

CITY OF JACKSONVILLE

JOE JACQUOT
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BRIAN AULL
RICHARD A. BROWN
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TOM PAUL
VICE CHAIR

JOHN HARTLEY
DAVID RYBAK
ANTHONY SALEM

ETHICS COMMISSION

MINUTES

February 1, 2016

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, Richard Brown, Dr. George Candler, John Hartley, Tom Paul, David Rybak, and Anthony Salem. 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; Ali Korman Shelton, Director of Intergovernmental Affairs for Mayor Curry; Jessica Baker, Mayor Curry's Office; and Dr. Johnny Gaffney, Boards & Commissions Liaison for Mayor Curry.

Public in Attendance: James J. Breland, Dan Carr, Dan Evans, Jr., Conrad Markle, John Nooney, Lynne Price, John S. Winkler, 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 then provided the Ethics Thought. Next, the Ethics Commission reviewed the minutes from the prior Ethics Commission meeting on January 11, 2016. Mr. Paul made a motion to approve the minutes from the January Ethics Commission meeting. Ms. Allen seconded the motion. Minutes were approved by vote of 8-0 (Mr. Brown had not yet arrived at the meeting).

Reports

Ms. Miller advised that the OECO report would be covered in the items on the Agenda.

Ms. Shaw Pollock advised that she did not have a report from the Office of General Counsel.

New Business

Chair Jacquot then recognized Council Member Bill Gulliford for his presentation on proposed Substitute Ordinance 2015-697 limiting texting by Council Members during City Council meetings. Council Member Gulliford advised he was speaking to the Ethics Commission to garner support for Substitute Ordinance 2015-697. Following his presentation of 2015-697, Council Member Gulliford and the Ethics Commission members engaged in a detailed discussion of the legislation. Mr. Paul subsequently made a motion for a resolution from the Ethics Commission supporting the Substitute Ordinance 2015-697. Chair Jacquot made an amendment to include the Ethics Commission being in support of discussion with the Ethics

Office, Council Member Gulliford and the Council President regarding enforcement of Council rules. Mr. Paul advised he supported the amendment by Chair Jacquot. Motion seconded by Mr. Brown. Motion passed 9-0.

Chair Jacquot next recognized Ms. Korman Shelton to present on Florida Legislature HB 1021 and SB 1220 amending the mandatory attorney fees provision in the Florida Public Records Act. Ms. Korman Shelton summarized the current law and explained how HB 1021 and SB 1220 would change the law to make attorney fees awards discretionary rather than mandatory. Ms. Korman Shelton also advised as to the status of HB 1021 and SB 1220. Ms. Miller then provided background information on the impetus for HB 1021 and SB 1220, and summarized the concerns of citizens and the First Amendment Foundation regarding this legislation. The Ethics Commission then discussed and debated various amendments proposed by citizen groups to the current Florida Public Records Act. Chair Jacquot and Ms. Miller recommended that the Ethics Commission issue a resolution on HB 1021 and SB 1220.

Chair Jacquot then requested public comment on HB 1021 and SB 1220. Bob Dees spoke first, providing his experience in litigating public records lawsuits under the Florida Public Records Act, and advising of his opposition to the current language of HB 1021 and SB 1220 due to the potential adverse impact on legitimate requests by the public to access government records and likely increased litigation and expense. Frank Denton spoke next in opposition to HB 1021 and SB 1220. Mr. Denton shared his experience in the difficulty of obtaining public records. Mr. Denton also explained that under the current Public Records Act, judges do not always award attorney fees despite the mandatory provision of fees in the statute.

The Ethics Commission then discussed a motion for a resolution opposing HB 1021 and SB 1220 due to concerns about the possible adverse impact on citizen access to public records and the need for the citizens to provide input into the pending legislation. Motion passed 8-1. Mr. Aull explained his reasoning for not supporting the motion for a resolution opposing HB 1021 and SB 1220 because of the need to address the abuse of the mandatory attorney fees provision by frivolous litigants. Ms. Miller agreed that the Ethics Commission resolution should recognize the problem with abuses and a need to balance the abuses with the right of the public to access government records. Mr. Paul made a motion to reconsider the previous motion for a resolution opposing HB 1021 and SB 1220 and Mr. Salem and Mr. Aull seconded the motion to reconsider. Motion to reconsider passed 9-0. Mr. Paul then made another motion for a resolution opposing HB 1021 and SB 1220 and including recognition of the need to balance abuses by frivolous litigants with the legitimate need to access government records. Motion approved 9-0.

Unfinished Business

Ms. Miller then summarized the status of the ethics education bill and statute of limitations bill, Ordinances 2016-006 and 2015-765, respectively. Ms. Miller advised that the ethics education bill (Ordinance 2016-006), Council Member Gulliford's texting bill (2015-697), and the nominations of Mr. Hartley and Mr. Rybak were scheduled to be heard by the City Council Rules Committee tomorrow.

The Ethics Training for Boards & Commissions—Part III, Training for New Ethics Commission Members and Committee Assignments were deferred to the next Ethics Commission meeting.

Public Comments:

Mr. Wood, Mr. Breland, and Mr. Nooney provided public comment. Their comments are on file with the OECO.

There being no further business, the meeting adjourned at 7:05 p.m.

Kirby G. Oberdorfer

3-07-2016

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>