

# CITY OF JACKSONVILLE

YWANA ALLEN  
*CHAIR*

MICHELLE BEDOYA BARNETT  
GEORGE CANDLER  
JOHN HARTLEY



BRIAN AULL  
*VICE CHAIR*

JOSEPH ROGAN  
DAVID RYBAK  
ELLEN SCHMITT

## ETHICS COMMISSION LEGISLATIVE COMMITTEE

### MINUTES

April 11, 2017

Conference Room 2C

City Hall

The meeting was called to order by Mr. Brian Aull, Chair, at 4:33 p.m. A quorum was present. Attendees: Leslie Jean-Bart and Joseph Rogan. 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 Lawsikia Hodges, OGC.

#### **New Business:**

The Legislative Committee began by reviewing the minutes from the prior meeting of the committee on February 17, 2017. Motion by Mr. Rogan to approve the minutes and motion seconded by Ms. Jean-Bart. Minutes approved by unanimous vote.

Next, the Legislative Committee reviewed its Strategic Plan goals for 2017. With respect to goal number one (1), the committee updated the timeline to present its revised Strategic Plan to the Ethics Commission in April 2017. The committee also revised goal number three (3) regarding the redrafting of Part 4 of the Ethics Code to focus the committee's work on specifically revising sections 602.401 and 602.402 rather than rewriting Part 4 in its entirety, as well as reviewing revisions to sections 602.403-602.412 proposed by the OECO and OGC. Additionally, the Legislative Committee changed the targeted completion date for goal number three (3) to 2017-2018.

During the discussion of the revision of goal number three (3), Ms. Miller advised that a committee of City employees from the Ethics Office, OGC and an Ethics Office volunteer will work on redrafting sections 602.403-602.412. Mr. Aull requested that the Legislative Committee be provided a list of the specific code provisions in sections 602.403-602.412 that each person/group will be responsible for redrafting. The Legislative Committee then discussed in detail the process for action by the committee on revising sections 602.401 and 602.402 and also the process for proposing changes to City Council for all provisions in Part 4 of the Ethics Code. Ms. Miller recommended that in redrafting section 602.402, the Legislative Committee should consider the forthcoming opinion from the State Ethics Commission advising that Ms. Jean-Bart did not have a prohibited conflict of interest under state ethics laws were her law firm to sue the City or its independent agencies.

The Legislative Committee finalized the review and revision of its Strategic Plan goals by

updating the targeted completion dates for goal numbers four (4) and five (5) to Fall 2017 and Spring 2018, respectively, and eliminating goal number six (6) due to completion of the goal.

Next, the Legislative Committee discussed the Ethics Commission presentation to the City Council Rules Special Committee scheduled for April 18, 2017. Ms. Miller first summarized the procedure for the presentation and then recommended that the Ethics Commission propose to the Rules Special Committee potential revisions to Parts 11 and 12 of the Jacksonville Ethics Code that would clarify the jurisdiction of the Ethics Commission over the offenses listed in Parts 11 and 12. Ms. Pollock and Ms. Hodges of OGC provided an update on the opinion the Ethics Commission previously requested from OGC regarding the jurisdiction of the Ethics Commission to enforce provisions in Parts 11 and 12 of the Ethics Code. Ms. Hodges advised that OGC has reached an initial conclusion that there is an ambiguity in section 602.1101 of the Ethics Code regarding the jurisdiction of the Ethics Commission over provisions in Parts 11 and 12, and the ambiguity should be corrected through proposed legislation. Thereafter, the Legislative Committee, Ms. Miller and Ms. Hodges engaged in extensive review and discussion of specific provisions of Part 12 and potential revisions to such provisions. Ms. Miller recommended that Part 12 be revised to include the original intent and purpose of Part 12 that the provisions listed therein are for reference only and do not convey jurisdiction to the Ethics Commission to enforce those provisions. Following extensive discussion, the Legislative Committee agreed to defer any action on the proposed revisions to Parts 11 and 12 until OGC issues its opinion regarding the jurisdiction of the Ethics Commission to enforce Parts 11 and 12.

Subsequently, Ms. Miller and Ms. Oberdorfer updated the Legislative Committee on the status of Senate Bill 80 that would amend the attorney's fees provision in the Public Records Act. Specifically, they advised Senate Bill 80 was revised to include the compromise provisions proposed by the First Amendment Foundation and the League of Cities and the Senate approved it. Senate Bill 80 is anticipated to be approved by the entire Florida Legislature.

Ms. Miller and Ms. Oberdorfer also provided an update on proposed Ordinance 2017-160 regarding public comment at City Council meetings. The Council recently referred the bill back to the Rules Committee to further consider the provision allowing the President of City Council to reduce the permitted time for public comment. Ms. Miller advised that Ordinance 2017-160 has been amended by the Rules Committee to remove the requirement that citizens audibly announce their respective addresses during the public comment section of City Council meetings.

Finally, Ms. Miller updated the Legislative Committee regarding the proposed legislation drafted by the Ethics Office, Office of Inspector General and the City Council Auditor relating to contract oversight. Ms. Miller advised she will distribute the proposed legislation to the Legislative Committee on a future date.

There were no public comments provided during the meeting.

The Legislative Committee agreed to discuss revisions to sections 602.401 and 602.402 at its next meeting scheduled for Monday, May 1 at 4:30 p.m.

**Adjourn:**

The meeting adjourned at 5:56 p.m.

*Kirby G. Oberdorfer*

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

3-09-2018

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](http://www.coj.net/departments/ethics-commission/notices,-agendas---minutes-(1).aspx)