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CITY OF JACKSONVILLE  
CHARTER REVISION COMMISSION  
MEETING

Proceedings held on Thursday, September 24,  
2009, commencing at 9:00 a.m., City Hall, Council  
Chambers, 1st Floor, Jacksonville, Florida, before  
Diane M. Tropa, a Notary Public in and for the State  
of Florida at Large.

PRESENT:

- WYMAN DUGGAN, Chair.
- ED AUSTIN, Commission Member.
- JIM CATLETT, Commission Member.
- WILLIAM CATLIN, Commission Member.
- JESSICA DEAL, Commission Member.
- TERESA EICHNER, Commission Member.
- ROBERT FLOWERS, SR., Commission Member.
- BEVERLY GARVIN, Commission Member.
- MECHELLE HERRINGTON, Commission Member.
- ALI KORMAN, Commission Member.
- JEANNE MILLER, Commission Member.
- GARY OLIVERAS, Commission Member.
- CURTIS THOMPSON, Commission Member.
- GEOFF YOUNGBLOOD, Commission Member.

ALSO PRESENT:

- STEVE ROHAN, Office of General Counsel.
- JEFF CLEMENTS, Research Division.

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P R O C E E D I N G S

September 24, 2009 9:00 a.m.

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THE CHAIRMAN: Good morning.

I will call to order the September 24th, 2009, meeting of the Charter Revision Commission.

My name is Wyman Duggan; I'm the Chair.

I would ask each of the commissioners to introduce themselves, starting with Commissioner Thompson.

Don't forget to press the white button to hit the microphone.

MR. THOMPSON: I'm Curtis Thompson.

MR. OLIVERAS: Gary Oliveras.

MS. KORMAN: Ali Korman.

MR. FLOWERS: Robert Flowers.

MR. CATLETT: Jim Catlett.

MR. AUSTIN: Ed Austin.

MS. DEAL: Jessica Deal.

MR. CATLIN: Billy Catlin.

MS. GARVIN: Beverly Garvin.

MS. MILLER: Jeanne Miller.

MR. YOUNGBLOOD: Jeff Youngblood.

THE CHAIRMAN: Thank you.

1 Vice Chair O'Brien is excused today. She's  
2 on an out-of-town trip, and I know Commissioner  
3 Miller needs to leave to go out of town as well,  
4 so please leave whenever your schedule requires.

5 We will begin by -- I would ask each of you  
6 to turn your cell phones to silent or vibrate,  
7 if you've not already done so.

8 Thank you very much.

9 And we will begin with the Pledge of  
10 Allegiance and a moment of silence.

11 (Recitation of the Pledge of Allegiance.)

12 THE CHAIRMAN: Thank you.

13 We're going to begin with a little bit of a  
14 bitter sweet moment for -- I know for me  
15 personally, because we are losing one of our  
16 valued commissioners, Ms. Martha Barrett, who,  
17 fortunately for her and for all of us, for the  
18 county, she's been elected to the Duval County  
19 School Board, but that means she can no longer  
20 continue to serve with us, so I wanted to take  
21 this opportunity to ask Martha to come to the  
22 podium so that you can receive my personal  
23 thanks for your service on the commission.

24 (Ms. Barrett approaches the podium.)

25 THE CHAIRMAN: You've been a valued asset

1           for us. I wish you all the best in your service  
2           to the citizens of Duval County on the school  
3           board, and please take a moment to perhaps share  
4           some parting thoughts with us.

5           MS. BARRETT: Thank you, Mr. Chairman. And  
6           thank you, fellow commissioners.

7           I certainly loved being on this  
8           commission. I was thrilled when I was asked by  
9           council -- then Council President Ronnie  
10          Fussell. And he and I spoke the other day, and  
11          we also -- I also spoke to Council President  
12          Clark, and he told me then that he was  
13          appointing Jessica Deal, which I think is  
14          terrific. She knows the government, she knows  
15          the City, and I don't think he could have chosen  
16          a better person. So you're in very good hands.

17          I just want to say personally I've loved  
18          being on this commission and you-all are doing a  
19          great job.

20          I want to just say that when I was  
21          appointed in June -- actually in May, remember,  
22          I knew nothing about the school board.  
23          Everything just happened. In July, the General  
24          Counsel was -- rendered an opinion that the  
25          school board members no longer had a -- any term

1 limits, as no other school board members do in  
2 the state because they're state constitutional  
3 officers. Jim King's untimely death occurred at  
4 the end of July. And Mr. Jordan -- Stan Jordan  
5 decided to run for his seat, August 10th he  
6 announced. Because of the term limit lifting, I  
7 was able to run and subsequently won, which I'm  
8 thrilled about, but -- and I'm thrilled to go  
9 back to the school board, but I will miss you  
10 all.

11 I just want to give you two thoughts --  
12 parting thoughts, and then I'm leaving because I  
13 know you've got a huge, huge agenda.

14 I think that -- again, there's been  
15 questions about the school board being  
16 appointed. Just because I'm on the school board  
17 and so on doesn't mean that this is a selfish  
18 thing, but having to go out and seek people's  
19 vote, to listen to the people, to know your  
20 constituents, you've got to work for it, you  
21 have to raise money, you have to walk, you have  
22 to go door to door, you have to work hard when  
23 you're running for an election, and I believe  
24 that the people want to have their school board  
25 elected and not appointed. That's number one,

1           and that's not a selfish reason for me.

2           Number next, I think you should keep the  
3           City elections in the spring. I don't think you  
4           certainly want to get involved in having it  
5           where the elections are with the governor and  
6           all of that. There's too many things on the  
7           ballot. People, for instance, thought --  
8           think -- thought that I was still on the board.  
9           They just -- they don't pay attention that much,  
10          like we do. So don't distract these people.

11          I think the forefathers who thought about  
12          the school -- the elections for the City being  
13          in the spring is perfect. Remember, people are  
14          not home in the summer. It is hot. I will tell  
15          you, when you have to go -- because we always  
16          had to go because the state elections are in the  
17          summer.

18          But I'm just saying, I believe you should  
19          keep the City elections separate, in the spring,  
20          because the mayor -- there is no other more  
21          important elected office in this city than the  
22          mayor. And as the mayor goes, so goes the city,  
23          and I just don't think you should ever -- you  
24          should always separate the City Council and the  
25          mayor's elections.

1           That's my parting words.

2           Thank you very much, Mr. Chair.

3           THE CHAIRMAN: Thank you, Ms. Barrett.

4           Good luck and God bless.

5           And let me second Ms. Barrett's comments  
6 about Ms. Deal. We're glad to have you with us  
7 and we look forward to your contributions.

8           Thank you.

9           Mr. Clements, would you take us through our  
10 packet of material here.

11          MR. CLEMENTS: Again, a very small packet  
12 today. You have an agenda. You have the  
13 transcript of the minutes of the last meeting.  
14 And you have two handouts, one from the Ethics  
15 Commission, which I'm sure they will tell you  
16 about during their presentation, and one from  
17 Steve Rohan in the General Counsel's Office  
18 outlining the history of the Civil Service  
19 Board, and I'm sure you'll have a discussion on  
20 that at a future time.

21          THE CHAIRMAN: Thank you, Mr. Clements.

22          Mr. Rohan, do you have anything you'd like  
23 to add about your memo?

24          MR. ROHAN: Thank you, Mr. Chairman.

25          No, I'll be happy to wait until the

1           appropriate time and answer any questions that  
2           the commission may have.

3           THE CHAIRMAN: Thank you, Mr. Rohan.

4           As you may recall, Commissioners, this was  
5           an item that we asked Mr. Rohan to take a look  
6           at, and so he's prepared the materials that we  
7           asked him to compile. And please review that at  
8           your convenience, and then we can address it at  
9           a later meeting.

10          Okay. I think we have all the  
11          preliminaries out of the way, so let's get right  
12          into our agenda. Our first item today, as you  
13          can see, will be a presentation by the Ethics  
14          Commission, and then we will hear from Mr. Mike  
15          Weinstein regarding the independent authorities.

16          (Audience member approaches the podium.)

17          AUDIENCE MEMBER: Good morning.

18          THE CHAIRMAN: Good morning.

19          AUDIENCE MEMBER: I would like to thank the  
20          Charter Revision Commission for giving us this  
21          time to present to your group.

22          My name is Gene Filbert, and I have had the  
23          distinct honor and privilege to serve as the  
24          Chair for the Ethics Commission during this past  
25          year.

1 THE CHAIRMAN: Mr. Filbert --

2 MR. FILBERT: Yes, sir.

3 THE CHAIRMAN: -- I need to -- our court  
4 reporter to swear you in. We're having all of  
5 our witnesses sworn in.

6 Thank you.

7 THE REPORTER: Would you raise your right  
8 hand for me, please.

9 MR. FILBERT: (Complies.)

10 THE REPORTER: Do you affirm that the  
11 testimony you're about to give will be the  
12 truth, the whole truth, and nothing but the  
13 truth so help you God?

14 MR. FILBERT: I do.

15 THE REPORTER: Thank you.

16 MR. FILBERT: Like yourselves, we are a  
17 volunteer group. And, as I said, we have nine  
18 members, who I'd like to have stand at this  
19 time.

20 AUDIENCE MEMBERS: (Comply.)

21 MR. FILBERT: A very distinguished group.  
22 Like yourselves, as I said, we're a volunteer  
23 group. There's a volume of information on the  
24 background of the Ethics Commission members in  
25 your book. We have two former naval officers.

1 We have an HR leader with over 20 years of  
2 experience on the commission. There are four  
3 lawyers, one of which is the past president of  
4 the Perkins Bar Association and a law  
5 professor. Also in our group is a professor of  
6 political science from UNF and the former  
7 director of the Florida League of Cities. A  
8 tremendous group with a great background.

9 We have two people presenting for our group  
10 today, Carla Miller and Braxton Gillam. Braxton  
11 Gillam is the Chair of our legislative  
12 subcommittee. Braxton is a partner of the Milam  
13 Howard law firm and a member of the Bar  
14 Association Board of Governors and past  
15 president of Young Lawyers.

16 Carla Miller is the City's ethics officer.  
17 Carla is a formal [sic] federal prosecutor and  
18 has handled public corruption cases. Her  
19 history with the Jacksonville Ethics Commission  
20 spans over twelve years, ten years as a  
21 volunteer.

22 She helped write the City's ethics code.  
23 She chaired this Ethics Commission herself for  
24 two years and volunteered as the ethics officer  
25 for over eight years. She helped develop ethics

1 training for all of our City employees and  
2 elected officials.

3 She has been an officer of the national  
4 governmental ethics body called COGEL, and she  
5 has consulted with cities across the United  
6 States, Africa, and the Middle East on  
7 developing ethics programs.

8 In August of 2007, Mayor Peyton asked her  
9 to come on as a part-time employee. She's been  
10 working with the commission on the City's ethics  
11 program and she's been working closely with the  
12 Ethics Commission. I can't tell you just what a  
13 great asset she's been to all of us.

14 Carla.

15 (Ms. Miller approaches the podium.)

16 MS. C. MILLER: Good morning.

17 THE CHAIRMAN: Good morning.

18 Ms. Tropa.

19 THE REPORTER: Would you raise your right  
20 hand for me, please.

21 MS. C. MILLER: (Complies.)

22 THE REPORTER: Do you affirm that the  
23 testimony you're about to give will be the  
24 truth, the whole truth, and nothing but the  
25 truth so help you God?

1 MS. C. MILLER: I do.

2 THE REPORTER: Thank you.

3 THE CHAIRMAN: Ms. Miller.

4 MS. C. MILLER: My name is Carla Miller,  
5 and I'm the ethics officer for the City of  
6 Jacksonville.

7 I'm really proud to be able to work with  
8 this Ethics Commission. It's a very dedicated  
9 and hard-working group.

10 I'd like to clarify that as ethics officer,  
11 I'm not a member of the Ethics Commission, but  
12 they have asked me to give you an overview of  
13 ethics issues this morning.

14 I'm also really proud to say at this time  
15 that I'm a City employee. I was a City employee  
16 back in 1972 before I went to law school, so  
17 it's sort of full circle to come back as an  
18 employee now. And I have met in the last two  
19 years so many dedicated City employees and I've  
20 talked with every single one of our elected  
21 officials, and it's such an outstanding group.  
22 They really care about the citizens and they  
23 care about doing the right thing, so I'm honored  
24 to come here as now a part-time City employee.

25 I'm also proud to have the trust of

1 Mayor John Peyton, who appointed me to this  
2 position and trusted me to implement the City's  
3 ethics program and to work closely with the  
4 Ethics Commission.

5 Now, I have a collector's item to show  
6 you. Someone slipped this under my door. This  
7 is a 40-year-old code of ethics for the City of  
8 Jacksonville. I have never seen this before in  
9 12 years of working for the commission and  
10 working with the General Counsel's Office.

11 I didn't know that the people who formed  
12 our charter in 1968, who studied all of the  
13 issues in our city, who were brilliant -- I  
14 mean, people all across the United States talk  
15 about our consolidated city -- that they  
16 actually sat down and they came up with a  
17 structure for a code of ethics for our city,  
18 conflict of interest laws, someone actually  
19 pushing the envelope on ethics programs for our  
20 city, brilliant. 1968, 1969. Several years  
21 later, it was removed from the charter.

22 Now, a lot of the conflict of interest  
23 provisions that were in here were put in various  
24 parts of the Jacksonville code, but the actual  
25 body that had responsibility for ethics was

1 removed.

2 What happened in the 1980s, we had numerous  
3 investigations, federal investigations,  
4 indictments, and convictions of public  
5 officials. This was the time period in which I  
6 was a federal prosecutor here in Jacksonville.

