

CITY OF JACKSONVILLE

YWANA ALLEN
CHAIR
MICHELLE BEDOYA
BARNETT
GEORGE CANDLER
JOHN HARTLEY
MARY BLAND LOVE



BRIAN AULL
VICE CHAIR
JOSEPH ROGAN
DAVID RYBAK
ELLEN SCHMITT

ETHICS COMMISSION

Ethics Commission Annual Report 2017

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2017. This report summarizes the activities and successes of the Ethics Commission in effectuating its duties and obligations delineated in the City of Jacksonville Charter and Jacksonville Ordinance Code.

I. Ethics Commission Membership and Support Staff:

During 2017, all nine (9) positions on the Ethics Commission were filled. The Ethics Commission was comprised of the following nine (9) members.

| MEMBER NAME | POSITION | APPOINTING ORGANIZATION |
|----------------------------|--|-------------------------|
| 1. Ywana Allen | Ethics Commission Chair | Ethics Commission |
| 2. Brian Aull | Ethics Commission Vice-Chair & Legislative Committee Chair | State Attorney |
| 3. Michelle Bedoya Barnett | Member | Mayor |
| 4. Dr. George Candler | Open Government Committee Chair & Nominating Committee Chair | City Council |
| 5. John Hartley | Complaints Committee Chair | Sheriff |
| 6. Mary Bland Love | Member | Public Defender |
| 7. Joseph Rogan | Member | Chief Judge |
| 8. David Rybak | Internal Operations Committee Chair | Ethics Commission |
| 9. Ellen Schmitt | Member | Ethics Commission |

In addition to serving on the Ethics Commission, the members actively participated in one (1) or two (2) of the Commission's five committees: (1) Complaints; (2) Internal Operations; (3) Legislative; (4) Nominating; and (5) Open Government. Please see Enclosure 1 for a list of specific committee assignments for each committee.

In accordance with the Charter, the Ethics Commission was supported by the following City employees: (1) Carla Miller, Director of the Office of Ethics, Compliance and Oversight; (2) Kirby Oberdorfer, Deputy Director of the Office of Ethics, Compliance and Oversight; and (3) Cherry Shaw Pollock, Assistant General Counsel with the Office of General Counsel.

II. Summary of Ethics Commission and Committee Meetings

During 2017, the Ethics Commission met as a body during eleven (11) separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of fourteen (14) meetings to complete assigned tasks and make recommendations to the full Ethics Commission.

The notices, agendas, minutes and audio recordings of the Ethics Commission and committee meetings are posted on the Ethics Commission webpage and may be accessed via the following link: [http://www.coj.net/departments/ethics-commission/notices,-agendas-minutes-\(1\)](http://www.coj.net/departments/ethics-commission/notices,-agendas-minutes-(1).).

III. Major Areas of Focus

In accordance with its duties and obligations in the City of Jacksonville Charter and the Jacksonville Ordinance Code, the Ethics Commission focused its 2017 work in the following areas. Please see Enclosure 2 for a summary of the duties and obligations of the Ethics Commission as set forth in the Charter and the Ordinance Code.

1. Investigation and Disposition of Complaints Alleging Violation(s) of Chapter 602

The Ethics Commission received nine (9) complaints in 2017 alleging potential violations of various provisions in Chapter 602, the Jacksonville Ethics Code. In accordance with Florida Statutes section 112.324 and the Jacksonville Ordinance Code, the Ethics Commission and/or Complaints Committee met in eight (8) separate Executive Session "Shade" meetings to address the allegations in the various complaints.

Through its work and the Executive Session "Shade" meetings, the Ethics Commission disposed of six (6) complaints, four (4) of which were filed in 2017 and two (2) of which were filed in 2016. Grounds for dismissal of the complaints included one (1) dismissed for failure of the complainant to follow the requirements set forth in the Ethics Commission Complaint Procedures; two (2) dismissed as legally insufficient to allege a violation of Chapter 602; and three (3) dismissed pursuant to Rule 17 of the Ethics Commission Complaint Procedures, upon a finding that the public interest would not be served with the prosecution of the complaint or the issuance of a letter of instruction to the Respondent. Five (5) complaints remained pending at the conclusion of 2017, including two (2) that are stayed as a result of referral to another government agency and three (3) that were still under investigation by the Ethics Commission.

