CITY OF JACKSONVILLE

BRIAN AULL
CHAIR

MICHELLE BEDOYA BARNETT
IMANI A. BOYKIN
GEORGE CANDLER
MARY BLAND LOVE

JOHN HARTLEY
VICE CHAIR

JOSEPH ROGAN
DAVID RYBAK
ELLEN SCHMITT

ETHICS COMMISSION
MEETING MINUTES

November 5, 2018
Don Davis Conference Room
City Hall – 1st Floor

The meeting was called to order by Brian Aull, Chair of the Ethics Commission, at 5:10 p.m. A quorum was present.

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

Public in Attendance: JJ Dixon, John Nooney, Conrad Markle, and Stanley Scott.

The Chair, Mr. Aull opened the meeting with the Pledge of Allegiance.

New Business

2018-710 Proposed Revisions to Part 7 Gift Laws:
Ms. Miller summarized the proposed revisions to the gift laws in our local ethics code. During the revision process, the OECO met with the Department Ethics Officers, including those from the Independent Authorities, Constitutional Officers, and every department in the Executive branch, to discuss the changes to the Gift Laws, and to remove obsolete and confusing language. The new revisions of the gift laws allow for regulation based upon risks determined by each department. Each department policy will require approval from OECO and OGC.

Mr. Aull opened the floor for public comment about 2018-710. Public comment was received (Mr. Scott, Mr. Nooney).

Dr. Candler responded to the public comment by confirming that the meetings of the Ethics Commission and its committees have all been noticed meetings. Mr. Rogan clarified that 2018-710 was introduced by the Council President at the request of the OECO and that it was not written by the Legislative Committee. The Legislative Committee considered this legislation at the October 29, 2018 meeting. Dr. Candler made a motion to approve the proposed revisions to the gift laws. Mr. Rybak seconded the motion. The motion passed unanimously with a vote of 5-0.

Ms. Miller asked that this be in the form of a Resolution of the Commission. Mr. Rogan made a motion to reconsider the vote. Ms. Schmitt seconded the motion. The motion to reconsider the vote passed with a vote of 5-0. Mr. Rogan clarified that the Legislative Committee had already voted unanimously 3-0 to recommend supporting this bill (2018-710). He proceeded to read the Resolution of the Legislative Committee. Mr. Rogan then made a motion recommending that the Ethics Commission adopt the Resolution. Ms. Schmitt seconded the motion. The motion for the Ethics Commission to adopt the Resolution passed unanimously with a vote of 5-0. Ms. Miller thanked the members of the Ethics Commission.

602.401, Misuse of Position:

On behalf of the Legislative Committee, Mr. Rogan summarized the proposed revisions to 602.401. He explained that the first meeting of the Legislative Committee to discuss revisions to Part 4 of the Code was in April 2017. The Legislative Committee then held seven public meetings and also discussed the issues at several Ethics Commission meetings. The committee solicited input and received valuable feedback from OECO, OGC, the Employee Services Department, and the Office of Inspector General. The Legislative Committee had two 3-0 votes to adopt these changes to 602.401 and 602.402. The changes to 602.401 broaden the restrictions on misuse of position and clarify activities that are prohibited.

Ms. Miller recommended that the revisions to sections 602.401 and 602.402 be presented to City Council as one bill. Mr. Aull agreed. Ms. Pollock will create one bill for the changes to 602.401 and 602.402.

Mr. Aull opened the floor to public comments on the proposed revisions for 602.401. Mr. Nooney and Mr. Scott commented.

602.402, Activities of City officials and employees in matters affecting the City:

Mr. Rogan summarized the proposed revisions to 602.402. The revisions to this section would encourage more qualified individuals to apply for volunteer board positions. He also explained that the exemption provision would now allow for petitions for exemptions to be submitted to the Ethics Commission.

Mr. Aull opened the floor to public comments on the proposed revisions for 602.402. Mr. Markle, Mr. Scot, and Mr. Nooney commented.

Ms. Miller explained that Section (c) in the proposed revision to 602.402 incorporates the law from the opinion by the State Ethics Commission on a prior appointee to the Ethics Commission (Leslie Jean-Bart).

Mr. Aull commended the Legislative Committee members for their hard work. Dr. Candler added that the purpose of the work of the Commission is to make things more efficient and improve the ethical environment in the City.

There was additional discussion about 602.402(d), petitions for exemptions. Mr. Rogan clarified that, in order for the Ethics Commission to grant an exemption, it would need to find that the representation will not interfere with the full and faithful discharge of such person's special duties.

Mr. Rogan suggested several minor corrections to 602.401 and 602.402 as follows:

602.401, misuse of position
Page 1, line 17 – insert "and" before "to ban".
Page 1, lines 18 to 21 – replace "computers and the internet for partisan political activities and to prohibit the use of an official title or address for personal activities" with "city resources for campaigning".
Page 2, line 9 – add the word "her" after "authority associated with his or"
Page 2, line 30 – add a comma after the word "officer"
Page 3, line 3 – the word "City" should be inserted after the word "persons".

602.402, activities of officers and employees in matters affecting the City
Page 2, line 18 – "the appointed" should be replaced with "that appointed".
Page 3, line 5 – correct the spelling of "waiver"

Mr. Rogan proceeded to read the Resolution of the Jacksonville Ethics Commission on 602.401 and 602.402, with the above revisions. He then made a motion to adopt the Resolution; Ms. Schmitt seconded the motion. The motion passed unanimously with a vote of 5-0.

Mr. Rogan asked Ms. Pollock to make the minor revisions to the wording of the bill and to see that it was filed. He thanked her for OGC's help throughout the process of revising those sections of the Ethics Code.

Public Comment: Mr. Nooney and Mr. Scott commented.

Ms. Miller thanked the Ethics Commission for attending the meeting. There being no further business to discuss, the meeting was adjourned at 6:02 p.m.

Lourdes Barboza January 28, 2019

Lourdes Barboza, Executive Assistant, OECO 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