7 Now, in 1992, an Ethics Commission was  
8 formed, and that's the body that you see now.  
9 So it morphed from what we had in the original  
10 charter. It's a different body in 1992 that was  
11 put together. The law changed again in 2007 and  
12 additional powers were given to the commission.

13 So there's this constant growth pattern of  
14 what we do for ethics in this community.

15 (Ms. Herrington enters the proceedings.)

16 MS. C. MILLER: Now, what I'd like to do  
17 is -- based on 34 years of work in  
18 anticorruption law, ethics, and crime prevention  
19 in Jacksonville, I'd like to give you some of my  
20 thoughts on possible directions for our city's  
21 ethics initiative.

22 Initially, I have a video that I believe  
23 encapsulates the main issue we need to address.

24 It's a short video. It's two minutes.

25 And this is from the Stephen Covey

1 Institute.

2 (Video presentation.)

3 MS. C. MILLER: It's Stephen Covey's belief  
4 that trust can be rebuilt in a community, and I  
5 believe that it can be, and the Ethics  
6 Commission and the ethics initiative is key in  
7 doing that.

8 Can you see my PowerPoint at this point?

9 THE CHAIRMAN: (Nods head.)

10 MS. C. MILLER: Good.

11 This is a definition on trust that I think  
12 is significant, that the concept of the public  
13 trust relates back to the origins of democracy.  
14 Trust rests on the government being open and  
15 accountable for its decisions, actions, and  
16 mistakes. The government must also trust its  
17 citizens to handle and understand information.  
18 In other words, it's a two-way street. The  
19 citizens have to trust their government, the  
20 government has to trust their citizens.

21 Trust in government with all national  
22 statistics is down. That, I'm sure, does not  
23 come as a surprise to you. These statistics  
24 were done before the financial crisis. You can  
25 imagine the amount of hostility and distrust

1 nationwide that citizens are feeling, and that  
2 spills over to what people feel locally.

3 Of course that's reflected in the JCCI  
4 study that you know about on our money, our  
5 city. The focus is on trust. So that certainly  
6 is a challenge and the Ethics Commission has  
7 reached out to JCCI to work with them on the  
8 trust component of their post study activities.

9 Now, this is speed ethics. I only have a  
10 few minutes left. I can talk about this all day  
11 long, as some people know. You've heard of  
12 speed dating, this is speed ethics.

13 If you want more details, I suggest that  
14 you go to the book. I have put in a lot of  
15 different resources in here, including  
16 definitions which people really get scrambled --  
17 not you, of course, but citizens actually -- the  
18 definitional aspect is very key.

19 Governmental ethics areas that are being  
20 addressed nationwide, a history of the ethics  
21 initiatives in Jacksonville. I have the  
22 original Article 20 from our charter. Of  
23 course, it's almost a half a century old, which  
24 means I'm sort of a half a century old, which is  
25 depressing, but if you look in there, you can

1 see what the founders of our charter actually  
2 put in there.

3 And this is very interesting, if you really  
4 want to get into this. There's national  
5 standards for the creation of ethics programs.  
6 Most corporations in America follow these  
7 national standards, we should too, especially  
8 our independent authorities. They're  
9 billion-dollar corporations. They should comply  
10 with national best practices.

11 And, of course, press articles on the  
12 activities of the Ethics Commission.

13 Now, to get into what, why, who, when,  
14 quickly.

15 What. Here's what we don't want. This is  
16 another collector's item (indicating). This was  
17 a Christmas present. This is an ethics code.  
18 It's laminated. It was expensive to print these  
19 up. It says: Our values: Respect, Integrity  
20 Communication, Excellence. It got passed out to  
21 a large corporation. This is Enron's ethics  
22 code.

23 Now, this stands for ethics programs where  
24 you have pages and pages of activity. And it  
25 looks like something is being done, but

1           apparently the people in the ethics program  
2           weren't going down the hall and talking to the  
3           people in the operational end of things.

4           We do not want a program and we don't have  
5           a program that is a window dressing program. We  
6           constantly need to be creating a reality that is  
7           effective with our ethics programs. We need a  
8           coordinated ethics body for consolidated  
9           government as envisioned by the founders of our  
10          charter.

11          Best practices, as I described, exist for  
12          the creation of strong ethics and anticorruption  
13          programs. There's already initial work being  
14          done in this area. In June, I met with a  
15          representative from each of the independent  
16          authorities to talk about how we were complying  
17          as a city with best practices, and there's  
18          varying degrees of people addressing those  
19          issues.

20          Compliance with state and local laws ought  
21          to be done at a coordinated level. We need to  
22          have comprehensive training that also is  
23          citywide and has consistency. And there's been  
24          a lot of efforts -- I don't mean to, by saying  
25          this, indicate that there haven't been inroads

1 in this. It's just that we could be doing more  
2 in that area.

3 And a forum for citizen discussion. When  
4 you take a look at what a citywide ethics body  
5 could do, education is the main aspect of what  
6 could be accomplished. A citizen forum, where  
7 citizens feel that they can address issues and  
8 come and talk about things, training, compliance  
9 with state and local laws.

10 And, of course, there's an enforcement  
11 component. We have an ethics code that you have  
12 in here. There's about 20 violations, gift law,  
13 lobbying disclosure. It is possible that people  
14 can violate those and there should be a  
15 penalty. No use having things on the books that  
16 there aren't any penalties for.

17 If you have a penalty, right now our code  
18 requires that all of those violations go to the  
19 State Attorney's Office for prosecution.

20 Now, they're pretty busy. Most cities have  
21 a civil fine structure. You know, \$250, first  
22 fine. You know, it's done. You don't have to  
23 involve the State Attorney's Office with their  
24 resources.

25 Why. I have taken over 200-plus hotline

1 calls since starting as part-time ethics  
2 officer. I carry the phone with me at all  
3 times. It's actually turned off now because you  
4 said to turn off phones. Hopefully no calls  
5 coming in now, but I get calls at 10 o'clock at  
6 night, 7 o'clock in the morning. I have a good  
7 feel of what kind of things people feel they  
8 need to report to an ethics hotline.

9 I say the major reason we get those calls  
10 is because of confusion caused by too much data,  
11 too much complexity, people think that there's  
12 something going wrong when there really isn't.  
13 So what we've been able to do, from an  
14 educational standpoint, is build more trust in  
15 government just by clarifying that everything is  
16 okay.

17 Now, that doesn't mean that we don't have  
18 things that have occurred that we're working  
19 with the State Attorney's Office on, criminal  
20 offenses, but the vast majority -- I would say  
21 80 percent are things that people just need to  
22 have sorted out.

23 We get many calls on the independent  
24 authorities. Confusion there, just as you would  
25 imagine.

1           Now, if you tell a citizen that  
2           Jacksonville Electric Authority or Jacksonville  
3           Transportation Authority isn't Jacksonville  
4           ethics, you know, they're going, "Wait a  
5           minute. I don't get that." You know, so there  
6           needs to be some kind of mechanism where those  
7           people can also have their concerns addressed on  
8           a uniform basis. This can all be handled by  
9           education.

10           A national government ethics study came out  
11           last year. The study findings, levels of  
12           misconduct in local government are alarmingly  
13           high. Local officials are the least likely to  
14           know about ethics risks, nationally. The  
15           strength of ethical culture is decreasing and  
16           the pressure to commit misconduct is growing.

17           An effective ethics and compliance program  
18           cuts misconduct by 60 percent. A unified  
19           product for the City of Jacksonville would  
20           substantially analyze risks and be able to cut  
21           them.

22           Definitional problems. I mention this  
23           because people, when I talk to them on the  
24           hotline, totally confuse the concept of ethics  
25           laws and corruption. I have full definitions

1           that you might find interesting in the  
2           notebook.  But when people call and say, "I'm  
3           really upset.  Can the Ethics Commission do  
4           something about someone that lied?"  It's like,  
5           well, no, you know, because -- and we'd need  
6           about a hundred people.  You know, you can't  
7           handle all issues of respect, dishonesty or --  
8           not everything comes into an ethics body.

9           The focus of ethics bodies nationwide is  
10          ethics laws, conflict of interest, is there a  
11          conflict.  And that is the focus, not the  
12          broader ethics issues.

13          Membership on an ethics body is very  
14          interesting.  It's being done differently all  
15          over the country.  I just read that, yesterday,  
16          Salt Lake City came up with a brand new way to  
17          do it.  They get recommendations of 20 top  
18          people to be on the Ethics Commission.  They put  
19          the names in a hat and then someone pulls names  
20          out of a hat.

21          We have a lottery system in California for  
22          San Bernardino County.

23          The Ethics Commission is discussing what's  
24          going on nationwide to come up with the best  
25          process that we could recommend for the City of

1 Jacksonville.

2 Staff for the commission. The commission  
3 now, as Braxton will tell you, has no staff and  
4 no budget. I act as liaison with the Ethics  
5 Commission, so I assist them and pretty much act  
6 in an executive director capacity.

7 But the staff for the commission, as it is  
8 done nationwide, needs to be able to act at the  
9 direction of the Ethics Commission without  
10 interference or pressure.

11 When. As soon as possible, but we need  
12 maximum input from all stakeholders in the  
13 City. That's why there's been an outreach to  
14 the League of Women Voters, to JCCI, and to the  
15 Young Democrats and Young Republicans to -- and  
16 also several City Council members. It needs  
17 to -- actually, what I would envision is  
18 something on the level that the charter -- the  
19 people who put our charter together in 1969 put  
20 together, something that -- inspired to move  
21 forward.

22 Thank you.

23 And Braxton Gillam is going to give you a  
24 few thoughts.

25 THE CHAIRMAN: Thank you, Ms. Miller.

1 (Mr. Gillam approaches the podium.)  
2 MR. GILLAM: Good morning.  
3 THE CHAIRMAN: Good morning.  
4 Ms. Tropa.  
5 THE REPORTER: Would you raise your right  
6 hand for me, please.  
7 MR. GILLAM: (Complies.)  
8 THE REPORTER: Do you affirm that the  
9 testimony you're about to give will be the  
10 truth, the whole truth, and nothing but the  
11 truth so help you God?  
12 MR. GILLAM: I do.  
13 THE REPORTER: Thank you.  
14 THE CHAIRMAN: Mr. Gillam.  
15 MR. GILLAM: Thank you.  
16 As a lawyer in the community, I'm not  
17 normally the one who gets sworn in. I usually  
18 ask the questions.  
19 Before I start, I want to, again, reiterate  
20 Gene's comments to you and thank you for the  
21 opportunity to be here on behalf of the  
22 commission and present to you today.  
23 As I start, I want to tell you a little  
24 about who I am and kind of where I come from so  
25 you're -- because you're going to get some of my

1 personal opinion with this, as well as the  
2 commission's opinion.

3 I'm an appointee from the mayor's  
4 perspective, early 2008. I've been on the  
5 commission going on two years, and I come on to  
6 the commission at a time right after the most  
7 recent code revision that occurred in the late  
8 fall of -- in 2007, the time when Ms. Miller was  
9 brought on as an employee of the City, a time  
10 when the hotline was established, and so -- and  
11 I think I find myself -- most of my peers on the  
12 commission, we're all sort of in the less than  
13 two-year time frame, and so we're all dealing  
14 with these new issues, the changes in the code,  
15 the change expectations.

16 Frankly, the broadening responsibility of  
17 the Ethics Commission, which I think follows,  
18 frankly -- if you look at the comments from the  
19 mayor's office when the ethics officer became a  
20 paid position, from the City Council's  
21 perspective when they made the change to the  
22 code, it was a response to concerns from the  
23 citizenry because of things that were going on  
24 at that time.

25 And so the first thing that the commission

1 is dealing with when I come on board is trying  
2 to address the establishment of a hotline,  
3 responding to hotline calls. And I will tell  
4 you that you sort of work through that process,  
5 and the first thing you note is you note the  
6 problems, you note the deficiencies. And the  
7 biggest one, the most blatant one to me was what  
8 kind of procedures do we have in place to do  
9 this and how are we developing those  
10 procedures. And we're doing all that as a  
11 volunteer board. We're -- like you're  
12 volunteers, we're not paid. We show up on a  
13 monthly and a -- generally more than monthly  
14 basis and try and get our jobs and meet our  
15 responsibilities, but we do that, again, as  
16 volunteers, time away from our own jobs and our  
17 families.

18 We don't have any budget. We have zero  
19 budget and zero opportunity to go out and hire  
20 people, hire staff to keep continuity on a  
21 day-to-day basis and help us get our job done.  
22 So that's the first -- you know, the first  
23 blatant, you know, issue that -- it was apparent  
24 to me in trying to -- you know, trying to meet  
25 our function, and with a broadened

1 responsibility given to us by the City Council.  
2 And that -- you know, that experience grows as  
3 we begin to take comments.

4 And, again, most of the complaints that  
5 we've received since I've been on the commission  
6 have been through the hotline. Carla gave you  
7 some statistics when she was speaking about  
8 approximately 200 phone calls. And we've also  
9 had commission-level complaints, complaints that  
10 have come to us directly from citizens during  
11 our commission meeting, and the kind of things  
12 we've dealt with --

13 One of the first issues we took up was a  
14 public records issue. It was an old issue, at  
15 least from my perspective, it being 2008, and it  
16 was a complaint related to issues relating to  
17 requests for information relating to Super Bowl  
18 Host Committee records from years before, back  
19 when the Host Committee was preparing us for a  
20 Super Bowl, but it was a -- it was a complaint  
21 that was real. We held some hearings. We heard  
22 from the complainants, the people who were  
23 involved in the request, and we heard from City  
24 government employees and General Counsel's  
25 Office about how that was handled.

