

CITY OF JACKSONVILLE



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ETHICS COMMISSION

JOSEPH ROGAN
DAVID RYBAK
ELLEN SCHMITT

MINUTES

September 19, 2017
Lynwood Roberts Room
City Hall

The meeting was called to order by Brian Aull, Vice-Chair, at 4:32 p.m. A quorum was present.

Attendees: Michelle Bedoya Barnett, Mary Bland Love, Joseph Rogan, David Rybak, and Ellen Schmitt. Excused absent: Ywana Allen, Dr. George Candler, and John Hartley. Other attendees: Carla Miller, Director of the Office of Ethics, Compliance and Oversight ("OECO"); Kirby Oberdorfer, Deputy Director, OECO; Deborah Melvin, Executive Assistant, OECO; and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel ("OGC").

Public in Attendance: None.

Mr. Aull opened with the Pledge of Allegiance. Ms. Miller then provided the Ethics Thoughts. The Ethics Commission then reviewed the minutes from the August 23, 2017 meeting. Minutes from the August 23, 2017 meeting were unanimously approved following motion for approval by Ms. Barnett and second of motion by Mr. Rybak.

Staff Reports

Ms. Miller provided the OECO update. She first reported on ethics training sessions she previously presented and is currently preparing for various international delegations hosted by Global Jax. Ms. Miller encouraged Ethics Commission members to attend at least one Global Jax presentation, and advised of the forthcoming presentation on Thursday, September 22, 2017 at 10:30 a.m.-12:00 p.m. Ms. Miller then discussed two handouts she distributed on standards for anti-corruption programs and the OECO Ethics Training Compliance Program. Next, Ms. Miller summarized an online ethics training program developed by the OECO that will be completed by all City employees. Ms. Miller requested the Ethics Commission members review the online training program and provide feedback. The Ethics Commission discussed ideas for supplemental ethics training that would be effective for the City, and collectively recommended that specific ethics training be provided to upper management based upon a risk assessment. Ms. Oberdorfer clarified the Ethics Commission's duties relating to ethics training set forth in Part 9 of the Jacksonville Ethics Code. Following discussion, Ms. Miller advised that the OECO will work with the Inspector General ("IG") and various City personnel to identify the Leadership Ethics Group, a group of managerial leaders in the City that will receive supplemental ethics training addressing their Department's identified needs and risks. Finally, Ms. Miller provided an update regarding proposed legislation on contract management drafted by the OECO, the IG and the City Council Auditor. Ms. Miller advised she would provide the proposed legislation to the Ethics Commission members for review.

Ms. Pollock advised that she did not have a report for the OGC.

Old Business

The Ethics Commission next reviewed and discussed the proposed three year contract for Ms. Miller as the Executive Director of OECO. At its prior meeting on August 23, 2017, the Ethics Commission voted to renew Ms. Miller's contract for an additional three year term and agreed to review the terms of her contract at its September 19, 2017 meeting. The Ethics Commission noted that Ms. Miller's rate of compensation has remained the same for the last ten years and discussed increasing her hourly rate by \$5.00. The Ethics Commission further discussed that Ms. Miller does not receive any employee benefits such as pension or health insurance, and the addition of a proposed provision in the contract, developed upon consultation with Employee Services, for an annual payment of \$3,500 to pay for health insurance. Specifically, the Ethics Commission discussed whether a one-time payment for health insurance was allowable under federal ERISA rules. The Ethics Commission then discussed an alternative of increasing Ms. Miller's hourly rate an additional \$3.00 per hour to assist in payment of health insurance. Ms. Barnett made a motion to approve the contract of Ms. Miller with the following amendments to paragraphs 1.2 and 2.1 of the contract: (1) an increase of the hourly rate in the contract from \$85.00 to \$93.00 per hour, not to exceed payment of \$75,000 per year; and (2) removal of the allowance for a health insurance stipend due to concerns regarding potential legal issues. Motion seconded by Mr. Rogan and contract approved unanimously with amendments recommended in Ms. Barnett's motion. The Ethics Commission requested to discuss an increase in the yearly salary of the OECO Executive Director in early 2018 prior to the submission of the OECO budget for 2018-19.