2. Comprehensive Evaluation and Revision of Ethics Commission Complaint Procedures and Internal Operating Procedures

The Ethics Commission completed a comprehensive review and revision of the Ethics Commission Complaint Procedures in 2017, including dividing the Ethics Commission into a separate investigatory panel and a hearing panel to incorporate additional due process procedures. The Ethics Commission worked closely with the Office of General Counsel to update and revise the Complaint Procedures. A copy of the current Complaint Procedures may be accessed via the following link:

[http://www.coj.net/departments/ethics-commission/docs/ec-complaint-procedures-\(amended\)-adopted-10-25-17.aspx](http://www.coj.net/departments/ethics-commission/docs/ec-complaint-procedures-(amended)-adopted-10-25-17.aspx)

Additionally, the Internal Operations Committee of the Ethics Commission began a thorough review of the Commission's Internal Operating Procedures ("IOPs") to develop recommendations for changes to the IOPs.

3. Recommendations for Changes in Legislation to the Florida Legislature and City Council in Areas of Ethics Laws

The Ethics Commission made various recommendations for changes in legislation to the Florida Legislature and City Council through the issuance of several resolutions. Some examples of the recommendations made by the Ethics Commission include:

- A resolution to the Florida Legislature regarding Senate Bill 80 that would have eliminated the mandatory attorney's fees provision in the Florida Public Records Act and permitted the award of fees only in the discretion of the court. The resolution noted the Ethics Commission's support in favor of an amendment to the Florida Public Records Act that maintained the mandatory attorney's fee provision and protected citizens' right of access to public records, while addressing abusive and frivolous records requests. The Florida Legislature adopted a compromise amendment to the Florida Public Records Act that incorporated the concerns set forth in the Ethics Commission's resolution.
- The Ethics Commission also engaged in extensive review and deliberation of the impact of the City Council Rule mandating citizens speaking at public comment audibly announce their respective addresses prior to speaking. The Ethics Commission issued a resolution requesting that City Council adopt an alternative procedure to permit Council to obtain the relevancy of speaker's residence without requiring audible announcement of a speaker's address. Council subsequently adopted a new process to verify a speaker's address without mandating that citizens audibly announce their addresses before providing public comment.
- A resolution supporting the independence of the Florida Commission on Ethics codified in the Florida Constitution and statutes and enumerating concerns about unauthorized legislative oversight of the Commission on Ethics's administrative functions.

4. Extension of Contract for Executive Director of the Office of Ethics, Compliance and Oversight

In its capacity as the hiring committee for the Executive Director of the Office of Ethics, Compliance and Oversight, the Ethics Commission determined to reappoint Ms. Carla Miller as the Ethics Director for an additional three year term and issued a resolution to City Council in support of the confirmation of Ms. Miller as Ethics Director.

5. Promotion of Public Confidence in the Ethical Operation of City of Jacksonville Government

Some examples of the Ethics Commission activities in 2017 that promoted public confidence in City government include:

- The Ethics Commission actively participated in the Inspector General Selection and Retention Committee throughout 2017, including the selection and hiring process of the Inspector General.
- The Ethics Commission also engaged in outreach to various international delegations by providing ethics education and training in collaboration with the United States Department of State.

ENCLOSURE 1

Ethics Commission 2017 Committee Assignments

Complaints

- | | |
|------------------|-------|
| 1. John Hartley | CHAIR |
| 2. Joe Rogan | VICE |
| 3. Brian Aull | |
| 4. Ellen Schmitt | |

Internal Operations

- | | |
|----------------------------|-------|
| 1. Dave Rybak | CHAIR |
| 2. Dr. Candler | VICE |
| 3. Michelle Bedoya Barnett | |
| 4. Ellen Schmitt | |

Legislative

- | | |
|----------------------------|-------|
| 1. Brian Aull | CHAIR |
| 2. Joe Rogan | VICE |
| 3. Michelle Bedoya Barnett | |
| 4. | |

Open Government/Outreach

- | | |
|-----------------|-------|
| 1. Dr. Candler | CHAIR |
| 2. John Hartley | VICE |
| 3. Dave Rybak | |
| 4. | |

Nominating (as needed)

- | | |
|-----------------------|-------|
| 1. Dr. George Candler | CHAIR |
| 2. John Hartley | |
| 3. Joe Rogan | |
| 4. | |

ENCLOSURE 2

SUMMARY OF CITY OF JACKSONVILLE CHARTER & ORDINANCE CODE PROVISIONS REGARDING JACKSONVILLE ETHICS COMMISSION

Article 1, section 1.202 of the City of Jacksonville Charter and Chapter 602, Part 9 of the Jacksonville Ordinance Code govern the Ethics Commission. Below is a summary of the most relevant portions of the various Charter and Ordinance Code provisions.