1           And I think ultimately what, you know, I'll  
2           tell you I took away from it was that -- you  
3           know, it was not a perfect system, it wasn't --  
4           things weren't handled in a way that I think  
5           would promote transparency and make the citizens  
6           happy with government, but --

7           And I'll give the mayor's office credit.  
8           As that process was going on, they had already  
9           begun making changes. We have changes today,  
10          you know, with the assistance of Carla, and the  
11          ethics office has now a web site where  
12          information is provided to the public on how to  
13          make a public records request, how to navigate  
14          that mine field, and there's also a process in  
15          place now for an appeal with people --  
16          responsible people in city government to address  
17          those complaints as they come in, what -- where  
18          people don't think they're getting the response  
19          they're supposed to get from city government.

20          I, frankly, count that as success, and then  
21          that's the kind of thing that -- a good example  
22          of what we've been seeing since I've been on the  
23          commission -- there was issues with lobbying  
24          registration. That was also a change in 2007 --  
25          or I guess it was effective January 1 of 2008, a

1 change in how lobbyists have to register the  
2 information they have to give. We had to -- you  
3 know, we were brought implementation questions  
4 with that process, worked through that. And,  
5 again, I think, you know, we see that system  
6 working now in its different fashion.

7 Trail Ridge Landfill, that was one of  
8 those, you know, big newspaper items. The  
9 community was in an uproar on how things were  
10 being handled. That kind of goes hand-in-hand  
11 with the big contracts, emergency contract  
12 letting. These were the kind of things that  
13 citizens come or have come to our board and  
14 commission with and complained about, and we  
15 have entertained those complaints as they've  
16 come in. We've heard from stakeholders and  
17 people who are interested each and every time.

18 I'm happy to tell you that -- you know,  
19 that in most instances what we really found was  
20 city government was functioning properly, people  
21 were following the laws. But, unfortunately,  
22 because of miscommunication with the public  
23 and/or misinformation in the public, the  
24 perceptions were bad, and that's the concern.

25 And, again, I'll say to you, I think

1           that -- you know, Carla touched on this and the  
2           paperwork she's provided you touched on this. I  
3           mean, the real function and the real need and  
4           the real reason why there's a commission and an  
5           ethics code is because of distrust in the  
6           public.

7                     And I'll say to you that -- you know, I see  
8           that -- I see the responsibility of the Ethics  
9           Commission -- you know, first and foremost is  
10          education. That's education internal, as well  
11          as education external.

12                    I think -- one of the things we've heard --  
13          I've heard over the last 18 months from City  
14          officials is, we don't like what's going on  
15          because we perceive it as a gotcha system.

16                    Again, as I say to you, the first goal,  
17          first responsibility of the commission should be  
18          an education one, and it should be going to City  
19          employees -- and it is -- and going to City  
20          officials and educating them on what the laws  
21          are and how to compile the laws so you don't  
22          have these problems and you don't develop  
23          distrust in the public because you don't have  
24          the violations.

25                    And in going -- and in addressing that kind

1 of an issue, what we come to find out is -- and  
2 what we deal with in some of the complaints we  
3 received is we really don't have the authority  
4 to deal with those issues broader than just City  
5 of Jacksonville government. The independent  
6 authorities aren't and haven't been within our  
7 structure.

8 So, from my standpoint, you know, one of  
9 the big issues we come to you with here today is  
10 the consideration of putting the Ethics  
11 Commission, the ethics code, the board back into  
12 the charter. This is -- that helps us primarily  
13 with the opportunity to educate all the people  
14 in City government on -- on a consistent basis,  
15 whether independent authority or whether you're  
16 a City Councilperson or a City Council staffer,  
17 so that everyone is getting the same  
18 information, the same kind of training, and  
19 promoting a -- you know, a better government.

20 The next reason that -- moving from a code,  
21 ordinance-based Jacksonville code and back to  
22 what we originally were, which was within the  
23 charter, it provides, you know, us not only this  
24 jurisdictional piece, but also, you know, the  
25 ability to fund the process because, again, as I

1           noted earlier, one of the first things that  
2           became apparent to me as a commission member was  
3           the inability for us to effectively meet the  
4           broad challenges, you know, addressed to us, is  
5           to -- to hire staff and deal with the day-to-day  
6           obligations.

7           Ms. Miller just told you that she's got a  
8           cell phone in her pocket, which functions as our  
9           City hotline. And she is, you know, available  
10          at any time, 10 o'clock at night, 7 o'clock in  
11          the morning. I'll say to you that I think that  
12          that's not the way we should function.

13          We heard -- our commission actually heard  
14          recently this past Monday from the JEA. The JEA  
15          has worked hard with Ms. Miller and on their own  
16          to develop their own internal ethics code and  
17          policies and they've got a different system, an  
18          independent group who receives phone calls for  
19          them, who then in turn speak to the people  
20          appropriate, you know, a designee -- a JEA --  
21          when a complaint comes in on a hotline.

22          But we don't have the ability to even  
23          consider that because we don't have any funding  
24          to hire staff people or consider a third-party  
25          outside source to receive these kind of

1 complaints.

2 So, I mean, again, number one, you know,  
3 from our standpoint, the reason why there should  
4 be a move and we come to you in -- for your  
5 assistance in moving from the ordinance back to  
6 the charter is jurisdictional, but also from a  
7 funding standpoint.

8 I'll say to you that -- I mean, from my  
9 perspective, currently we function only through  
10 Carla's activities as the ethics officer and  
11 with the assistance with the General Counsel's  
12 Office when we turn to them when we -- when  
13 we're faced with questions that are legal in  
14 nature. They are our lawyers, like they are  
15 your lawyers, like they are the City Council's  
16 lawyers, the mayor's lawyers, everyone in City  
17 government.

18 I'll tell you another reason, from my  
19 standpoint, independent funding for this  
20 commission is necessary because there are times  
21 when different government bodies, different  
22 employees of the government, you know, that come  
23 up, where you can't have one law firm  
24 representing both sides, and that's a real  
25 problem. There is just no provision under

1 Florida law for -- some of you may hear the term  
2 Chinese law -- would divide up between --  
3 responsibility between the General Counsel's  
4 Office, between its members, and you're going to  
5 be responsible for this issue, you're going to  
6 be responsible for this issue, and get different  
7 lawyers' responsibility for different  
8 independent authorities or boards or employees.

9 Well, it doesn't work that way under  
10 Florida law, under Rule 4, which governs all  
11 lawyers practicing in the state of Florida,  
12 and -- and it's a difficulty for us because if  
13 we have an issue, a complaint that would come to  
14 the commission and it's about a particular  
15 individual or a -- potentially a problem between  
16 two authorities or organizations within City  
17 government, we're left with the only option now  
18 of going to our General Counsel representative  
19 and talking to them about the problem. And  
20 they're in the quandary of, what do I do, I  
21 mean, because they've got another client who's  
22 being -- who the complaint may be about. That's  
23 a very difficult situation for the Ethics  
24 Commission. I think it puts the General  
25 Counsel's Office in a very untenable position as

1 well.

2 So, again, that's another reason why, from  
3 my standpoint, that this board can't be as  
4 effective as they should be, as it's expected to  
5 be by the code unless it has some form of a  
6 funding source or staff if a potential need --  
7 in the event of a conflict or independent  
8 counsel.

9 I'll say to you that this is a work in  
10 progress for us. We come to you today with a  
11 resolution that it -- it should be in your  
12 binders, which our commission has agreed on and  
13 to recommend to you to include and consider when  
14 making a recommendation to City Council next  
15 year, but I'll tell you that it's very  
16 fortuitous from our standpoint. We were already  
17 looking at these issues as we wrestled with the  
18 change and broadening the scope and  
19 responsibilities of our commission late last  
20 year and early this year, and then it becomes  
21 obvious to us that this is also a Charter  
22 Revision Commission year, and so we come to you  
23 with our work.

24 The comments we -- they come to you, they  
25 come to you from me, they come to you from the

1           commission, from our experience the last two  
2           years. They also come through study. We've had  
3           a number of experts -- Robert Meyer (phonetic)  
4           being one -- who've come to us. We've held town  
5           hall meetings to hear from the public and other  
6           experts in the field to talk about what kind of  
7           changes we might consider based upon what other  
8           communities have done and how they've moved  
9           forward with their programs, and so you -- the  
10          comments and recommendation we come to you with  
11          today, again, they're in development, but they  
12          do come from study, they do come from other  
13          communities who have dealt with these and  
14          struggled with these same issues.

15                 One obvious issue that we haven't even  
16          taken up yet, that we're still wrestling with  
17          internally is, if you move the commission and  
18          its -- and part of the code back to the charter,  
19          what does that do or what do the stakeholders  
20          say about the membership of the commission?

21                 And I'll tell you, if you look around the  
22          country, you look around the state, the way  
23          these commissions and boards -- whether they're  
24          the Conflict of Interest Board in New York or  
25          the Jacksonville Ethics Commission or Miami's

1 Ethics Commission or San Diego's, if you look  
2 around the country, they're all made up a little  
3 bit differently. The members come from  
4 different places, they're appointed from  
5 different -- in different manners, and I  
6 acknowledge to you that we understand that --  
7 you start broadening the responsibility over  
8 independent authorities, that those  
9 stakeholders, independent authorities may want  
10 to have some say in how the people are appointed  
11 and how the makeup occurs of the commission.

12 And, currently, just -- it's in -- it's in  
13 your booklets, but I'll just tell you that we're  
14 currently made up of six appointees and three  
15 people who are elected from our own body. The  
16 six come from the mayor's office, the City  
17 Council's office, the Civil Service Board, the  
18 State Attorney, and the chief judge.

19 And, again, if you've got a school board  
20 appointee, you can assume that someone from JEA  
21 or JAA, given expanded responsibility for the  
22 commission, might want to have some say in how  
23 that -- from whence the board members come or  
24 commission members.

25 We appreciate that and, again, appreciate

1           there are many ways to skin that cat.  And,  
2           frankly, we're studying that and would like the  
3           opportunity either in writing or orally to  
4           present you, you know, what our findings come to  
5           later in this year to the extent you're willing  
6           to listen to us and hear from us on that issue.

7           I'll tell you that we're also -- again, as  
8           we continue to study the issues and work with  
9           these issues and study it ourselves where we're  
10          happy to answer any questions you have, whether  
11          they come one off from any of you or the group  
12          of you to Ms. Miller or in our commission  
13          meetings as we meet on a monthly basis or, if  
14          you request, to come back here and answer  
15          questions that you may have or may develop as  
16          the fall proceeds.  We're an open book to you,  
17          we're here as volunteers.  We're looking for the  
18          same thing you're looking for.

19          THE CHAIRMAN:  Thank you, Mr. Gillam.

20          I appreciate your presentation and -- yours  
21          as well, Ms. Miller.  And let me extend my  
22          appreciation to the entire Ethics Commission for  
23          the work that you do for the community and for  
24          the time you spent preparing your presentation  
25          today.

1           Commissioners, I would remind you, if you  
2 would like to ask a question, press the blue  
3 rostrum button.

4           And I would like to lead off with a  
5 question I have for Mr. Gillam.

6           Tell me why the existing structure,  
7 superstructure, if you will, of the State Ethics  
8 Commission and the Attorney General's Office and  
9 the State attorney's Office isn't sufficient in  
10 your mind to address the concerns that you  
11 have.

12           MR. GILLAM: It's a mouthful of questions.  
13 I'll work in reverse and I'll address the  
14 State Attorney issue first.

15           Ms. Miller spoke about that previously in  
16 her introduction, and the problem I see with  
17 leaving potential violations of our ethics code  
18 to the State Attorney's Office is that they're  
19 very busy dealing with other problems. Our  
20 community, as most of you know, is faced with  
21 one of the highest murder rates in the state of  
22 Florida, and I say to you the State Attorney  
23 believes -- I believe she believes, and I  
24 certainly believe personally that those issues  
25 should be addressed first before they address

1           whether or not some lobbyist signed up in a  
2           timely fashion or met all the obligations of the  
3           code in order to lobby before the City Council,  
4           for instance.

5           I think that, you know -- and, frankly, it  
6           makes more sense, to me, instead of having a  
7           criminal penalty for that kind of a failure to  
8           have some form of a civil infraction or  
9           response, and I think the Ethics Commissions,  
10          not just here but around the country, are better  
11          suited to address those kind of problems than  
12          the State Attorney's Office is.

13          The superstructure, the State Ethics  
14          Commission -- and I'll tell you, I will probably  
15          do some of this when you ask me questions and  
16          ask for input or support from Carla, but their  
17          jurisdiction is narrower to the state ethics  
18          code as far as what they can -- what they're  
19          able to look at and decide.

20          And I say to you that -- you know, for the  
21          same reasons, you know -- City government has  
22          unique responsibilities and they're the closest  
23          to the public to address the public's concerns  
24          and needs every day, and I say to you that the  
25          local Jacksonville Ethics Commission is in

1 the -- plays the same role.

2 And I see that in the last, you know,  
3 almost two years that I've been on the  
4 commission. People come to our meetings and  
5 they come and complain. They don't always have  
6 complaints that result or are the result of  
7 improper action on the part of a City government  
8 employee or representative, but they are real  
9 concerns they have, and I think the Ethics  
10 Commission is the -- because it's here. We have  
11 our meetings here. They're the obvious body to  
12 respond to those kind of concerns because  
13 they're the closest to the community. Folks  
14 don't go to Tallahassee -- at least most folks  
15 don't go to Tallahassee to address their  
16 issues. I think we've got a better role -- or a  
17 better opportunity for them.

18 THE CHAIRMAN: Have you come across in your  
19 work issues or concerns that you felt like you  
20 were unable to address because you lacked the  
21 jurisdiction or authority to do so?

