DRAFT 6-30-2017

CITY OF JACKSONVILLE

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ETHICS COMMISSION

SPECIAL MEETING MINUTES

May 30, 2017
Don Davis Conference Room
City Hall – 1st Floor

The meeting was called to order by Ywana Allen, Chair of the Ethics Commission, at 5:12 p.m. A quorum was present.

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

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 Allen opened the meeting with the Pledge of Allegiance. Ms. Miller then provided the Ethics Quote.

Next, the Ethics Commission reviewed the minutes of both the April 17, 2017 Ethics Commission Executive Session "Shade" Meeting and the Ethics Commission regular meeting of same date. Mr. Rogan made a motion to approve the minutes of the Executive Session "Shade" meeting and Mr. Rybak seconded the motion. The Executive Session "Shade" minutes were approved with a vote of 7-0. Mr. Rybak then made a motion to approve the minutes from the April 17 Ethics Commission regular meeting and Ms. Schmitt seconded the motion. The minutes of the April regular meeting were approved with a vote of 7-0.

Chair Allen and Ms. Miller welcomed new Ethics Commission members Mary Bland Love and Michelle Bedoya Barnett. Ms. Love introduced herself and provided information on her background and experience. Ms. Bedoya subsequently introduced herself and also provided information on her background and experience. Introductions of the remaining Ethics Commission members and staff followed.

Ms. Miller addressed a question from Ms. Schmitt regarding retention and publication of Executive Session "Shade" meeting minutes.

New Business: The Ethics Commission then extensively discussed Ordinance 2017-346, which would amend the confirmation process for Ethics Commission appointees by requiring City

Council to confirm appointees prior to the appointees becoming members of the Ethics Commission. Mr. Rogan provided background information of the issue. He explained his concerns regarding the amendment to the confirmation process for Ethics Commission appointees proposed in Ordinance 2017-346. Ms. Miller then provided historical background on the current appointment and confirmation process for Ethics Commission appointees codified in the Jacksonville Ethics Code that protects the Commission's independence by allowing appointees to become members of the Commission immediately upon appointment. She further explained how Ordinance 2017-346 would change the current confirmation process. Ms. Miller advised that Mr. Rogan had proposed an amendment to Ordinance 2017-346 that would preserve the independence of the Ethics Commission.

Mr. Rogan discussed his proposed amendment to Ordinance 2017-346 to include a "waiting period," during which Ethics Commission appointees would become provisional members of the Commission and vote if City Council did not confirm or deny the appointee within a certain period of time and the appointees would continue to serve on the Ethics Commission until confirmation or denial by City Council.

Ms. Miller advised that the Ethics Commission Special Meeting had been scheduled to discuss Ordinance 2017-346 because the City Council Rules Committee will be meeting in early June to vote on Ordinance 2017-346 and requested the Ethics Commission's position on the Ordinance.

A discussion followed regarding the difference between the current confirmation process and the proposed amendment to the confirmation process in Ordinance 2017-346.

Mr. Rybak advised he favored a smaller period of time for the waiting period because a longer period of time could negatively impact the completion of work of the Ethics Commission committees.

The Ethics Commission then extensively discussed the various actions the Ethics Commission could recommend City Council take with respect to Ordinance 2017-346: (1) adopt the proposed amendment by Mr. Rogan; (2) retain the current confirmation process without any changes; or (3) retain the current confirmation process, but if City Council determined that the confirmation process should be changed, then to limit the change to the amendment proposed by Mr. Rogan.

Public Comment: Council Member Al Ferraro, Council District 2, spoke about his support for the work of the Ethics Commission and explained his prior objection to the nomination of former Ethics Commission appointee, Maria Mark.

Mr. Markle voiced his concern about funds allegedly missing from a trust fund established to mitigate loss caused by the removal of trees on newly developed properties and also information missing on the COJ Website.

Mr. Nooney voiced his concerns about other hazards in the nomination process for Ethics Commission appointees that could impact nominations.

Following discussion by the Ethics Commission regarding the action the Commission should recommend to City Council regarding Ordinance 2017-346, Mr. Rogan read a draft resolution

prepared by Ms. Miller that incorporated the feedback and concerns of the Ethics Commission members with respect to Ordinance 2017-346.

In response to questions by Chair Allen, Council Member Ferraro advised that he had an opportunity through the current confirmation process to share his concerns about a prior appointee and the process appeared to work.

Mr. Rybak requested that the proposed resolution be revised to include the negative impact of committees being able to complete work if vacancies occurred on the Ethics Commission under the confirmation process proposed in Ordinance 2017-346. The Ethics Commission further discussed how to improve the nomination process for Ethics Commission appointees.

Following the discussion of additional revisions to the resolution, Mr. Rybak thereafter made a motion to adopt the drafted resolution to City Council requesting that City Council retain the current confirmation process, but if City Council determined that the process should be changed, then to limit the change to the amendment proposed by Mr. Rogan. Ms. Schmitt seconded the motion. Resolution adopted by a unanimous vote of 7-0.

Ms. Miller advised she would provide the Resolution adopted by the Ethics Commission to the Rules Committee members so it could be discussed at the Rules Committee meeting scheduled for Tuesday, June 2, 2017 at 1:00 p.m.

Additional Public Comment: Mr. Nooney spoke about the funds allegedly missing from the tree mitigation trust fund and his concerns about the inability to share his concerns with the Council Members.

The next Ethics Commission meeting is scheduled for August 21, 2017 at 5:00 p.m. in the Don Davis Conference Room.

There being no further business, the meeting was adjourned at 6:29 p.m.

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Kirby Oberdorfer, Ethics Deputy Director 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

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