Purpose

Jacksonville Ordinance Code section 602.911. - Jacksonville Ethics Commission; Creation

The purpose of the Jacksonville Ethics Commission is to “provide a local forum for consideration and investigation” of ethics issues.

Duties and Responsibilities

City of Jacksonville Charter section 1.202. - Ethics code, ethics commission, inspector general

Per the duties enumerated in the Charter, the Ethics Commission shall:

- (a) manage a citywide ethics hotline for intakes of allegations of violations of the ethics code;
- (b) manage and coordinate the training and education of local officers and employees in state and local ethics;
- (c) have the authority to refer ethics matters to appropriate enforcement agencies;
- (d) recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying;
- (e) have jurisdiction to levy civil fines or penalties authorized by the City Council for violations of the City's ethics code; and
- (f) act as the hiring committee for the administrative staff of the Office of Ethics, Compliance & Oversight.

Jacksonville Ordinance Code section 602.921. - Duties and powers

The Ethics Commission has the authority to review, interpret, and enforce Chapter 602 of the Ordinance Code (also known as the Jacksonville Ethics Code), and to issue advisory opinions thereon.

The Ethics Commission is also empowered with the following duties:

- (a) to receive, investigate and issue findings regarding any sworn written complaints filed with the Ethics Commission alleging a violation of Chapter 602, or complaints alleging

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of violation of Chapter 602 that are self-initiated by the Ethics Commission upon the vote of a minimum of six out of nine Ethics Commission members.

- (b) The Ethics Commission may refer matters to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in and action would be more appropriate by these agencies.
- (c) to provide guidance regarding the coordination and implementation of ethics education and training for local officers and employees in state and local ethics, as well as all public records and sunshine law.
- (d) to seek information and gather facts to facilitate review of circumstances or situations that may potentially violate an acceptable standard of ethics conduct for City officers and employees as set forth in Charter section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate;
- (e) to levy civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; &
- (f) to serve as the hiring committee for the executive director of the Ethics Oversight and Compliance Office, subject to confirmation by City Council.

Jacksonville Ordinance Code section 602.931. - Process for the imposition of sanctions and penalties

In accordance with its duties to enforce Chapter 602 and impose sanctions and penalties, the Ethics Commission must establish and post rules and procedures regarding the investigations of citizen, hotline, employee and self-initiated complaints alleging violations of Chapter 602. These rules and procedures must provide for due process in the charging and prosecution of alleged violations of Chapter 602.

Jacksonville Ordinance Code section 602.941. - Review

Any final order of the Ethics Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in accordance with the process established for review of quasi-judicial board decisions.

Membership

Jacksonville Ordinance Code section 602.912. - Membership, terms, appointment

The Ethics Commission is comprised of nine members, all whom must be registered voters in Duval County. Members serve staggered three-year terms and are limited to serving two consecutive full terms (total of six consecutive years).

Six members are appointed by one of the following designated public officials: Mayor, City Council President, Chief Judge of the Fourth Judicial Circuit, Public Defender, Sheriff, and State Attorney. These members must have at least one of the following qualifications: (1) an

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attorney; (2) a certified public accountant with forensic audit experience; (3) a former elected official; (4) a former judge; (5) a higher education faculty member or former faculty member with experience in ethics; (6) a former law enforcement official with experience in investigating public corruption; (7) a corporate official with a background in human resources or ethics; (8) a former board member of a City of Jacksonville independent authority; or (9) a former government executive with ethics experience.

The other three members are appointed by the six Ethics Commission members enumerated above.

All appointees must be confirmed by City Council and serve as members until City Council confirmation or denial.