22 MR. GILLAM: Yes, and maybe I skimmed over  
23 that in my comments, but we certainly have had  
24 comments involving independent authorities where  
25 we didn't have actual jurisdiction to make any

1 change.

2 One of the things in the current code as it  
3 exists today, there's a broad opportunity for  
4 the commission to take and hear complaints, have  
5 hearings, and make recommendations to the City  
6 Council by changes in law. That's one reason, I  
7 think, maybe I find myself speaking to you  
8 because we were evaluating potential legal  
9 changes or law changes based on complaints we  
10 received in the legislative subcommittee.

11 And so, yes, we heard complaints from  
12 people about independent authority type  
13 activity, but all we could really do with that  
14 is to say, well, we think there should be a  
15 change here. Well, I'm doing that, in part,  
16 today. We think there should be a change here  
17 because we can't effectively address concerns  
18 and issues.

19 And I'll tell you something else about  
20 that. I've actually heard from independent  
21 authority board members about their concerns  
22 with the knowledge of what they can and can't do  
23 and what they should and shouldn't do because  
24 they're not getting the same type of training  
25 the City government employees are receiving from

1 Ms. Miller. And I've had those phone calls to  
2 me directly. "What do you think I should be  
3 doing?" "Well, I'm just on the commission. I  
4 can't tell you what you can and can't do, but I  
5 understand the concern."

6 And that's why I say to you again, I think  
7 the number one role and responsibility of the  
8 commission is to educate, and we need to have a  
9 cohesive and -- you know, it needs to be a  
10 consistent education, not just two City  
11 Councilpeople and their staffers, but also to  
12 the JIA and the JPA and their boards and staff  
13 as well.

14 It concerns me that board members of these  
15 organizations don't feel like they have the  
16 proper training and education to do their job  
17 and not violate the laws. It goes back to the  
18 concern I heard from a number of City  
19 Councilpeople about this idea of a gotcha. And,  
20 again, I think if you -- you kill that with  
21 education, which I think is our primary role.

22 THE CHAIRMAN: Thank you.

23 Ms. Miller, I have a question for you.

24 (Ms. Miller approaches the podium.)

25 THE CHAIRMAN: When you and I met privately

1           some months ago to talk about these issues, you  
2           told me that you -- it was your feeling that the  
3           reason -- first of all, that you felt like the  
4           absence of any indictments stemming from the  
5           grand jury investigation fosters a lack of trust  
6           and confidence in the public and the system and  
7           that it was your opinion that the reason the  
8           State Attorney, at that time, did not issue any  
9           indictments is that the infractions were so  
10          picayune that it would not -- he would have been  
11          embarrassed by the amount of time and money  
12          spent conducting the investigation to bring such  
13          relatively trivial charges.

14                 I find that viewpoint deeply cynical  
15          because I think it impugns the work of the grand  
16          jury. And I've met with Mr. Schulz, who was the  
17          foreperson of the jury. I have the utmost  
18          confidence in his probity and integrity and in  
19          the State Attorney's Office and the job that  
20          they did at that time.

21                 And I know that you said when we spoke that  
22          you felt like there ought to be meaningful  
23          monetary and criminal penalties for  
24          transgressions of the code, and I can tell you  
25          from my personal experience, just serving as

1 Chair of this commission, it's very difficult  
2 for people of goodwill and good intentions to  
3 stay within the bounds of the Sunshine Law and  
4 still carry out what they see as their charge,  
5 to serve the public.

6 So I have concerns when I hear you say  
7 things like -- I'm shorthanding your comments.  
8 Please feel free to clarify them, but what I  
9 heard you say is nobody's heads rolled, and we  
10 need to change that, and I think that does not  
11 foster confidence. That creates concern.

12 MS. C. MILLER: I know that you were  
13 concerned with that because it got back to me.  
14 You know, Jacksonville is like sieve. And I  
15 thought, oh, my gosh. You know, what I said  
16 quickly in a two-minute time period really is an  
17 hour-long discussion, and it has to do with  
18 trust in the system.

19 What I was trying to communicate -- and I  
20 believe it from my heart -- is that if the press  
21 covers something for a whole year, it -- people  
22 get excited and they get nervous.

23 Now, there is either an offense or there is  
24 an offense at the end of the day. It's one of  
25 the two things, but that educational gap of

1 explaining to people what I get -- I get the  
2 people coming to me saying, you know, there's  
3 all this activity, and then there were contract  
4 issues, and then there was this, and -- what's  
5 happening?

6 And you have to sit down with people and  
7 talk to them about what the criminal justice  
8 system can do, what the ethics structure can  
9 do. And sometimes things happen that there  
10 isn't any kind of penalty for, and you have to  
11 explain that to people.

12 It's that educational process that -- I  
13 think there was a gap at the end of 2007. There  
14 was a lot of press, a lot of activity, and I  
15 think if you surveyed and you talk to people --  
16 because I get those calls on the hotline --  
17 people are confused about what happened.

18 I just think there needs to be more  
19 education. I don't think just because you have  
20 a grand jury that something has to happen at the  
21 end of it, but I do think if -- certainly if you  
22 have a lot of press activity and you have things  
23 being uncovered and people don't see that  
24 there's some accountability for that at the end  
25 of the road, they don't see either someone being

1           disciplined from a personnel standpoint, they  
2           don't see someone being fined, and it just sort  
3           of happens, they get frustrated with that.

4           Now, it could be that it's because nothing  
5           wrong happened. So you have the perception and  
6           then you have what citizens think was done to  
7           handle it, and I think there needs to be a  
8           better matching of that. And I think that  
9           that's an educational aspect too, but certainly  
10          you don't ever --

11          I worked with Mr. Austin. It was my first  
12          intern job in the State Attorney's Office. I  
13          was a federal prosecutor. I believe in justice  
14          and I believe in accountability, but I also  
15          believe that citizens get frustrated if they  
16          don't see that something actually happens.

17          Now, it could be that the press makes  
18          allegations, and then at the end, after  
19          investigations, there isn't anything. So be  
20          it. But, boy, you really need to then go  
21          educate citizens on that. Again, education  
22          being the main aspect.

23          And I'm sorry if, you know, we didn't have  
24          another hour to talk about that because I think  
25          we would have drilled down to the point where we

1           agree on that point.

2           THE CHAIRMAN: Thank you for responding.

3           I have several commissioners in the queue.

4           Commissioner Korman.

5           MS. KORMAN: Ms. Miller, thank you for

6           being here.

7           I guess I'm trying to understand -- and I  
8           briefly read over this (indicating). You report  
9           to the mayor currently?

10          MS. C. MILLER: I report to the -- under  
11          the code, the mayor and the president of the  
12          City Council, and I'm the liaison to the Ethics  
13          Commission.

14          MS. KORMAN: It appears, based on -- the  
15          General Counsel's Office more or less created  
16          you guys, based on what I'm reading. Maybe I'm  
17          not correct -- the ethics code and everything  
18          else and -- I think Mr. Mullaney might have  
19          hired you and -- he didn't hire. He knew you.

20          What is your relationship with the General  
21          Counsel's Office now? How do they work with  
22          you? What is the involvement? And then I have  
23          another question.

24          MS. C. MILLER: We work very closely  
25          together. We have to, obviously. Steve Rohan

1           and I talk on a daily basis. Jon Phillips is  
2           ethics counsel for the General Counsel's Office,  
3           and so he's a specialist in the state ethics  
4           laws. So, obviously, every time a move is made,  
5           it's made in connection with the General  
6           Counsel's Office, and I -- I would say that  
7           that's a very positive relationship. And I have  
8           known Rick Mullaney. We went to law school  
9           together, so I've known him for 30 years.

10           The difficulty that I've seen is when an  
11           issue comes up on the hotline and it pertains to  
12           a client of the General Counsel's Office. If  
13           you can imagine, that could be a tense  
14           situation, and that is where we've had some  
15           interesting discussions. We've been able to  
16           resolve everything up to this point, but we --  
17           there's tension.

18           MS. KORMAN: Mr. Chair --

19           THE CHAIRMAN: (Nods head.)

20           MS. KORMAN: Would it make sense for you  
21           or -- to be under the General Counsel's Office,  
22           part of the General Counsel's Office as a  
23           subset?

24           MS. C. MILLER: You know, whenever -- if  
25           you have -- there's two ways you can have a

1 person in my function, and I'd like the job to  
2 be such that someone else can occupy it and  
3 someone occupies it ten years from now.

4 There's two functions. You've got an  
5 internal function and an external function of my  
6 position. The internal function is training,  
7 going around talking with people, working things  
8 out. I probably answer a call a day on someone  
9 being confused about the ethics laws. You  
10 advise, you train, you come up with -- I'm  
11 working with the HR department on issues. Those  
12 are internal functions. Those are not  
13 controversial.

14 When you get into pursuing investigations  
15 and hotline situations, that is an external  
16 function in most bodies across the United States  
17 because if the person that answers to someone  
18 has to get into a conflict position, it just --  
19 it's not set up in the most positive way.

20 MS. KORMAN: My last follow-up, Mr. Chair,  
21 how has the General Counsel's Office -- have  
22 they said publicly how they feel about you guys,  
23 your involve- -- what they -- you know, do  
24 they -- I mean, have they said anything about  
25 your work? I mean, I haven't seen anything

1 or -- supportive, not supportive, feeling that  
2 you should be underneath them? You know,  
3 anything like that?

4 MS. C. MILLER: I believe that Mr. Mullaney  
5 testified to your commission within the last  
6 month, and he talked about the ethics officer  
7 position having more responsibility, to make  
8 referrals to other agencies, and he had an idea  
9 of what could be done to evolve the position. I  
10 don't know of any other public statement.

11 THE CHAIRMAN: Commissioner Catlett.

12 MR. CATLETT: Thank you.

13 I have several things to talk about.

14 First, I endorse what you're doing, what  
15 you're trying to do, your goals and objectives  
16 are terrific.

17 I am a very fiscal conservative, and we  
18 have just gone through an excruciating  
19 examination of government and how to contain  
20 costs. When I look at your resolution, it says  
21 to me that you're asking us to endorse setting  
22 up another bureaucracy with more staff and more  
23 opportunities to enlarge government, and that's  
24 more my problem.

25 I mean, have you asked the Inspector

1           General's Office or any of these other folks to  
2           loan you staff or to work with -- through their  
3           staffs so that we can save taxpayer money?

4           Because right now our City Council is  
5           scraping for nickels, and our mayor is right  
6           there with them scraping for nickels. And,  
7           frankly, I'm hard-pressed to ask them to set up  
8           another bureaucracy at a time when we're trying  
9           to cut bureaucracies.

10          I'd rather have more police or more firemen  
11          and move things forward than to set up another  
12          bureaucracy, particularly since -- frankly, I've  
13          listened to this. I've read everything you've  
14          given us. I think what you're doing is  
15          important, but I think you're doing a good job  
16          with what you've got. Maybe what you need to do  
17          is ask some of these existing bureaucracies for  
18          some staff help.

19          I mean, is there a problem with asking for  
20          staff help if you're short secretaries or -- or  
21          something that you need to do your job? I think  
22          you should ask for that. I don't see amending  
23          the whole charter just to get a little bit of  
24          staff help to get you where you need to go.

25          The second problem I have, Ms. Miller --

1           you and I don't know each other, so you know  
2           this is not a personal comment. I don't think  
3           we've ever met before. But if we have, I'm --  
4           it's my old age that's attacking me.

5                     So, you know, you're not the problem here.  
6           You have proven yourself time and time again as  
7           being the dedicated public official that we  
8           would want in this job. Nobody is out to get  
9           your job or any of that kind of stuff. Ten  
10          years from now somebody -- Mr. Gillam offers you  
11          double what you're making to work at Milam  
12          Howard and you leave us here, we don't know who  
13          we're going to get next, and I have bigger fear  
14          of your successor than I do of any other single  
15          thing because without the twinkling of an eye  
16          this can turn into a witch hunt group. Not the  
17          group you have there. They're all wonderful. I  
18          know most of them personally. You're  
19          wonderful. That's not the problem. But when  
20          you set up a bureaucracy, one of the things they  
21          do is they try to justify their jobs every  
22          year. Not you. You're serving selflessly, and  
23          certainly the pay is not commensurate with what  
24          you've been doing. Whether you were asked to do  
25          it or not, you're doing a lot more than what

1           you're being paid to do, and I understand that.

2           I have a real concern, though, that when  
3           you set up your bureaucracy, they have to give a  
4           report on what they've done. And if there is no  
5           corruption or disdain of any sort, that they  
6           have to justify what they're doing. And I  
7           wouldn't know this except I've worked for the  
8           government. I understand exactly what they do.  
9           They have to justify their budget for the next  
10          year.

11          I have a real concern that setting up an  
12          additional bureaucracy creates that problem,  
13          whereas borrowing staff time to accomplish the  
14          same philosophy doesn't have that same tone or  
15          tilt to it.

16          But as far as what you're doing,  
17          absolutely, I think you're doing a wonderful  
18          job. I know you may need some more help, but I  
19          don't see that amending the charter to set up  
20          another bureaucracy is the help that you need or  
21          certainly that the citizens need because they're  
22          all scraping pennies just to pay their mortgages  
23          right now.

24          MS. C. MILLER: May I respond, through the  
25          Chair?

1 THE CHAIRMAN: Yes.

2 MS. C. MILLER: Two of my concerns -- and  
3 I'm glad you mentioned the financial one  
4 because, obviously, saying anything about we'd  
5 like to create a new office, everyone cringes  
6 after the last budget process that we went  
7 through.

