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ETHICS COMMISSION

LEGISLATIVE COMMITTEE
MINUTES
July 10, 2018
Don Davis Room, City Hall

The meeting was called to order by Ms. Mary Bland Love, Chair, at 3:00 p.m. A quorum was present. Attendees: Joseph Rogan, Michelle Bedoya Barnett, Brian Aull (visiting member), and Ellen Schmitt (visiting member). Others in attendance: Kirby Oberdorfer, Deputy Director of the Office of Ethics, Compliance, and Oversight (OECO); Cherry Pollock, Office of General Counsel (OGC); Lourdes Barboza, Executive Assistant OECO; and Tanisha Muguimi, Intern with Finance Department.

Public in Attendance: Tanisha Muguimi, John Nooney, and Conrad Markle.

Minutes:
The approval of the June 18, 2018 minutes were deferred to the next meeting upon request by Mr. Rogan.

Old Business:
Ms. Love began the meeting by explaining the format of the meeting. The proposed revisions to section 602.401 would be discussed. Ms. Love explained that each participant making public comments would be provided three minutes for their comments after all revisions had been reviewed. The members would then vote on the final revisions following discussion and comments.

See Document 1 for proposed changes to section 602.401 drafted by Mr. Rogan. See Document 2, pages 1 through 3, for a summary of comments to proposed revisions by OGC, Office of the Inspector General (OIG), OECO, and Kirby Oberdorfer.

After discussion of each proposed revision to section 602.401, the votes were recorded as follows:

1. After discussing advice from OGC and OIG, removal of independent contractor from 602.401 (Vote 2-1)
2. Change "advisory board official" to "advisory **body** official" throughout 602.401 and defer amending definitions of "officer" and "appointed official" to future date (Vote 3-

0). Also discussed deferring changing definition of board to include committee per OIG recommendation.

3. In paragraph (a), retain "title or any authority associated with his or her public office" and address elections law conflict concern raised by OGC in new paragraph (f) (Vote 3-0)
4. In paragraph (a), revise "coerce or induce another person to provide" to "coerce, induce, attempt to coerce or induce, or otherwise act in manner inconsistent with official duties" (Vote 3-0)
5. In paragraph (a), decline to define "coercion" and retain "person" instead of adding "entity or agency" per OIG recommendation, after determining the addition of "entity or agency" would be superfluous (Vote 3-0)
6. In paragraph (b), eliminate "pecuniary gain" in last sentence and add "for any purpose other than official responsibilities" (Vote 3-0)
7. Request opinion from OGC regarding application of Ethics Code to former officers and employees, and defer discussion on that change pending OGC's opinion (Vote 3-0)
8. In paragraph (c), add language to clarify that both individuals have to be City officers, employees or advisory body officials (Vote 3-0)
9. Add El Paso, Texas provision 2.92.050(D) as new paragraph (d) (Vote 3-0)
10. Deferred vote on OIG recommendation to add prohibition against business relationships for services between employees in supervisory relationship to allow Ms. Pollock to meet with the acting Inspector General to develop proposed language
11. After discussing advice from OGC and Ms. Oberdorfer, remove proposed new paragraph (d)(1) and add language from Jacksonville Ordinance Code section 601.101 (Vote 3-0). Reconsider the proposed new paragraph (d)(1) (Vote 3-0). Change the beginning of the provision by removing language of "it is unlawful" and inserting "it is a violation of this Chapter" in beginning and change paragraph denotation to (e)(1) (Vote 3-0).
12. After discussing advice from OGC, OIG, Employee Services, and Ms. Oberdorfer, Mr. Rogan made a motion to adopt the proposed new paragraph (d)(2) as paragraph (e)(2), which failed for lack of a second. Ms. Love then deferred further discussion on the new paragraph (d)(2).
13. After discussing advice from OGC and OECO, retain proposed new paragraph (d)(3) and change denotation to (e)(3) (Vote 3-0).
14. Remove proposed paragraph (d)(4) as moot (Vote 3-0).
15. Retain proposed new paragraph (e), change denotation to (f), and add language regarding use being consistent with state elections code (Vote 3-0).

Public Comment:

Ms. Love opened the meeting for public comment after discussion about but prior to voting on the proposals above. Mr. Nooney commented about his concerns regarding Sunshine Law compliance by and public comment before City boards and commissions and requested that the Legislative Committee restore public trust in government. Next, Mr. Stanley Scott spoke about how civic engagement should be a priority in Jacksonville. Finally, Mr. Markle requested the Legislative Committee address an inconsistency between the statutes of limitation in the Jacksonville Ethics Code and the State of Florida Code of Ethics. During the voting on the proposals above, Ms. Love

granted Mr. Nooney's request to give a second public comment, during which Mr. Nooney spoke about public participation in local government. Ms. Love then declined to allow further public comment, as all present members of the public had provided comments prior to voting.

Next Meeting:
The date and time of the next Legislative Committee meeting was not determined.

Adjourn:
The meeting adjourned at 5:45 p.m.

Lourdes Barboza January 28, 2019

Lourdes Barboza
Executive Assistant
Office of Ethics, Compliance and Oversight

Date of Approval

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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

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