

CITY OF JACKSONVILLE



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ELLEN SCHMITT

ETHICS COMMISSION MEETING MINUTES

October 22, 2018
Don Davis Conference Room
City Hall – 1st Floor

The meeting was called to order by Brian Aull, Chair of the Ethics Commission, at 5:46 p.m. A quorum was present.

Attendees: Joseph Rogan, Ellen Schmitt, Mary Bland Love, Dr. George Candler, Michelle Bedoya Barnett, Imani A. Boykin, and John Hartley. Excused absence: David Rybak. Other attendees: Carla Miller, Director, Office of Ethics, Compliance and Oversight (“OECO”); Kirby Oberdorfer, Deputy Director, OECO; Lourdes Barboza, Executive Assistant, OECO; and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel (“OGC”).

Public in Attendance: Conrad Markle and Stanley Scott.

Chair Aull opened the meeting with the Pledge of Allegiance. Ms. Miller provided the Ethics Thought.

The Ethics Commission began by reviewing the minutes of the September 20, 2018 meeting. Ms. Barnett made a motion to approve the minutes. Mr. Rogan seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

Staff Reports

OECO: Ms. Miller reported that the OECO budget was approved by City Council. She also shared her recent ethics training with Youth Leadership Jacksonville for local high school students. The OECO has been working with CM Brosche on proposed Ordinance 2018-570. Finally, Ms. Miller provided an overview of proposed Ordinance 2018-710 regarding revisions to Chapter 602, Part 7 Gift Laws of the Jacksonville Ethics Code that was recently filed by the OECO. Proposed Ordinance 2018-710 will also be referred to the Legislative Committee.

Committee Reports

Nominating Committee: Ms. Schmitt summarized the Nominating Committee meeting on October 15, 2018. She announced the resignation of Ethics Commission member Ywana Allen effective immediately and reported that the Nominating Committee voted to recommend the selection of Imani A. Boykin by the Ethics Commission to fill Ms. Allen’s vacancy. Ms. Schmitt made a motion to appoint Ms. Boykin to fill Ms. Allen’s vacancy on the Commission for the remainder of her term, which ends December 31, 2019. Mr. Rogan seconded the motion. The motion passed unanimously with a vote of 7-0. Ms. Boykin then joined the Ethics Commission and introduced herself to the Commission.

Next, Ms. Schmitt summarized the procedure for searching for candidates to fill the vacancy that will be upcoming from the expiration of Mr. Rybak's term on December 31, 2018. She explained how the Nominating Committee selected Ms. Christine Lyle to fill Mr. Rybak's position, but that, due to personal circumstances, she withdrew her name after she was selected. Ms. Schmitt asked the Commission to consider two possibilities: (1) appoint Ms. LaTonya Smith, the third applicant interviewed by the Nominating Committee, to fill Mr. Rybak's position; or (2) readvertise the vacancy and have the Nominating Committee interview new applicants and recommend a new candidate.

Ms. Schmitt proceeded by summarizing Ms. Smith's background and experience. She advised she and the Nominating Committee members agreed during their discussion at the committee meeting that Ms. Smith was a strong candidate. Ms. Schmitt recommended the Ethics Commission consider appointing Ms. Smith to fill the upcoming vacancy for Mr. Rybak's position. Ms. Schmitt also recommended the Commission waive Internal Operating Procedures Rule VII that requires the presentation and vote of an appointee occur at the November meeting of the Commission.

Mr. Aull then opened the floor for public comment on the waiver of Rule VII of the Internal Operating Procedures and the appointment of Ms. Smith to the Ethics Commission. Mr. Scott expressed his concern that documents were not available at the meeting for the public to learn about the background and qualifications of the applicants. The Commission addressed Mr. Scott's concern by informing him that the Nominating Committee held a noticed public meeting on October 15, during which applicant interviews were conducted and that new member biographies will be published on the coj.net Ethics website. Ms. Oberdorfer offered to provide Mr. Scott a copy of Ms. Smith's application and resume.

Ms. Schmitt subsequently made a motion for a waiver of Internal Operating Procedures Rule VII. Ms. Barnett seconded the motion. The motion passed unanimously with a vote of 8 – 0.

Ms. Schmitt then made a motion to appoint Ms. Smith to the Ethics Commission to fill Mr. Rybak's position. Ms. Boykin seconded the motion. The motion passed unanimously with a vote of 8-0.

OGC: Ms. Pollock did not have a report for the OGC.

Complaints Committee: Mr. Rogan advised that he did not have a report for the Complaints Committee.

Legislative Committee: Ms. Love advised that the Legislative Committee will meet next week on October 29th to continue discussing potential changes to Parts IV and VIII of the Jacksonville Ethics Code. Discussion of proposed Ordinances 2018-570 and 2018-710 will be added to the agenda for the October 29th meeting.

Open Government Committee: There was no report for the Open Government Committee

New Business

Ms. Miller announced that Mr. Rogan volunteered to serve as Chair and Ms. Schmitt volunteered to serve as Vice-Chair for the Ethics Commission next year, beginning in January 2019. She reminded the Commission that a waiver of Internal Operating Procedures Rule V Procedures is necessary because the election of officers is occurring during the October meeting rather than the November or December meeting as stated in Rule V.

Mr. Aull opened the floor for public comment. There was no public comment provided.

Ms. Barnett made a motion to waive Rule V of the Internal Operating Procedures. Ms. Love seconded the motion. The motion passed unanimously with a vote of 8-0.

Mr. Rogan and Ms. Schmitt spoke briefly about their desire to serve the Ethics Commission as Chair and Vice-Chair, respectively.

Ms. Barnett made a motion to appoint Mr. Rogan as Chair of the Ethics Commission and Ms. Schmitt as Vice-Chair of the Ethics Commission for 2019. Ms. Love seconded the motion. The motion was passed with a vote of 8-0.

Posting of Draft and Final Minutes

Ms. Miller spoke about the Ethics Commission's decision last year to post minutes online only after they are approved by the Commission. This led to there being a large gap in the posting of minutes, especially when the Commission and committees do not meet on a monthly basis. Ms. Miller suggested the following options: (1) post draft minutes within days of the meeting and post final minutes after the minutes are approved by the Ethics Commission; (2) post final minutes only after the minutes are approved by the Commission or committee; (3) post the final minutes after approval by the Commission or committee, but post draft minutes if minutes are not approved within 45 days of the date of the meeting. Mr. Rogan suggested that a draft watermark be added to the draft minutes before they are posted.

Ms. Love made a motion to post draft minutes with a 'draft' watermark on the Ethics website. Ms. Schmitt seconded the motion. The motion was passed with a vote of 8-0.

Mr. Rogan then suggested that the Nominating Committee members review the minutes from the October 15, 2018 Nominating Committee meeting since the committee would not meet again for the remainder of the year. Mr. Rogan made a motion to approve the minutes of the Nominating Committee meeting of October 15, 2018. Ms. Schmitt seconded the motion. The motion passed with a vote of 3-0.

Public Comment

Mr. Markle spoke about the first Ethics Commission meeting he attended nine years ago and how the issues of that time helped forge the Ethics Commission into what it is today. He commended Ms. Allen for her dedicated service to the Commission.

Ms. Scott shared his concerns about the promises made during consolidation to the North side of Jacksonville of a proper sewage infrastructure and how the African-American community still has to deal with these issues today.

There being no further business to discuss, the meeting was adjourned at 6:31 p.m.

Lourdes Barboza, Executive Assistant, OECO

Date of Approval