8 At one of our Ethics Commission meetings, I  
9 said that I'm a fan of the Dollar Store and I  
10 always am thinking of how can we do this in the  
11 most cost effective manner, the Dollar Store  
12 approach.

13 And, you're right, you're absolutely right,  
14 that we have the resources within the City if  
15 combined differently. We've got the puzzle  
16 pieces. It's putting the puzzle pieces together  
17 in the most efficient manner that needs to be  
18 done to make this effective.

19 I think we can probably do it with no  
20 increase to the budget. The budget for the  
21 ethics office, for my salary and the office  
22 expenses is roughly is 95,000. That's money  
23 that could be used. You've got -- the Inspector  
24 General, as you know, just got put back into the  
25 budget with, I think, seven positions,

1           \$1.2 million. You know, there's something  
2           there. There's also an ombudsman for the City.  
3           Those resources -- and, in fact, there are  
4           currently discussions now as to how they can be  
5           best utilized.

6           It's really the concept of independence  
7           because if the people are working internally on  
8           investigations, you have to make sure that those  
9           people are protected in the future, that you  
10          don't kill the messenger when things come  
11          forward. That's the system we need. I think we  
12          can arrange things until the economy gets better  
13          to do it with existing resources.

14          You talked about fear of a bureaucracy and  
15          you struggle with that. I struggle with it. I  
16          struggle with it because I want to see a system  
17          that in ten years I -- really, I could go  
18          back -- I don't have to go to Braxton's law  
19          firm. I can go back to my own law firm.

20          I struggle with what kind of basis we're  
21          leaving for the future, just as they must have  
22          back in 1968.

23          If we have the capacity to have a body that  
24          uniforms best practices for the City on some of  
25          the national standards that we've got here --

1 the federal sentencing guidelines, Part A, is  
2 specifically what I'm talking about -- I think  
3 we could assess risk a lot faster and nip it way  
4 in the beginning. You establish an effective  
5 hotline, confidentiality, and that's some of --

6 To answer Mr. Duggan's question, you know,  
7 when you have state law, there are things that  
8 we can do at the local level to respond to our  
9 local needs, like setting up better whistle  
10 blower protection, hotlines, and things like  
11 that that is not going to be done at the state  
12 level. It's just not going to be done.

13 So I think we can actually save the City  
14 money and we can do it initially with the  
15 resources we have with rearranging the puzzle  
16 pieces.

17 THE CHAIRMAN: Commissioner Oliver.

18 MR. OLIVERAS: Thank you, Mr. Chairman.

19 Thank you for being here today, Ms. Miller.

20 I have two questions for you. One, in your  
21 PowerPoint you mentioned that there was an  
22 increased pressure to commit misconduct on the  
23 part of employees. Do we have local examples of  
24 that? If so, how are those resolved? And then  
25 I have another question for you.

1 MS. C. MILLER: Well, that's interesting.  
2 That came from a national study, that there are  
3 definitely pressures. And I think that -- my  
4 hunch, this isn't scientific, but that when you  
5 have to do more with less and people are under  
6 financial pressures in all the different  
7 departments, that that historically tends to  
8 make people cut corners and it increases the  
9 possibility of corruption.

10 Have I seen that? Have people talked to me  
11 about being under pressure and trying to cut  
12 corners and -- I've had numerous discussions in  
13 every department of the City. I've trained  
14 about 2,000 people in the City and I've gone out  
15 and talked to people about the hotline.

16 I feel that we can improve the ethical  
17 culture for City employees. It can be done.  
18 And anyplace in the country you can improve that  
19 culture. We can improve that culture here where  
20 people feel more likely to come forward to  
21 correct things at the front end.

22 MR. OLIVERAS: And the constitutional  
23 officers, in your investigations, working  
24 complaints that you've received, have you -- how  
25 would you characterize your cooperation from the

1 constitutional officers in the county?

2 MS. C. MILLER: It's fine.

3 We actually -- I operate per the code, a  
4 departmental ethics officer system. I meet  
5 periodically with a point person from every  
6 department in the City. We also have a point  
7 person from all of the constitutional officers  
8 and a point person with all the independent  
9 authorities. So even though there is no  
10 overriding body, we've met together and I've  
11 gotten a lot of cooperation from the  
12 constitutional officers. And issues have come  
13 up, that we've worked with them with the  
14 Inspector General.

15 There is a disagreement here on whether or  
16 not the Inspector General and the City Council  
17 auditor have authority to do certain things with  
18 the independent authorities. I know because I  
19 get something in on the hotline and I go to them  
20 and they say, oh, I don't know if we have  
21 jurisdiction there. And I'm thinking, well, we  
22 should clear this up.

23 We should have jurisdiction on some of  
24 these things. They don't come up that often,  
25 but when they do, we ought to have our Inspector

1           General and our City Council auditor and our  
2           ethics officer able to feel like they have clear  
3           jurisdiction to go in and ask questions and try  
4           to resolve things.

5           MR. OLIVERAS: Thank you.

6           THE CHAIRMAN: Commissioner Miller.

7           MS. MILLER: Thank you, Ms. Miller, for  
8           being here and thank you to all the commission  
9           members for their service and for being here  
10          this morning.

11          I'd like to say I -- I echo many of  
12          Commissioner Catlett's sentiments. I absolutely  
13          agree with your goals and objectives. And as a  
14          general counsel for a very large organization,  
15          we know well that ethics can be best taught  
16          though -- and best avoided through education --  
17          and ethical violations.

18          My concern, however, is what has already  
19          been asked, but I will phrase it a little bit  
20          differently.

21          In order to prosecute, we -- you know, you  
22          have to follow the Rules of Evidence, follow  
23          procedural rules, the Rules of Civil Procedure.  
24          The Florida Commission on Ethics has all of  
25          those procedures in place. They have

1           extraordinarily qualified staff. They have a  
2           rigorous application process. They have due  
3           process procedures in place. And those laws  
4           apply to everyone. Those laws apply to every  
5           public employee in the state, independent  
6           authorities, the college, the City of  
7           Jacksonville. Depending on your level of  
8           authority, depending on your level of  
9           responsibility, different laws apply, as you  
10          well know.

11                 And in our ethics code, where those -- what  
12          you -- what we might call local violations,  
13          they're -- they are criminal penalties. And my  
14          recollection, I believe many -- the intent  
15          frequently is that the threat of a criminal  
16          penalty is a greater deterrent than a civil  
17          fine, and so I'd like to know your perspective  
18          on that.

19                 And so in lieu of creating another  
20          bureaucracy, substructure or structure, in order  
21          for the City of Jacksonville to do this and to  
22          do it right, we would have to hire staff. We  
23          would have to hire a staff of prosecutors, we'd  
24          have to hire a staff to -- to set up rules of  
25          procedure, either adopt rules of procedure,

1 follow evidentiary guidelines, and that is --  
2 that's a concern to me because it's so easy to  
3 get it wrong and then the employees or the  
4 individuals would have a cause of action against  
5 the City.

6 So is it better, then, to rely on an  
7 existing structure of educated individuals that  
8 we know works, a proven structure, like the  
9 Commission on Ethics for the State Attorney's  
10 Office?

11 Are there ways where we can fund the State  
12 Attorney's Office or have a position in the  
13 State Attorney's Office, and that particular  
14 position or appointee has the responsibility to  
15 be the liaison with the commission and take up  
16 those --

17 Are there other ways where you can get  
18 staff support you need for training and  
19 education? Because that is important --  
20 training and education, absolutely -- but in  
21 terms of enforcement, I think we've got to -- to  
22 really seriously think about that.

23 I'd also like to ask you -- you mentioned  
24 in your PowerPoint and you've mentioned it a few  
25 times, this notion of independence. And I guess

1 my question is, if you report to the mayor and  
2 to the City Council, who do you want to be  
3 independent from and why?

4 You mentioned you need independence, you  
5 need to be able to act without interference, I  
6 believe is what you had in your -- interference  
7 and pressure. So I would like to know what kind  
8 of interference or pressure are you experiencing  
9 that you need to be independent from because, I  
10 mean, that's a concern, but we all have to be  
11 accountable to someone. And I think the idea of  
12 an independent Ethics Commission that is  
13 accountable to no one would go exactly against  
14 the points that you're trying to make. We all  
15 need to be accountable for our actions, and so  
16 we all need to have some accountability to -- to  
17 someone.

18 So those are my questions.

19 MS. C. MILLER: Through the Chair, and  
20 please let me know -- since there's probably  
21 five questions in there -- if I don't answer all  
22 of them because I have thought about each one of  
23 those.

24 First of all, we do have -- our local code  
25 has a penalty structure of class A, B, or C

1 offenses. A class A offense is a \$25 fine and  
2 ten days in jail. Therefore, because of the ten  
3 days in jail, it gets in the jurisdiction of the  
4 State Attorney's Office.

5 No time in the last 18 years that I've been  
6 familiar with the operation of the Ethics  
7 Commission has anybody ever alleged an offense  
8 that actually even required a hearing. So, in  
9 other words, what we have -- it's not like  
10 there's all these hearings and every week things  
11 are going on.

12 What has to happen is we have to take a  
13 look at the ethics code that we've got -- and  
14 I've talked with Cindy Laquidara about this.  
15 This is -- and Steve Rohan. This is a big  
16 project -- to take a look at the conflict of  
17 interest laws that we currently have in  
18 Chapter 602, get a better penalty structure,  
19 maybe a civil fine -- you know, \$50 first  
20 offense, \$200 for the second offense -- and make  
21 sure that we don't have useless laws in  
22 Chapter 602 because if -- from 1992 up until the  
23 current date we have never had a hearing on any  
24 violation of Chapter 602. It doesn't seem like  
25 we're going to have the doors breaking down with

1 a lot of hearings.

2 What we need is less in the way of laws in  
3 Chapter 602, like five things that really are  
4 important at the local level that are not  
5 covered at the state level; have clear, clear  
6 laws, clear penalties for that that everybody  
7 can agree upon instead of an amorphous group of  
8 regulations that we do currently have.

9 The reason why we don't just defer to the  
10 State is we have some very significant  
11 provisions in our local ethics code. For  
12 instance, extension of gift laws, accumulation  
13 of gifts. We have secondary employment  
14 regulations, that if someone is substantially  
15 involved in a contract with the City in excess  
16 of a quarter million dollars, they can't go quit  
17 that -- their City job and go work for the  
18 company that they just executed a contract  
19 with. That's not state law.

20 So we have the ability to take a look at  
21 real life situations here in town and see if  
22 there needs to be any legislation regulating  
23 that. We might end up with five to ten tight  
24 laws at the local level that reflect things that  
25 have happened here in Jacksonville and we have

1           then penalties that are realistic for that.

2           Now, if you need to have -- and obviously  
3           you need to have a due process procedure, like  
4           the State of Florida has. We already have that  
5           process in other institutions here in  
6           Jacksonville, the Human Rights Commission, the  
7           Civil Service Board. We have people that are  
8           familiar with that procedure. We would  
9           piggyback on those procedures and make sure --  
10          like if we have two hearings a year -- which is,  
11          I imagine, what we would end up with.

12          If we had two hearings a year, that we'd  
13          use existing resources from the State Attorney's  
14          Office to do that. And there has been a reach  
15          over to the State Attorney's Office with Mike  
16          Weinstein and people that are in the special  
17          prosecution unit and the sheriff's office to try  
18          to coordinate all of these efforts.

19          I think you had a question about specific  
20          pressure. I'll tell you one example, and  
21          it's -- it's difficult.

22          But if you have a person in my position in  
23          the future and the Ethics Commission says we  
24          have received a complaint about -- there's a  
25          complaint about public records and we're looking

1           into this. Could you assist us in pulling that  
2           apart? And then you go to pull that apart and  
3           you get pressure in doing that.

4           You know, there's conflict if someone in my  
5           position can be hired or fired by the very  
6           people that they might be asking tough questions  
7           of. That's why Ethics Commissions around the  
8           United States -- and you're right, everyone has  
9           to be accountable to someone.

10          The way it's done around the country is you  
11          have the director -- executive director of the  
12          Ethics Commission report to the Ethics  
13          Commission. They hire and fire that person.  
14          They can keep them in for 10, 15 years if  
15          they're doing a good job. You have continuity.  
16          But the person can then follow the directions of  
17          the Ethics Commission, and I just was talking  
18          two days ago with a person in Miami who does  
19          this, and he said he is hired and fired by the  
20          Ethics Commission.

21          Now, that's why you have to really  
22          determine the membership of the Ethics  
23          Commission correctly because you want to make  
24          sure that it is never a runaway body.

25          Remember the trust PowerPoint I had.

1 Citizens have to trust us, we have to trust  
2 them. It's a two-way street. We cannot have a  
3 system that in the future can also be abusive.  
4 To have an Ethics Commission be a runaway  
5 commission or not have adequate checks and  
6 balances would be real a disservice to the  
7 community, and we need to work that in.

8 I have had many discussions about that with  
9 the General counsel's Office on how we do that.  
10 I think we can move forward and do that, but  
11 give a bit more independence in being able to be  
12 the bearer of bad news. And I'll tell you, the  
13 example with public records was quite tense at  
14 times. And if the person was in a position  
15 where they thought their pension was riding on  
16 that, if -- how aggressively they argued that  
17 point -- I argued it aggressively, but I don't  
18 know in the future how that would work out if  
19 you don't have some protection for the person  
20 that has to make that argument.

21 Did I answer all of your questions? I  
22 wanted to.

23 MS. MILLER: Yes. Thank you.

24 THE CHAIRMAN: Commissioners, I have five  
25 commissioners in the queue to ask questions.

1           It's 10:15. What I would like to do is move to  
2           Mr. Weinstein's presentation, just to -- as a  
3           courtesy to him for taking the time to be here  
4           and to all of the other independent authorities'  
5           staff who are here.

