

CITY OF JACKSONVILLE

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JOHN HARTLEY
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ETHICS COMMISSION

MINUTES

September 6, 2016

Don Davis Room

City Hall

The meeting was called to order by Joe Jacquot, Chair, at 5:25 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; and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel.

Public in Attendance: Conrad Markle and John Nooney (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 joint meeting of the Ethics Commission and TRUE Commission on June 13, 2016. Ms. Pollock requested that the minutes be amended to reflect that Paige Johnston from the Office of General Counsel attended the meeting on June 13, 2016 in lieu of Ms. Pollock. Motion to approve minutes as amended to reflect attendance of Ms. Johnston was made and seconded. Minutes as amended were approved by unanimous vote.

Staff Reports

Ms. Miller then provided the report for the OECO. She summarized the budgets of the OECO and the Office of Inspector General for the next fiscal year. Ms. Miller advised that both the OECO and Inspector General's budgets are being partially funded by contributions from the Independent Authorities as a result of the extension of jurisdiction over the Independent Authorities. Next, Ms. Pollock noted that she did not have a report from the Office of General Counsel.

Committee Reports

Mr. Brown, Chair of the Complaints Committee, reported that the Executive (Shade) meeting of the Ethics Commission immediately prior to this meeting addressed the only complaint received since the last Ethics Commission meeting. Ms. Miller then led a discussion with the Ethics Commission regarding the procedure for processing anonymous complaints prior to a vote by the Ethics Commission on whether to self-initiate a complaint under the Ethics Commission Complaint Procedures. The Ethics Commission discussed whether all anonymous complaints should be considered by the Complaints Committee before being brought to the Ethics

Commission. Following the discussion, the Ethics Commission agreed that Ms. Miller can obtain approval of the Complaints Committee Chair on a case by case basis to bring an anonymous complaint before the entire Ethics Commission rather than convening a meeting of the Complaints Committee first.

Mr. Paul, Chair of the Internal Operations Committee, then presented his report. Mr. Paul summarized the recent meeting of the Internal Operations Committee. At the meeting, the committee reviewed and revised the Strategic Plan and goals for the Ethics Commission. The Internal Operations Committee will meet again next month to add a timeline for accomplishing the various goals and review the Meeting Planner calendar for any necessary updates. Upon finalization of the Strategic Plan, the Internal Operations Committee will provide a draft of the Strategic Plan and goals to each of the various committees for consideration and approval.

Mr. Aull, Chair of the Legislative Committee, presented his report. Mr. Aull advised that the Legislative Committee will focus on revising and refreshing the Jacksonville Code of Ethics this fall.

Finally, Ms. Allen provided the report of the Open Government Committee. Ms. Allen advised the Open Government Committee would be organizing a meeting in the near future.

Unfinished Business

Ms. Miller and the Ethics Commission continued the prior discussion about the focus and work of the Ethics Commission. Ms. Miller summarized the various changes to the OECO and the Inspector General's Office that has lead to a shift in the Ethics Commission's role from an operational focus to a governance focus.

New Business

The Ethics Commission next considered the process for selecting a Chair and Vice-Chair for 2017. Ms. Miller advised that a new Chair and Vice-Chair will be selected for 2017 because Mr. Jacquot's and Mr. Paul's terms are ending. Ethics Commission members were requested to contact Ms. Oberdorfer to advise of an interest in serving as Chair or Vice-Chair of the Commission.

The Ethics Commission then discussed several forthcoming vacancies on the Ethics Commission for 2017. The Public Defender and the Chief Judge will each have an appointment to make for 2017 because Mr. Jacquot has served the maximum of two terms as of December 31, 2016 and Mr. Brown's first partial term expires at the end of 2016 as well. Additionally, the Ethics Commission will have two appointments to make because Ms. Allen's first term ends at the end of 2016 and Mr. Paul is resigning his position a year early at the end of 2016. A Nominating Committee will be formed to review applications and interview potential candidates for the forthcoming vacancies. Following discussion, the Ethics Commission agreed to utilize the same process and procedure as last year. Ms. Oberdorfer will provide the Ethics Commission members a schedule of the nominating process for approval.

Mr. Miller next discussed the status of proposed Resolution 2016-535, a bill sponsored by Council Vice-President Crescimbeni that recommends that the Inspector General's Office should

relocate to City Hall. Ms. Miller advised that the Interim Inspector General announced at the TEU Committee meeting today that he will request only \$25,000-\$30,000 of the \$100,000 allocated for a build out of the current space for the Inspector General's Office and will waive the remaining money. Based on this concession, it is likely the Inspector General's office will remain in the Yates building. 2016-535 has been deferred for approximately one month to allow additional time for research into this issue.

The Ethics Commission next considered public comment at City Council, Boards and Commissions meetings. Ms. Miller explained a new law recently enacted by City Council requires speakers during public comment to identify themselves and provide their home address. Mr. Brown and other members of the Ethics Commission expressed concern that the requirement that speakers provide a home address may have a chilling effect on public comment. Chair Jacquot then requested public comment on this law. Mr. Nooney advised he is concerned that City Council may be limiting the public's opportunity to speak or provide public comment on a bill to one (1) opportunity throughout the legislative process and he is in favor of public comment throughout the entire legislative process. Ms. Miller then clarified the requirements under Florida law for provision of public comment at public hearings for each bill. Following further discussion on the public comment law by City Council, Mr. Paul recommended that the issue be further considered by the Ethics Commission in either the Open Government or Legislative committees or both committees. This issue was referred to the Legislative Committee for further consideration.

Thereafter, Ms. Allen advised that she is beginning to work on the holiday gathering for the Ethics Commission. After discussion and input regarding the date of the holiday gathering, the Ethics Commission agreed to schedule the gathering on Monday, December 12, 2016 at 6:00 p.m. at Restaurant Orsay.

Ms. Oberdorfer subsequently informed the Ethics Commission the Grace Episcopal Church in Orange Park had inquired whether a member of the Ethics Commission would be interested in serving as a guest speaker at a fall lecture series on ethics sponsored by the church. Ms. Allen and Ms. Oberdorfer agreed to serve as guest speakers for this event.

Next, Ms. Miller and Ms. Allen provided an update to the Ethics Commission on the Inspector General Selection and Retention Committee's search for an Inspector General. Ms. Miller summarized the contribution and participation by Ms. Allen during the previous meeting of the Inspector General Selection and Retention Committee. The Selection and Retention Committee extended the application deadline to September 6, 2016 due to the pool of original applicants being shallow.

Public Comments:

Mr. Markle of the Concerned Taxpayers of Duval County spoke regarding his concerns about the City Council law requiring speakers to provide their home address during public comment and the possible deduction in amount of time permitted to speak during public comment. Additionally, Mr. Markle shared his concerns regarding various issues with the Inspector General's Office, including his support for selecting a candidate for Inspector General that does not have any prior connection with the City or the Independent Authorities, and his support for the Inspector General's Office location remaining in the Yates Building.

Mr. Nooney spoke next and advised the Ethics Commission of his concerns regarding the decrease of public trust in government because public comment is being limited or not permitted. Mr. Nooney shared an example of not being permitted to speak during a Waterways Commission meeting and the displacement of his speaker card.

Announcements:

Chair Paul announced the next meeting of the Ethics Commission will take place on Monday, October 3, 2016 at 5:00 p.m. and the Internal Operations Committee will meet on October 3, 2016 at 4:00 p.m. prior to the general Ethics Commission meeting.

The meeting was then adjourned.



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>