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**ETHICS COMMISSION
OPEN GOVERNMENT COMMITTEE**

MINUTES

February 27, 2017

Don Davis Conference Room

City Hall

The meeting was called to order by Ms. Leslie Jean-Bart, Chair, at 4:03 p.m. A quorum was present. Attendees: John Hartley and David Rybak. Others in attendance: Carla Miller, Director of the Office of Ethics, Compliance and Oversight (OECO); Kirby Oberdorfer, Deputy Director of the OECO; Cherry Shaw Pollock, Office of General Counsel (OGC); and Deborah Melvin, Executive Assistant of the OECO.

New Business:

The Open Government Committee first reviewed and discussed revisions to its Strategic Plan for 2017, including a discussion of the committee's goals for the year. With respect to Goal number 1, the committee agreed to the timeline to revise its Strategic Plan by the end of the first quarter in 2017 and present its revised Strategic Plan to the full Ethics Commission in March 2017.

As to Goal number 2, the Open Government Committee discussed the course previously developed by the Ethics Office and League of Women Voters titled "It's Our Government" that educates citizens on how to access City government and the process for legislation in City Council. The course is currently posted on the Ethics Office website. Ms. Miller recommended that the course be updated and shared with various civic organizations in Jacksonville. The Open Government Committee discussed examining metrics that can measure how many citizens complete the "It's Our Government" course. The committee agreed to revise and update the course by the end of 2017. Ms. Miller agreed to obtain modules created by City Council President Boyer on the zoning process of City Council for the committee to review and to request community groups such as League of Women Voters, Concerned Taxpayers of Duval County and Rotary Club to provide input for revisions to the "It's Our Government" course. Ms. Oberdorfer agreed to try to obtain a copy of the OGC PowerPoint on how a bill becomes a law to include in the revisions to the "It's Our Government" course.

With respect to Goal number 3, the Open Government Committee discussed how the committee and the Ethics Commission could best effectuate the Ethics Commission's duties in Jacksonville Ethics Code section 602.921(b) to assist with the ethics training of City employees and officials. Following extended discussion regarding the OECO's work in developing and delivering the ethics training for City employees and officials, as well as the functions of the Ethics Commission, the committee determined that it would review evaluations of the OECO's various training programs completed by training attendees and also observe some of the training

programs offered by the OECO to fulfill the Ethics Commission's training duties under the Ethics Code. The committee discussed the OECO evaluating its training programs more consistently and advertising the various OECO ethics training programs on the Ethics Office and Ethics Commission webpages. Ms. Miller advised she would provide the committee members with the OECO Compliance Program regarding education and training.

The Open Government Committee next discussed Goal number 4. Ms. Miller advised that this goal has been partially completed because the City is now posting sole source contracts online indefinitely. However, Ms. Miller recommended that the committee work with the Procurement Division to try to encourage the posting of additional detail about sole source contracts when they are posted to the permanent webpage. Ms. Miller summarized some recommendations she previously e-mailed to the Procurement Director regarding posting the justification for the sole source contracts and other additional information regarding the sole source contracts when they are posted to the permanent webpage. Ms. Miller agreed to share her e-mail to the Procurement Director with the members of the Open Government Committee. The committee agreed with Ms. Miller and Ms. Jean-Bart's recommendation to invite the Procurement Division director to the next Open Government Committee meeting to discuss the procurement process and sole source/proprietary contracts, including the number of these contracts entered into by the City.

In response to Ms. Jean-Bart's request for additional goals for the Open Government Strategic Plan, Ms. Miller recommended the committee add a goal of monitoring ethics related legislation in the Florida Legislature. Ms. Miller advised the committee of a pending bill in the Florida Legislature that would change the requirements of the Sunshine Law for local government officials. Following discussion of this bill, the Open Government Committee agreed to add Goal number 5 to its Strategic Plan to monitor ethics related legislation proposed by the Florida Legislature. Ms. Oberdorfer agreed to send the committee members copies of the ethics related bills filed in the Florida Legislature.

Following the review and revisions to the Strategic Plan, Mr. Rybak made a motion to approve of the revised Open Government Committee Strategic Plan. Second by Mr. Hartley. Motion passed.

Finally, Ms. Jean-Bart opened a discussion regarding public comment and participation at City Council meetings, specifically Ordinance 2017-160 pending before Council regarding the rules for public comment and participation during Council meetings. Ms. Jean-Bart advised the primary issue in 2017-160 is the different requirements for citizen participation during the public comment portion of Council meetings and participation during public hearings at Council meetings. Ms. Miller explained the two ways a citizen can address City Council during a meeting: (1) the public hearing portion of the meeting required by state law, during which discussion is limited to a specific bill. There is no requirement for a speaker to provide his or her address during public hearing; and (2) the public comment portion, during which speakers can discuss any topic, but are required to first provide their respective address. Ms. Jean-Bart opined that the requirements for the public hearing and public comment portions of City Council meetings should be consistent. Ms. Miller also noted other ways citizens can advocate and communicate with City Council outside of Council meetings. Thereafter, the Open Government Committee discussed various alternatives to the requirement for speakers to provide their respective addresses during public comment in order to reduce the chilling effect of audibly announcing an address at City Council meetings. The committee further discussed public

comment during City Council committee meetings. Ms. Miller recommended that Ms. Jean-Bart, as Chair of the Open Government Committee, meet with the sponsor of Ordinance 2017-160 regarding public participation at Council meetings or members of the City Council Rules Committee to discuss the bill. Ms. Miller suggested that the Open Government Committee obtain the City Council's perspective regarding 2017-160 prior to formulating a position on the bill and the committee should consider inviting someone from City Council to the next Ethics Commission meeting scheduled for March 13, 2017 to discuss this bill.

Public Comment:

Danny Ferreira, a member of the TRUE Commission from CPAC Planning District 6, stated that the TRUE Commission is in the process of completing an internal review to restructure in order to be more responsive to issues raised by City Council. He recommended the Ethics Commission provide a presentation to all the CPACs on accessing government and to clarify the process for tracking legislation.

Hazel Gillis, President of Duval County Democratic Black Caucus, expressed her support for the "It's Our Government" course and community outreach discussed by the Open Government Committee. Ms. Jean

Ingrid Montgomery, President of the Democratic Women's Information Network, stated that she enjoyed attending the Open Government Committee meeting and she will review the "It's Our Government" course posted on the Ethics Office website.

Ms. Jean-Bart and Ms. Miller requested input from the citizens attending the Open Government Committee meeting regarding the "It's Our Government" course posted on the Ethics Commission website so the committee could improve the course.

Announcements:

The next Open Government meeting will be scheduled after the March 13, 2017 Ethics Commission meeting, possibly sometime during the week of March 27th or in April 2017.

There being no further business, the meeting was adjourned at 4:55 p.m.

Kirby Oberdorfer, Deputy Director
Office of Ethics, Compliance and Oversight

Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A recording is available at the Ethics Commission website at [http://www.coj.net/departments/ethics-commission/notices_agendas--minutes-\(1\).aspx](http://www.coj.net/departments/ethics-commission/notices_agendas--minutes-(1).aspx).

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