6           Ms. Miller, if you could remain until the  
7           end --

8           MS. C. MILLER: Sure.

9           THE CHAIRMAN: -- of our meeting.

10          My hope is that we will have the  
11          presentation and then we'll have public comment  
12          and then we can have -- bring you back in the --  
13          I've made a list of all the commissioners who  
14          have not had a chance to ask their questions yet  
15          of you.

16          Does that work for you?

17          MS. C. MILLER: That's fine.

18          And I can always be reached afterwards for  
19          lengthy discussions about any of these aspects  
20          because they're all important.

21          Thank you.

22          THE CHAIRMAN: Thank you.

23          Mr. Weinstein.

24          (Mr. Weinstein approaches the podium.)

25          THE CHAIRMAN: Representative Weinstein,

1 welcome.

2 MR. WEINSTEIN: Thank you.

3 THE REPORTER: Would you raise your right  
4 hand for me, please.

5 MR. WEINSTEIN: (Complies.)

6 THE REPORTER: Do you affirm that the  
7 testimony you're about to give will be the  
8 truth, the whole truth, and nothing but the  
9 truth so help you God?

10 MR. WEINSTEIN: I do.

11 THE REPORTER: Thank you.

12 MR. WEINSTEIN: Thank you.

13 Thank you, Mr. Chairman. I appreciate this  
14 opportunity.

15 I come to you not necessarily representing  
16 any organization or official positions that I  
17 hold. I'm really here because I've been blessed  
18 over almost now 35 years of a career where I've  
19 been in many different political positions, many  
20 different government positions, mostly because  
21 of my boss, Ed Austin, giving me those  
22 opportunities.

23 So as I sat as chief of staff to a mayor,  
24 then CFO to two different mayors, the head of  
25 the Economic Development Commission, then head

1 of our Super Bowl, which touched upon many of  
2 our independent authorities, all the elements of  
3 government to make it work, and now really as a  
4 view from Tallahassee, I felt that I could give  
5 you somewhat of a historical perspective as you  
6 make very difficult and very important  
7 decisions.

8 We are very blessed to be consolidated. In  
9 Tallahassee, I'm approached by county after  
10 county trying to figure out how to accomplish  
11 what it is we have done. We have a great  
12 structure, and all great structures continue to  
13 look to -- to ways to improve. And I think that  
14 that's what you do and that's why you're here,  
15 and we appreciate it. It's a very important  
16 task.

17 What I want to do is sort of make a much  
18 different than the past presentations, but a  
19 philosophical, strategical look at how we can  
20 make our structure even better than it is, and  
21 as it relates to not only the independent  
22 authorities, but the school boards and JSO and  
23 others. You have lots of decisions to make as  
24 to how we structure that.

25 The way I look at the independent

1           authorities, I look at them more of subsidiaries  
2           of a parent company and the City of Jacksonville  
3           is the parent company, and I would -- I would  
4           suggest a task of yours, to try to facilitate a  
5           process where there is more -- even -- there is  
6           some, but even more consolidation or  
7           coordination of their efforts.

8                     And this is nothing negative about anybody  
9           that works with the authorities or the  
10          structures that they have. They have become  
11          what they've become over time, and it -- it's a  
12          pendulum moving from more independent to less  
13          independent, but there are some examples that I  
14          can give you that sort of illustrates the  
15          difference between looking at your bottom line  
16          as a business compared to looking at your  
17          yourself as a subsidiary of a larger company. A  
18          couple of them that relate -- and I'll go  
19          through them, if I -- if I may.

20                    You know, the Port Authority, which is an  
21          economic driver, our most important economic  
22          driver that we have, they basically lease land  
23          for operations. And there's two ways to look at  
24          the decision who to lease who. One is, what's  
25          your -- what's our bottom line as the Port

1 Authority and how expensive is it for us to  
2 lease to this company.

3 The other way to look at it is how many  
4 secondary and third and fourth-level jobs are  
5 created by what's coming in. And sometimes you  
6 come to a very different decision, where if  
7 you're looking just at your bottom line, it  
8 might be containers that come off and are moved  
9 away. If you're looking at it as a way to  
10 create second and third jobs, it might be bulk  
11 material, it might be automobiles, it might be  
12 different things.

13 On the JTA, when we looked at the trolley,  
14 the JTA's effort and their interest, how do I  
15 get people from A to B? The Downtown  
16 Development's interest is, how do we get the  
17 businesses downtown to have as many people walk  
18 by their place as possible or get dropped off  
19 near their place as possible. And you come to  
20 different decisions.

21 When we -- when the trolley was added --  
22 I'm sorry, the Skyway was the one. The Skyway  
23 is A to B and it's basically above ground. It  
24 doesn't help your businesses that it flies past  
25 at all.

1           When the trolley was being created, it was  
2           created in a way to try to facilitate and  
3           increase the use of the Skyway, which is a great  
4           goal, but not necessarily, again, the goal of  
5           downtown.

6           The Port Authority is an example of -- they  
7           own tremendous amounts of land. They own 10,000  
8           acres about, international, very involved with  
9           Cecil Field, Craig Field.

10          So what I'm trying to say to you -- and  
11          then the JEA, what I suggested many years is to  
12          get a spreadsheet on what the JEA would be  
13          paying if they were a private company. Not so  
14          much to take more money from them or less money,  
15          but let's see what their assets would be paying  
16          and what their income would be paying if they  
17          were a private company, so we can put to rest  
18          whether they're paying the City more than they  
19          would be if they were a taxable industry.

20          So what I'm trying to get to -- and the  
21          last one as an example will be the strongest, is  
22          that -- on growth.

23          The mayor of the city of Jacksonville is  
24          hired to and elected to be a strong mayor.

25          What's most important in the future of the city

1 of Jacksonville isn't so much about where you  
2 put the fire stations and how you deal with the  
3 parks and how you deal with the potholes. It's  
4 how you do public safety, how we educate our  
5 children, and what are our growth patterns,  
6 where is it that we're going to grow and how are  
7 we going to grow.

8 Well, the mayor really doesn't have  
9 anything to do with the JSO as far as control,  
10 doesn't have much to do with the Board of  
11 Education, and the growth patterns are more  
12 controlled by where JEA puts its utilities and  
13 its water and sewer lines and where the JTA puts  
14 its rail -- its roads and its bridges than our  
15 Planning Department within the city.

16 So what I suggest to you as you move  
17 forward is to try and -- and I have some  
18 suggestions if you're interested -- to try to  
19 not in any way be negative on what we have  
20 because we are, again, so blessed to have what  
21 we have, but to try to figure out a way over  
22 time to make all the pieces -- wouldn't it be  
23 great if at the beginning of every year we have  
24 publicly-pronounced goals for the city of  
25 Jacksonville and to those -- and to get to those

1 ultimate goals, we have what the school board  
2 has to do, what JEA has to do, what JTA has to  
3 do, what all the elements of the community would  
4 have to do in their roles to make those goals  
5 achieved. We don't have that.

6 One of the things that Mayor Austin tried  
7 to do is have all the executives from the  
8 independent authorities and the school board and  
9 their chairs meet periodically somehow to get --  
10 and sometimes that means a subsidiary has to not  
11 do what it would do best for its own bottom  
12 line. Sometimes they have to sacrifice for the  
13 better good and maybe put something on the land  
14 that isn't necessarily best for them but is best  
15 for the overall community.

16 Where the cruise terminal goes, you know,  
17 we -- I debated this a number of times. I was  
18 an advocate -- the level of the bridges and all  
19 were problems, but I was an advocate to try to  
20 get the cruise terminal as close to downtown as  
21 possible. I thought it would inject a  
22 tremendous amount of activity if we could get it  
23 close to downtown.

24 The decisions were made where to put it  
25 best for the port, and I understand that. And

1           they had no obligation to make any other  
2           different decision because we don't work  
3           together like we could if we were looking at  
4           ourselves more as a -- part of the whole.

5           I have, you know, answers for whatever  
6           questions you have, but basically what I would  
7           appreciate, if anything, from my brief  
8           discussion is just to take a step back and be  
9           very thankful for what we have, but let's look  
10          at it at the next level. And I do honestly  
11          believe --

12          You know, one other example I'd like to  
13          give you. There were a couple of times during  
14          my career, one relating to the JEA and once  
15          related to the Port Authority when we were  
16          seriously discussing privatizing either a piece  
17          or the whole of those elements, and we couldn't  
18          get a legitimate economic discussion going. It  
19          was all -- always political.

20          When I go to Tallahassee, it's Republicans  
21          and Democrats. In Washington, it's Republicans  
22          and Democrats. We're fortunate, we don't have  
23          that here. We don't fight in a partisan way  
24          locally, but we do have very political elements,  
25          whether they be the school board or the

1 independent authorities, and they get to be  
2 possessive and concerned about themselves.

3 Mayor Austin and I would sit for quite some  
4 time and discuss what happened to the  
5 appointment we made? We would sit down with an  
6 appointee before they were appointed to an  
7 authority and talk about our goals, talk about  
8 the things that we felt were important to the  
9 city of Jacksonville as the mayor and the CFO  
10 for the City.

11 In a month's time, they were gone. They  
12 weren't in any way our appointees any longer.  
13 They changed. They became a board member of an  
14 entity that they were charged with making their  
15 best as a bottom line, protecting their  
16 employees, protecting their people, which again,  
17 is understandable because we didn't have a  
18 culture that basically says, yes, you're an  
19 independent authority, but you are a part of a  
20 bigger parent company. And that's really the  
21 bottom line of what I wanted to say.

22 And as it relates to the -- you know, the  
23 school board, we've talked numerous times.  
24 Public safety is the most important thing we do  
25 as a government. Our United States Constitution

1 starts off with domestic tranquility and justice  
2 for a reason.

3 We're unique, where the sheriff fills both  
4 roles as a police chief of the city and a county  
5 sheriff. Most counties, the sheriff basically,  
6 he handles your jail, handles your courthouse  
7 and does incorporated areas, no large urban  
8 areas. We're -- we have a different setup  
9 because we're consolidated.

10 The second most important thing is how we  
11 prepare our children for the future. Our strong  
12 mayor -- mayoral government doesn't really  
13 function on either one.

14 When you think about whether the sheriff  
15 should be appointed or elected, think about what  
16 we just went through here. And I'm not  
17 promoting it one way or the other at this point,  
18 but if we had an appointed sheriff, like we have  
19 an appointed fire chief, you wouldn't have had  
20 Sheriff Rutherford standing up here demanding  
21 more people or out in the community demanding  
22 more people, so that's sort of the balance --  
23 you know, it's real easy to jump, let's have the  
24 mayor appoint everybody, but there are some  
25 elements that maybe -- maybe not so because, you

1 know, he saved a lot of police officers and you  
2 saw in the paper today our crime rate is going  
3 down.

4 So that's really what I wanted to say.  
5 I'll answer whatever questions you may have now  
6 or in the future, but we are at a tipping point  
7 and you don't meet very often. It's ten years,  
8 if I -- so make it thoughtful, but take us to  
9 the next level and get everybody working  
10 together. They are huge businesses, huge  
11 businesses we have as independent authorities.  
12 Look at them that way and figure out how to make  
13 them all work in the same direction.

14 And they do to a very great extent, but  
15 they don't work under the culture that I'm  
16 suggesting. So they are not to be in any way  
17 blamed or looked at negatively. They're doing  
18 great jobs. We just want them to be more a part  
19 of the parent company than they are, as far as  
20 I'm concerned.

21 Thank you, Mr. Chairman.

22 THE CHAIRMAN: Thank you.

23 Commissioner Miller.

24 MS. MILLER: Through the Chair to  
25 Representative Weinstein, thank you so much.

1           I'm interested -- and if you could -- ask  
2           you to, if you can, explain or go into a little  
3           more detail on your idea.

4           I agree with you on -- that the independent  
5           authorities should be considered subsidiaries.  
6           They are subsidiaries, and subsidiaries of a  
7           parent corporation complement the corporation.  
8           They don't compete with the corporation. And I  
9           have known from my own professional experience  
10          at the City that those tensions can exist where  
11          you have competing public policy priorities, if  
12          you will, between maybe the City and the  
13          independent authorities.

14          And you suggested that maybe the  
15          independent authorities could report annually,  
16          provide a report or a list of -- define, I think  
17          you said, public goals for each organization,  
18          that they report each year.

19          Is your thought that there would be sort of  
20          a strategic plan with defined goals and  
21          measurements that would be presented and  
22          approved by the City Council every year or  
23          accountable to someone so that when they come  
24          back before the council for the budget, they  
25          would be reviewed? Would you expand on that

1 concept?

2 MR. WEINSTEIN: Yes. Thank you for the  
3 question.

4 Through the Chair, if that's okay?

5 THE CHAIRMAN: Yes.

6 MR. WEINSTEIN: The independent authorities  
7 do a very good job already in reporting to the  
8 council and reporting to the mayor. Many of  
9 their budgets have a somewhat formal process  
10 through council and through the mayor's office,  
11 but, again, they tend to report on their own  
12 individual goals and objectives.

13 What I'm suggesting is, before they even do  
14 their own goals and objectives, we have a  
15 citywide -- driven to a very great extent by the  
16 council and the mayor -- city goals. And  
17 then -- it's very much the way Steve Wallace  
18 does the community college, now Jacksonville  
19 college -- Florida State College of  
20 Jacksonville, where every goal of the piece of  
21 the puzzle has to relate and tie in to the goals  
22 of the parent. That's how the college does it.  
23 I was a board member for many years, and you  
24 have -- all the little elements of the college  
25 have specific goals, but in that illustration of

1           their goal, it has to show how it ties in to the  
2           entire school's goal. And I would suggest that  
3           before they even go back and do their own  
4           independent goals, and I think that needs to be  
5           very public.

