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ETHICS COMMISSION
LEGISLATIVE COMMITTEE

MINUTES
March 9, 2018
Conference Room 2C
City Hall

The meeting was called to order by Ms. Mary Bland Love, Chair, at 8:33 a.m. A quorum was present. Attendees: Michelle Bedoya Barnett and Joseph Rogan. Others in attendance: Kirby Oberdorfer, Deputy Director of the Office of Ethics, Compliance and Oversight ("OECO"); and Cherry Shaw Pollock, Office of General Counsel (OGC).

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

New Business:

The Legislative Committee began by reviewing the minutes from the prior meetings of the Committee on April 11, 2017 and February 21, 2018. Motions by Ms. Barnett to approve the minutes of each meeting and motions seconded by Mr. Rogan. Minutes of the April 11, 2017 and February 21, 2018 meetings approved by unanimous votes.

Old Business:

Next, Ms. Love summarized the purpose of the Committee meeting to continue discussion of potential revisions to the Jacksonville Ethics Code, including Part 4 governing conflicts of interest. Ms. Love then requested Mr. Rogan begin the discussion by summarizing the work he had completed on the specific Ethics Code provisions to which he was assigned. Mr. Rogan reviewed the sections enumerated below and provided the following recommendations:

1. Section 602.401, misuse of position
    - Mr. Rogan recommended the Legislative Committee consider whether to include provisions addressing misuse of City property or resources for personal benefit and nepotism.

2. Section 602.406, contract disclosure
    - Mr. Rogan recommended the Legislative Committee consider whether to expand the current requirement to disclose any financial benefit in a bid or contract to include a disclosure requirement of any interest a person has in a transaction before the City. Mr. Rogan further recommended that the Committee speak with employees in the Office of Inspector General and Office of General Counsel to obtain their input as to whether the bid/contract disclosure requirement should be expanded beyond the current requirement of a financial benefit.

3. Section 602.407, obstruction of proceedings

    - With respect to paragraph (b), Mr. Rogan recommended updating this provision by replacing the term "documentary material" with "any relevant information or evidence" or similar language to properly reflect the manner in which information is provided and received. Mr. Rogan further recommended the Committee consider eliminating the requirement of a demand to preserve documents. The Legislative Committee agreed to review this provision further.

    - With respect to paragraphs (f) & (h), Mr. Rogan recommended the Committee consider eliminating these provisions because any issues addressed in these paragraphs would be addressed by self-regulation of the respective body or board. Ms. Barnett agreed that she would recommend eliminating paragraphs (f) & (h).

4. Chapter 350, political solicitation (previously in Ethics Code)

    - Mr. Rogan advised it may be a good idea conceptually to move some of these provisions back to the Ethics Code in Chapter 602. However, he recommended the Committee obtain additional information from the Supervisor of Elections and other ethics commissions to determine whether they have addressed any issues or complaints with respect to political solicitation. Specifically, Mr. Rogan proposed the Committee obtain the following:

        i. whether any complaints or issues have been raised with the Supervisor of Elections regarding political solicitation and, if so, what is being done to address the complaints;

        ii. what other local ethics commissions are doing to address this issue; and

        iii. a determination of how much of Chapter 350 overlaps with the State of Florida Elections Code.

5. Endorsements

    Mr. Rogan advised that the Jacksonville Ethics Code does not currently contain any provision addressing this topic, but the City Ethics model ethics code includes a provision prohibiting the endorsement of specific products or services by government officials and employees in their official capacities. Mr. Rogan recommended the Legislative Committee may want to further discuss the model code provision.

Thereafter, Ms. Love asked Ms. Barnett to summarize the work she had completed on the specific Ethics Code provisions to which she was assigned. Ms. Barnett reviewed the sections enumerated below and provided the following recommendations:

1. Section 602.402, activities of City officials and employees in matters affecting the City

    - Ms. Barnett recommended section 602.402 be revised in its entirety due to potential ambiguities and lack of clarity regarding certain language in this provision. Mr. Rogan suggested that the Legislative Committee may want to consider limiting this provision to any matters or cases that are before the official's specific board or commission. Ms. Barnett advised she would work with OECO Director Carla Miller, Ms. Oberdorfer and Ms. Hodges of the OGC to present a proposal at the next Committee meeting.

2. Section 602.403, secondary employment/moonlighting

    - Ms. Barnett recommended the Legislative Committee consider whether to expand the current requirement to disclose secondary employment to all employees instead of the current requirement for only part-time employees. She further suggested the Committee should consider whether to include a disclosure requirement for anyone receiving compensation from the City, including consultants. Ms. Barnett advised she would speak with Ms. Miller, Ms. Oberdorfer and Chief of Employee Services, Diane Moser, to obtain their input as to any potential revisions that should be further considered by the Committee.

Next, Ms. Pollock provided her input as to potential revisions to sections 602.404, 602.405 & 602.411. Ms. Pollock recommended the Legislative Committee consider some minor changes to various terminology, such as changing "soliciting" to "requesting" or "securing" and "ceasing" to "ending" for conciseness in these provisions. She further recommended that all of the provisions addressing employment prior to and following City employment be renumbered and listed in sequential order. Ms. Pollock also discussed terms such as "professional" and "scientific or technological qualification," and whether there is a need to provide definitions for such broad terms. Ms. Pollock also addressed the appellate provisions in section 602.412. Finally, Ms. Pollock suggested that Ms. Miller be provided an opportunity to provide her input into potential revisions for each of these sections. As to section 602.412 regarding post-City employment, Ms. Love requested that Ms. Pollock meet with Ms. Miller, Ms. Oberdorfer and Ms. Hodges to develop suggestions for the revision of this section. There was also discussion on review of section 602.201 regarding definitions.

Public Comments:

Ms. Love explained that each participant making public comments would be provided two minutes for their respective comments. Mr. Nooney spoke first and raised concerns regarding a request made to him to leave a meeting between a Council Member and a City employee. Mr. Nooney also requested that the Ethics Commission restore public trust in government. Mr. Markle spoke next and requested the Legislative Committee propose legislation to expand the statute of limitation in the Jacksonville Ethics Code from two years to five years to be consistent with the statute of limitation in the State of Florida Code of Ethics.

The Legislative Committee agreed to continue discussing potential revisions to the Ethics Code and to prioritize the list of revisions at its next meeting scheduled for Tuesday, April 10th at 9:00 a.m.

Adjourn:
The meeting adjourned at 9:44 a.m.

Kirby G. Oberdorfer 6-04-2018

Kirby Oberdorfer, Ethics Deputy Director Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A recording is available at the Ethics Commission web site at http://www.coj.net/departments/ethics-commission/notices,-agendas---minutes-(1).aspx