to City officials. Ms. Miller expounded upon the issue of some City football tickets being directly distributed to City officials by the Jaguars and provided a summary of her investigation into the issue. Ms. Miller advised that she and General Counsel Jason Gabriel recently jointly issued a memorandum to City officials to address this issue, including the authorized procedure for distribution of the

Jaguars football tickets, the valuation of the Jaguar football tickets and information for the Form 9 Quarterly Gift Disclosure statement. Per the procedure, Jaguar football tickets owned by the City are to be distributed only by the Mayor and President of City Council, or their respective designees. Following Ms. Miller's report, the Ethics Commission members further discussed this issue and Ms. Miller addressed their questions.

Unfinished Business

The Commission next addressed proposed legislation by Ms. Miller related to the retention and production of public records by City officials and employees. Ms. Miller summarized the existing local ordinance, section 124.201, addressing compliance with public records requests and the requirements to properly maintain public records. Currently, a violation under section 124.201 is classified as a municipal offense with criminal penalties; thus, jurisdiction solely resides with the State Attorney. Ms. Miller offered proposed legislation to amend the ordinance to classify a public records violation under section 124.201 as a violation of the Jacksonville Ethics Code, which provides jurisdiction either to the Ethics Commission to address these issues, or to the State Attorney. Specifically, Ms. Miller presented two options for the proposed legislation: (1) make the violation of section 124.201 subject only to a fine by the Ethics Commission and eliminate the municipal offense currently in section 124.201 or (2) make a violation of section 124.201 either a municipal offense and/or subject to a fine by the Ethics Commission. During discussion of the proposed legislation, several Ethics Commission members voiced support for amending section 124.201 to make any violation a municipal offense and/or subject to an Ethics Commission fine.

Chair Jacquot then requested public comment on the proposed legislation regarding the changes to section 124.201. Mr. Curtis Lee first addressed the Ethics Commission regarding his experience with trying to enforce the state Public Records Act, which required Mr. Lee to file several lawsuits under the Public Records Act. Mr. Lee advised that he supports retaining the municipal offense in section 124.201 as it is difficult for individuals to challenge a violation of the Public Records Act. Commissioners Brown and Paul thanked and commended Mr. Lee for his comments and efforts to enforce the Public Records Act. Mr. Nooney spoke next, offering his support for retaining the municipal offense in section 124.201 and also providing for the imposition of a fine by the Ethics Commission.

Based upon the discussion and public comment, Ms. Miller recommended that the Ethics Commission propose an amendment to section 124.201 to include two changes: (1) a violation of section 124.201 shall be a violation of Chapter 602 of the Jacksonville Ethics Code, in addition to a municipal offense and (2) it shall be a violation of Chapter 602 for a person to make a false statement, either wilfully or negligently, about the existence of any public record. Mr. Paul made a motion for the Ethics Commission to request section 124.201 be amended to include the specific changes proposed by Ms. Miller and for the final language of the proposed legislation to be approved by Chair Jacquot. Mr. Pickert seconded the motion. Motion passed 8-0.

Minutes Approval

The Commission next reviewed and discussed the minutes of the Ethics Commission meeting on November 2, 2015. Mr. Paul moved to approve the minutes and Mr. Pickert seconded the motion. Minutes approved 7-0, with Mr. Brown abstaining from the vote due to his absence from the November 2 meeting.

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 is scheduled for a hearing before the Rules Committee on January 5, 2016 at 2:00 p.m.

Chair Jacquot acknowledged and welcomed another new Ethics Commission appointee who will be joining the Ethics Commission in January 2016: Anthony Salem, appointed by Mayor Curry. Mr. Salem provided brief remarks regarding his background and recent appointment to the Ethics Commission.

Unfinished Business

Chair Jacquot next addressed legislation 2015-697 introduced by Council Member Gulliford relating to texting by City Council members during full City Council meetings. Chair Jacquot advised of the status of 2015-697 and explained that Council Member Gulliford will be submitting revised legislation. Chair Jacquot then deferred discussion of legislation 2015-697 until after the revised legislation is filed.

The Ethics Commission next addressed forthcoming legislation being filed by Council Member Crescimbeni at the request of Ms. Miller, which amends the ethics education and training requirements in the Jacksonville Municipal Code for City elected officials and employees. Ms. Miller summarized the current laws and advised the forthcoming legislation eliminates specific dates and timing requirements for training and includes a provision that the frequency and content of the education and training will be determined by the Ethics Director and Office of General Counsel. Ms. Miller explained that the changes are designed to eliminate the conflict and overlap between the dates currently specified in the Municipal Code. The Commission discussed the forthcoming legislation and Mr. Aull indicated his desire to retain the specific dates currently in the Municipal Code.

The Ethics Commission then addressed legislation 2015-687 relating to the Police & Fire Pension Fund ("PFPF"). Consideration and discussion of this legislation was deferred at the request of Ms. Miller. Ms. Miller advised she will research whether the legislation can be amended to require the Executive Director of the PFPF to file a financial disclosure form and she will report back to the Commission.

New Business

The Ethics Commission then considered the recent issue reported by the *Florida Times-Union* relating to the failure of the Jacksonville Sheriff's Office ("JSO") to retain public records beyond ninety (90) days. Ms. Miller summarized the *Times-Union* article and then the corrective action by JSO to address this issue. Discussion by various Commission members followed and Ms. Allen suggested that perhaps there should be a policy issued setting forth expectations on retention of public records for all City agencies.

The Ethics Commission next addressed potential revisions to the lobbying laws in the Jacksonville Ethics Code. Ms. Miller suggested that the Ethics Commission may want to propose revisions to the current lobbying laws to address several potential conflicts recently addressed by other

municipalities, including lobbyists bundling campaign contributions for City officials. Mr. Paul recommended that either the Legislative Committee or a lobbying task force consider any potential revisions to the lobbying provisions in the Ethics Code. Mr. Paul, acting as Chair, advised this issue will be addressed in 2016 (note Chair Jacquot was excused from the meeting at 6:00 p.m. and Mr. Paul then presided as Chair).

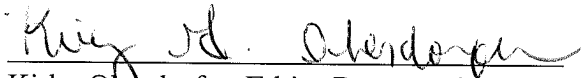
Mr. Paul advised a poll will be taken to set the date of the next Commission meeting.

Public Comments:

Mr. Nooney expressed concern regarding several issues he is having with the Jacksonville Waterways Commission and, in particular, the alleged disregard of public input on projects. His comments are on file.

Mr. Markle spoke next and recommended that the municipal violation be retained in the changes to section 124.201. Mr. Markle also shared his concerns regarding a lack of response by Council Members to constituent concerns. Mr. Markle then requested that the Ethics Commission avoid scheduling future meetings on dates that conflict with City Council meetings because he and other prefer to attend both the Ethics Commission meetings and the City Council meetings.

There being no further business, the meeting adjourned at 6:23 p.m.


Kirby Oberdorfer, Ethics Deputy Director

1-11-2016 (8-0)
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>