6           We did something similar when we created  
7           the Jacksonville Economic Development  
8           Commission. We had about a dozen economic  
9           development committees and commissions out  
10          there, the Sports Authority, the Cecil Field  
11          Commission, the Downtown Development Authority,  
12          the beaches. We had about 12 elements -- the  
13          sister cities -- all necessarily with their own  
14          cocoon and their own budget entity and their own  
15          set of goals.

16          In the mid '90s, we created the  
17          Jacksonville Economic Development Commission.  
18          And you can argue rightly or wrongly whether  
19          incentives are good or what have you, but what  
20          we did is we took all those under one umbrella  
21          and made sure that we were all going in the same  
22          direction because they were competing against  
23          each other for grants, for people, for  
24          resources, and they would all come up  
25          individually to the City Council and ask for

1 money because they all had their own specific  
2 goals. And we, many times, had meetings where  
3 we had the Commission and the Downtown  
4 Development Authority together.

5 I mean, wouldn't it be something if we had  
6 the JEA and the JTA or a couple of them together  
7 at the same time with board meetings together on  
8 the same goal and discussing how their budgets  
9 relate to those goals?

10 So I think that's first. I think we do  
11 city -- you know, the council sets the policy.  
12 City Council is the policy entity of the City of  
13 Jacksonville, and they should set the goals and  
14 what have you. The mayor implements those  
15 goals, but I think another tool the mayor should  
16 have is a closer tie to the independent  
17 authorities.

18 That's -- I hope I answered your question.

19 MS. MILLER: Thank you.

20 THE CHAIRMAN: Commissioner Austin.

21 MR. AUSTIN: Mr. Weinstein -- I'm still in  
22 the learning process here -- thank you for your  
23 comments here this morning.

24 I'm looking at the original blueprint for  
25 consolidation. It was adopted back by the

1           so-called -- I would call them the founding  
2           fathers, so to speak, of consolidation, a very  
3           fine group of people. And they make a statement  
4           at the beginning of this, shortening the  
5           ballot:

6                     "In order to make the voters' choice more  
7           meaningful, the study commission has recommended  
8           the elimination of a number of elected offices.  
9           This would be done to help facilitate the  
10          pinpointing of responsibility and reducing the  
11          number of elected offices.

12                    "The study commission is following a  
13          widely-recognized policy which assumes that  
14          these positions which require a high degree of  
15          professional competency for (inaudible) only  
16          limited discretionary policy formulation.  
17          Responsibilities [sic] should be appointed  
18          rather than elected."

19                    And they immediately mention the tax  
20          assessor, the tax collector, the supervisor of  
21          elections and the sheriff. What is your opinion  
22          of the recommendations of the founding people  
23          who put this together and the realities of what  
24          we have today?

25                    MR. WEINSTEIN: Through the Chair, as far

1 as keeping them elected rather than appointed?

2 MR. AUSTIN: Should they be elected or  
3 appointed for the best interest of the kind of  
4 government you're talking about in your earlier  
5 comment?

6 MR. WEINSTEIN: It depends upon who you  
7 hold responsible.

8 I think the philosophical question is,  
9 first, do we have or do we want a really strong  
10 mayoral system? And if we do, what  
11 responsibility should that individual have? And  
12 if you want that, then you have to have more  
13 appointed than elected.

14 If you're frightened of that and you want  
15 to diversify because you're fearful of getting  
16 the wrong person in or the wrong philosophy in,  
17 then you have to keep it as many elected  
18 officials as possible.

19 I'm not so interested in the review of the  
20 tax collector and property appraiser and -- as I  
21 am the school board and public safety because,  
22 again, those are the two most critical in my  
23 mind, but I think that it would be -- as school  
24 board member Martha Barrett mentioned, it's  
25 hugely unpopular to take away somebody's right

1 to vote for an individual. It's hard to do.  
2 That's why consolidation is so hard across the  
3 state and across the country.

4 But I think you have to answer the -- if  
5 you want to go back to what they were trying to  
6 accomplish, then the fewer elected the better,  
7 and you have a strong mayor and you do all that  
8 you can to have good people come in as mayor.  
9 And when they're not, you kick them out as soon  
10 as you can.

11 If you're straying away from that because  
12 of what we've learned over the years, then I  
13 would be less likely and less interested in  
14 changing it. It depends upon how interested you  
15 are in following what they were originally  
16 trying to do.

17 MR. AUSTIN: If you read their comments  
18 about the strong mayor concept, they're very  
19 clear that that's what they set out to do.

20 Well, let me take you, then, to the school  
21 board because -- I've been living in  
22 Jacksonville since 1959. That's, what,  
23 60 years? Something like that. I'll have to  
24 get my pen out.

25 Ever since I've been here, I've had a

1 feeling -- and I think it's pretty much -- the  
2 system is sort of broken, the delivery of  
3 educational services to our children and the  
4 people of this community. And I'm told by  
5 people who I've read on back that it goes back  
6 further than that.

7 The recommendation of the original charter,  
8 the people who formed up the charter recommended  
9 an elected board, but then they commented that  
10 they -- that it should be nonsalaried, and the  
11 reasoning being that they would attack -- would  
12 attract good -- better people, really, to --  
13 more of executive types and so forth that are  
14 not squabbling around for the salary, and -- but  
15 they didn't go non- -- didn't go appointed at  
16 that time, but did go nonsalaried, which we got  
17 away from very, very quickly.

18 Do you have any comment on what would be  
19 the best way to go with the -- the way the  
20 system is managed? I guess I'm making a big  
21 assumption that it starts with the school  
22 board. I made that assumption in a question.

23 MR. WEINSTEIN: Well, if I could, if you  
24 look at City Council and the school board and  
25 look who used to serve in those positions and

1           the positions they had in the community, they  
2           were -- they were very much different than they  
3           are now because of the salaries, I think, that  
4           City Council now has and the school board now  
5           has.

6           The frustrations in the school system --  
7           when I'm in Tallahassee, I ask the question,  
8           who's responsible for the education of our  
9           children? Is it your teacher? Is it your  
10          princ- -- I say this to the people from DOE and  
11          the people that come in front of me. Is it the  
12          teacher? Is it your principal? Is it the  
13          superintendent? Is it your school board? Is it  
14          the legislature? Is it your governor, congress,  
15          or is it the president? Because everybody has a  
16          piece of the puzzle and, therefore, as you said  
17          many times, there's no accountability. There's  
18          too many people in our system.

19          So what is frustrating in our education  
20          system is more than the topic that you brought  
21          up, it's because everybody has their hand in it  
22          and nobody is ultimately responsible.

23          But to your point specifically, serving on  
24          the school board especially should be a real  
25          service, should definitely be a service and not

1 a job and not a career and what have you.  
2 There's nothing that's more important, you know,  
3 as far as how we prepare for the future and how  
4 we deal with it.

5 We looked at it many times, should we make  
6 it appointed? We looked at adding two. We were  
7 thinking of going from the seven to nine and  
8 having two of them be mayoral so that we would  
9 have two people that were associated with the  
10 mayor.

11 Very hard to accomplish because of the  
12 history that we've gotten into. I think if we  
13 were starting from scratch, it would be a lot  
14 easier to do what -- what our founding fathers  
15 wanted us to do.

16 The reality is it would be hugely difficult  
17 from a trust perspective, as was mentioned  
18 before, to get the people willing to give up the  
19 responsibility and their authority to hire their  
20 own -- because basically we have seven  
21 superintendents. People that vote in those  
22 school board members look at them as their  
23 connection to the school system rather than  
24 looking at them as the board members of a  
25 business. It's a huge business.

1           So if I were in your shoes, to try to  
2           enhance and improve the school system at this  
3           particular time, I would do everything I could  
4           to get everybody else's hand out of it and make  
5           our school board responsible and accountable for  
6           what happens there and -- to the extent that you  
7           can get everybody else out.

8           I don't -- I think it's really uphill to  
9           try to change it. I think you can add to --

10          MR. AUSTIN: Let's go with idealistic  
11          instead of practical. What would you do  
12          idealistically to make it --

13          MR. WEINSTEIN: If I was starting this  
14          government from the beginning, I'd make  
15          everything I possibly could appointed and make  
16          the mayor responsible for everything I could  
17          possibly make him responsible for.

18          How can you be the mayor of the city of  
19          Jacksonville and be responsible for its future  
20          and not be in any way, in any way associated  
21          with how we educate our children? It's an  
22          oxymoron as far as I'm concerned.

23          MR. AUSTIN: You and I haven't really  
24          talked about this, and it sounds -- you know,  
25          we're fairly close friends, but we -- we are

1 close friends, but we haven't talked about this,  
2 but thank you for that. That was what I wanted  
3 to hear.

4 Thank you.

5 MR. WEINSTEIN: Through the Chair, that was  
6 a cross-examination; is that what that was?

7 THE CHAIRMAN: Commission Oliveras.

8 MR. OLIVERAS: Thank you, Mr. Chairman.

9 Thank you, Representative Weinstein, for  
10 being here today.

11 Going back to the school board again.  
12 Board Chairman Hazouri mentioned to the  
13 commission early in our deliberations the  
14 possibility of -- because revenue from the state  
15 sources, federal sources are shrinking for our  
16 local budget for the school board, the  
17 possibility of getting revenue -- a revenue  
18 stream from the JEA.

19 It makes me a little bit uncomfortable  
20 because I -- I'm not sure how that would be  
21 possible without passing that cost on to the  
22 individual homeowners and taxpayers in the  
23 county.

24 Is there a way, in your mind, drawing on  
25 your experience with independent authorities,

1           that a revenue stream could be obtained from JEA  
2           or perhaps, you know, the Airport Authority, the  
3           Port Authority that would not pass that burden  
4           on to the citizens?

5           MR. WEINSTEIN: Well, I would do two  
6           things. The first thing I would do -- I  
7           suggested before -- is create a spreadsheet to  
8           see what the JEA would be doing if they were a  
9           private entity as far as corporate tax, income  
10          tax, school board tax. See where we are now  
11          compared to what it is they provide to the City,  
12          because they've been very generous and they've  
13          been negotiating for years -- and, again, they  
14          come from a different perspective.

15          And the question goes back to the question  
16          over here. If -- how we educate our children,  
17          to do it the best way possible requires X number  
18          of dollars. Then all the pieces of the puzzle  
19          have to work towards making sure that the school  
20          board has the amount of -- the dollars to spend.

21          In doing a city budget and doing a state  
22          budget, it's different than a private business.  
23          It's all about priorities. It's all about  
24          priorities. You have to have a balanced budget  
25          at the end of the year. And when you put your

1 priorities citywide in a row, you take care of  
2 your top priorities to 100 percent and then some  
3 fall off the bottom.

4 So to answer your question, I'd see where  
5 we are relative -- because -- because it is  
6 going to be passed along. I mean, the reality  
7 is that everything you do is ultimately passed  
8 on to the ultimate consumer, but it may be done  
9 by stepping back from a priority they had  
10 internally.

11 You know, you look at their budget and  
12 they're spending X number of dollars and they  
13 have things in there that are important to them,  
14 but it may not be as important to the whole city  
15 as it is to them. And if they had to provide a  
16 certain number of dollars for us to make the  
17 school board whole, they might have to drop off  
18 some of those priorities for future years when  
19 the economy is better and things are happening  
20 better.

21 So you can't look at it in a vacuum, but  
22 you can't answer that question until you first  
23 lay out your goals. And the goal of the City  
24 may be to build a new generating plant. And if  
25 that's the case, then maybe the school board

1 doesn't get what it needs.

2 So it depends upon the priorities of the  
3 community as a whole and then funding it,  
4 funding it.

5 MR. OLIVERAS: Thank you.

6 THE CHAIRMAN: Commissioner Deal.

7 MS. DEAL: Hi, Representative Weinstein.

8 Tying in to that same discussion, are you  
9 aware of any -- or does the City have a process  
10 where they put together a strategic plan year by  
11 year, five -- whether it's, you know, year by  
12 year, having some items year by year that -- or  
13 a five-year plan or even further out than that  
14 to where the subsidiaries, as you referred to  
15 them, could, when they're putting together their  
16 goals, tie in to those?

17 Is there a clear plan that the City has  
18 where those independent authorities could tie  
19 their goals in to say where the City wants to  
20 go, maybe some public input has been put into  
21 that plan or vision, if you will?

22 MR. WEINSTEIN: It can absolutely be done.

23 They all do their own and they all do them  
24 very well, and the City has a five-year plan and  
25 everybody has -- but they don't necessarily in

1 any way coordinate.

2 The closest we ever got to that is we had  
3 an economic conference -- what came out of  
4 the -- what produced the Jacksonville Economic  
5 Development Commission, we had a citywide  
6 economic symposium, I guess it was, at the  
7 convention center probably 10, 12, 15 years ago  
8 where we had all the different elements of the  
9 community come in and talk about what it is they  
10 want to have, what it is they want to do.

11 Mr. Austin, I think it was under your  
12 administration.

13 We provided lunch for everybody. We did it  
14 on a Saturday. It was open to the entire  
15 community, and we broke down into areas of  
16 interest. That was the closest I've ever seen  
17 to something really citywide.

18 It would be creating something that we've  
19 never done before. It's definitely outside the  
20 envelope for us.

21 MS. DEAL: And I would just add to that.

22 I think it's important if we want the  
23 subsidiaries to tie in their goals with the  
24 overall company's goals, that the overall  
25 company have goals and strategy and a clear

1 vision of what -- where they want the City to  
2 go, and then the subsidiaries could be expected  
3 to fall in line at that point. But until that  
4 overall plan is put together, it's difficult, I  
5 would imagine, for the independent authorities  
6 to then try and tie into something that is not  
7 formalized.