Subsequently, the Ethics Commission discussed the selection of Chair and Vice-Chair of the Commission for 2018. Mr. Aull expressed his interest in serving as Chair next year. Ms. Miller requested the Ethics Commission members advise her or Ms. Oberdorfer of any interest in serving as Vice-Chair in 2018. Ms. Oberdorfer reminded the Ethics Commission that the selection of Chair and Vice-Chair must occur during the November meeting this year per Internal Operating Procedure Rule V because no meeting is scheduled for December.

New Business

The Ethics Commission next considered the appointment of Ms. Oberdorfer as Deputy Director for the OECO. Ms. Miller provided background information on this issue and summarized Ms. Oberdorfer's employment with the OECO. Currently, Ms. Oberdorfer has a working title of Deputy Director of the OECO, but is classified by Employee Services as Ethics Manager. Ms. Miller advised that the Ethics Commission has been requested by Employee Services to confirm the appointment of Ms. Oberdorfer as Deputy Director so Employee Services may reclassify her position from Ethics Manager to Deputy Director in order for her pay grade and title to be administratively accurate. Ms. Miller explained that Ms. Oberdorfer's salary will not increase upon the Ethics Commission's appointment and the subsequent reclassification as Deputy Director, but the pay grade for Deputy Director is higher, which would permit potential salary increases in the future, if approved by City Council. Following discussion, Ms. Barnett made a motion to appoint Ms. Oberdorfer as Deputy Director of the OECO effective October 1, 2017, with corresponding pay grade. Motion was seconded by Ms. Schmitt and Ms. Love and passed unanimously.

Thereafter, the Ethics Commission discussed voting conflicts under Florida law. Ms. Miller explained the purpose of additional training on voting conflicts for Ethics Commission members to further their understanding of the circumstances in which there may be a voting conflict, given the recent declaration of a voting conflict by Mr. Rogan at the prior Ethics Commission meeting. Ms. Oberdorfer then provided a summary of the voting conflict provisions under Florida law and generally explained when a voting conflict may arise, as well as exceptions to the voting conflict laws. She also discussed two handouts she distributed on voting conflicts.

Finally, the Ethics Commission addressed financial disclosure requirements. Ms. Miller discussed a handout she provided on financial disclosure laws in Florida. She then reminded the Ethics Commission members that they constitute financial and gift disclosure filers under Florida law, and thus are required to file an annual Form 1 financial disclosure statement and quarterly gift disclosures. The Ethics Commission then discussed various provisions of the gift laws and required gift disclosures.

Public Comments: None

Announcements and Action Items

Mr. Rogan announced that the proposed revisions to the Ethics Commission Complaint Procedures will be presented at the Ethics Commission meeting in October after review by the Complaints Committee.

1. Ms. Miller will send Ethics Commission members the online ethics training course to be taken by City employees to obtain feedback on the training course.
2. Ms. Miller will send the proposed legislation on contract management to the Ethics Commission members.
3. The OECO and Ethics Commission will develop a list of City employees to be selected for the Leadership Ethics Group, which will receive supplemental live ethics training.
4. Agenda Item in January 2018: compensation of Executive Director and proposed budget of OECO.
5. Ms. Oberdorfer will send state and local gift law provisions and definitions to Ethics Commission members.

The remaining Ethics Commission meetings for 2017 are scheduled for Wednesday, October 25 and Thursday, November 16 at 4:30 p.m. in the Don Davis room.

There being no further business, the meeting was adjourned at 6:06 p.m.

Kirby G. Oberdorfer

Kirby Oberdorfer, Ethics Deputy Director

10-25-2017

Date of Approval

This is a summary of the meeting and not a verbatim transcription. A recording of these proceedings is available at [http://www.coj.net/departments/ethics-office/notices,-agendas---meeting minutes.aspx](http://www.coj.net/departments/ethics-office/notices,-agendas---meeting%20minutes.aspx)