8 MR. WEINSTEIN: Through the Chair, there is  
9 no overall umbrella now. You know, to do plans  
10 and not have any effect on the school board and  
11 not have any effect on the independent  
12 authorities is not much of a plan for the  
13 future. They have too much power. And I don't  
14 mean "too much" in a negative way.

15 There's so much power in how we grow  
16 between the roads and the water and sewer and  
17 the utilities and how we educate and how we  
18 protect, and none of it is under the  
19 responsibility, ultimately, of the mayor.

20 THE CHAIRMAN: Commission Eichner.

21 MS. EICHNER: Just a couple of comments.  
22 And thanks for coming today, Representative  
23 Weinstein.

24 I like your idea of -- sort of this  
25 strategic plan for everybody and that they

1           involve -- but just a comment about pay in terms  
2           of school board representatives.

3           There are several people there who've all  
4           taken pay cuts this year, one in particular I  
5           know really didn't even want to get paid, and  
6           one who has donated back her pay increases every  
7           year she was elected. And, luckily, she's back  
8           on the school board now and was a former member  
9           of this commission, but --

10          So I'm not quite sure that it's pay because  
11          members that we have currently are there because  
12          they're concerned about education, but I do --  
13          really do like your idea of this whole strategic  
14          plan.

15          MR. WEINSTEIN: Thank you.

16          Through the Chair, my comments weren't  
17          specific to any individual people. We're  
18          talking about theory and really a comparison of  
19          where we started and where we are today, but  
20          nothing on any individual person.

21          THE CHAIRMAN: Commissioner Catlett.

22          MR. CATLETT: Again, thank you for coming  
23          today, Mike. I've had the privilege of knowing  
24          you about 20 years where many of these people  
25          may not have. And because of your background

1 and now that you're in the legislature --

2 You know, before we had the comprehensive  
3 plan, such as it is, we didn't really have  
4 capital improvement planning to the level that  
5 we have it today. And, of course, the  
6 independent agencies are involved in the Capital  
7 Improvement Plan, which is where we spend our  
8 money for that infrastructure.

9 Do you think that this should be a state  
10 initiative, to further strengthen the  
11 comprehensive planning process?

12 MR. WEINSTEIN: It would help out other  
13 communities.

14 We are, again, so blessed to have the  
15 structure that we have. I think that we could  
16 be a model for the rest of the state in  
17 continuing our efforts to consolidation and  
18 coordination.

19 We already are looked at with great envy  
20 from every other area. This would just be  
21 another additional step towards -- and even in  
22 the paper today about the JTA and regional --  
23 I'm a real regional advocate. I am definitely  
24 interested in regional efforts, but we can do a  
25 great thing for the rest of the state by showing

1           how you can, in fact, have political entities  
2           working together day in, day out for a common  
3           goal.

4           THE CHAIRMAN: Representative Weinstein,  
5           I'd like to read to you some statements from a  
6           1978 JCCI study titled Public Authorities in  
7           Jacksonville and get your reaction, although I  
8           think -- based on what you told me, I think I  
9           might know what it might be, but I'm quoting now  
10          from the study.

11          "The issues faced by authorities do have  
12          social and economic impact. There are questions  
13          of economic and social policy. Authorities  
14          affect patterns of growth by deciding where a  
15          bridge will be built or even whether it should  
16          be built. They affect private property values  
17          when they decide the route of a transit system.  
18          The construction functions that they undertake  
19          affect the community's economic systems. Their  
20          decisions have impact on the distribution of  
21          health and welfare services.

22          "These are political decisions of the most  
23          fundamental sort. The council and mayor,  
24          appropriately, should have the final  
25          decision-making powers as to the operation of

1 any public function.

2 "While powers can be delegated and modes of  
3 control should be constructed so as not to allow  
4 for impulsive action, the final authority for  
5 decisions should rest with elected officials."

6 I'd like to get your reaction to that as a  
7 philosophical statement and then whether you  
8 think, since 1978, that pattern has been  
9 effected in Jacksonville.

10 MR. WEINSTEIN: Well, I think the theory  
11 behind it is correct. The council and the mayor  
12 are responsible to the people. Their boards of  
13 these different entities aren't. They're  
14 appointed by the mayor, but they're not  
15 responsible to the same level as being an  
16 elected official.

17 I think that we have been -- it's a  
18 pendulum going back and forth. There were times  
19 when it was too close to the government and too  
20 close to be -- you don't want it where a mayor  
21 can assign all of their friends and relatives to  
22 the authorities as employees, and we've had that  
23 in the past.

24 And so it's a pendulum back and forth, as  
25 most things are, but I would put us, having done

1           this now for many years, as far as the structure  
2           goes, that it's been much more successful than  
3           unsuccessful. I think it's been terrific and  
4           where we are is a terrific place. And I feel  
5           that it's your responsibility to figure out, if  
6           possible, where we can take it to the next  
7           level.

8           I have no negatives to say about where we  
9           are and about who's running them and how they've  
10          gotten there. The community is -- has been well  
11          served and I applaud all of them. I just think  
12          that we always need -- as a business would do,  
13          always look to improve, always looking for a  
14          better way. And, to me, that's part of the --  
15          the thing -- that would be part of the things  
16          that I've suggested today. And I may be wrong.  
17          I come to you just as a person that sort of sat  
18          in lots of seats.

19                 THE CHAIRMAN: Thank you very much.

20                 Commissioners, I have no other questions in  
21          the queue, so -- thank you very much,  
22          Representative Weinstein.

23                 MR. WEINSTEIN: Thank you.

24                 THE CHAIRMAN: I appreciate your time.

25                 It's ten till 11:00. We can resume our

1           questioning of Ms. Miller before we move to  
2           public comment if nobody objects.

3                     Commissioner Austin, for Ms. Miller.

4                     MR. AUSTIN: Ms. Miller, I had it before  
5           me, but you have a provision in your  
6           recommendations for the subpoena power of  
7           individuals and their records. You've got a  
8           very broad experience in criminal law and then  
9           there's this matter of subpoenas. It's an  
10          awesome power, as you know. The state attorney  
11          and the grand jury has that power, but there's a  
12          body of Anglo-Saxon American jurisprudence,  
13          about 800 years, that tells them how they can  
14          use it and how they can make reports on public  
15          officials and -- if they're negative.

16                    What -- who would you report -- where would  
17          you -- who would your group report to and hand  
18          up reports and things? Do you have any  
19          structure?

20                    MS. C. MILLER: Well, as far as whether or  
21          not all the procedures have been delineated at  
22          this point, no, because they're still in the  
23          process. But I'll tell you, for criminal -- any  
24          kind of criminal activity, it obviously goes  
25          immediately to the State Attorney's Office.

1 MR. AUSTIN: That's in your discretion?

2 MS. C. MILLER: No. No --

3 MR. AUSTIN: I mean, you turn it over if  
4 you want to turn it over?

5 MS. C. MILLER: No.

6 The procedure for the Inspector General and  
7 for the ethics office, if there is any  
8 allegation of a criminal offense, it immediately  
9 goes into the JSO and coordinated with  
10 Mr. Weinstein and the State Attorney's Office  
11 immediately.

12 The ethics body -- and there's always a  
13 discussion about that. The ethics body handles  
14 conflict of interest provisions, not criminal  
15 law. Criminal law goes immediately -- any  
16 allegations of that goes immediately to the  
17 State Attorney's Office by our procedures.

18 Pam Markham is the inspector general,  
19 myself, do not handle or get involved with  
20 criminal offenses.

21 So if you have conflict of interest  
22 provisions -- that's what we're talking about  
23 with an ethics commission, lobbying provisions,  
24 conflict -- post employment conflicts that are  
25 not criminal in nature, although our code makes

1           them class A offenses, which, theoretically, has  
2           15 days jail time, but they should be -- they  
3           shouldn't be criminal offenses, conflict of  
4           interest provisions.

5           MR. AUSTIN: But you can use subpoena power  
6           and look at people's testimony -- get their  
7           testimony and get their records and then you can  
8           make a report as to what you find civilly?

9           MS. C. MILLER: Yes. And I suppose  
10          theoretically --

11          MR. AUSTIN: You don't have to hand that  
12          report up to a judge or anything, you just make  
13          a report?

14          MS. C. MILLER: That would have to be  
15          worked out in the procedures because the  
16          subpoena power, as you stated, is one that is --  
17          it should be used extremely judiciously.

18          Right now the City Council president has  
19          subpoena power; the City Council's secretary,  
20          Cheryl Brown, has subpoena power; the City  
21          Council auditor has subpoena power. And at one  
22          point I thought that the easiest mechanism --  
23          since they already have subpoena power, if the  
24          Ethics Commission, in a rare instance, needed to  
25          compel documents for a noncriminal case, that

1           they would go through the existing people that  
2           do have that ability now under our charter,  
3           which would be the City Council auditor or the  
4           City Council president for noncriminal  
5           offenses.

6                     Certainly you don't set up an Ethics  
7           Commission -- and they're not set up anywhere in  
8           the country -- to handle criminal offenses.  
9           They handle conflict of interest provisions.

10                    MR. AUSTIN: Thank you.

11                    THE CHAIRMAN: Commissioner Catlin.

12                    MR. CATLIN: Thank you, Ms. Miller.

13                    This might be a question for both you and  
14           Mr. Gillam.

15                    As you discussed on a zero dollar budget  
16           and the fact that you're answering your phone at  
17           10 o'clock at night on your cell phone at your  
18           house, could it be possible, and if it could,  
19           what would be the pros and cons to combining the  
20           ethics office and the Inspector General, or does  
21           there need to be a total separation there?

22                    MS. C. MILLER: They're separate functions  
23           that -- we're discussing that right now with the  
24           Inspector General because we do already  
25           coordinate.

1           When a call comes in to the hotline, I  
2           don't run out -- certainly if it's  
3           10 o'clock, I don't run out, but the next  
4           morning I come in, we have a procedure that's  
5           posted online that I coordinate with the  
6           Inspector General. They have auditing  
7           procedures and exact ways to go about an  
8           investigation. We already are coordinating.

9           The difference in an Inspector General's  
10          office and an ethics office is an Inspector  
11          General's office operates on auditing  
12          standards. They have a red book and a blue  
13          book, and they go right down the line on how  
14          they conduct investigations and come up with  
15          recommendations. They are specifically  
16          prohibited from the implementation of programs.  
17          That's not what they're supposed to do, go out  
18          and run programs at the same time they're  
19          auditing them.

20          So that's why you have an ethics office  
21          structure, to do the training, to take what the  
22          Inspector General is discovering and then put  
23          that into programing, training, best practices,  
24          into the whole City structure.

25          Obviously, we coordinate, and the resources

1 of the staff are already available to the ethics  
2 office. So I would say that probably 90 percent  
3 of the structure we need, we currently have  
4 existing in the City now. It's putting the  
5 puzzle pieces together.

6 And if you take a look, the Inspector  
7 General and the ethics office were just really  
8 pumped up at the end of 2007, so we had all of  
9 2008 and half of this year to kind of figure out  
10 where we could best utilize our resources. And  
11 I'll tell you, it's like kind of dumping in with  
12 a procedure that isn't really worked out. And  
13 Pam and I are kind of moving forward as we go  
14 along, and so we've discovered some things that  
15 are really positive, some things that need some  
16 tinkering, and -- and that's why, you know, we  
17 think that there is some adjustment there.

18 That is talking about the ethics office and  
19 the Inspector General, not the Ethics  
20 Commission. That's a different body. You know,  
21 that's a different body. That's a body to hear  
22 conflict of interest questions, not criminal.

23 Braxton, do you want to comment?

24 MR. GILLAM: Just to follow up, that's a  
25 point I would make in response to really all the

1 questions that Ms. Miller has been answering.

2 There is a distinction between the ethics  
3 office and the Ethics Commission. And a lot of  
4 the questions posed to her are questions, I  
5 think, were posed or directed to the commission  
6 and, frankly, the resolution we presented to you  
7 today for you to consider in your deliberations  
8 moving forward.

9 You know -- and I'll say to you that -- and  
10 I also say, Mr. Catlett, when you talk about  
11 fiscal conservatism, you know, the point of  
12 consolidation, whether it's in a private  
13 enterprise or in the government, is to try to  
14 find efficiency, reduce costs, and be more  
15 conservative.

16 And I'll tell you that we're not at the  
17 federal level or the state level again where,  
18 frankly, I think conservatives generally think,  
19 you know, most governments should be closest to  
20 the people, dealing with the issues that  
21 address, you know, people on a day-to-day  
22 basis.

23 And, frankly, that's why we're suggesting  
24 to you and to the community that the commission  
25 should be a function for the local government of

1 the whole, not for one aspect of the government,  
2 and to use resources -- frankly, there's plenty  
3 of resources already being spent by the City of  
4 Jacksonville and each of the independent  
5 authorities to address the ethical type  
6 questions and conflict of interest issues that  
7 we're currently addressing, but they're all  
8 scattered, going in different directions. And  
9 if you consolidate those, you probably can  
10 reduce your costs. It's not a matter of  
11 creating a new bureaucracy with an additional  
12 cost. It's using what you've got now more  
13 effectively, in a more -- in a unified  
14 direction.

15 THE CHAIRMAN: Commissioner Youngblood.

16 MR. YOUNGBLOOD: Thank you, Mr. Chairman.

17 Through the Chair to Ms. Miller. I had a  
18 question to you.

19 You stated in your PowerPoint that there  
20 was over 200 calls for service. And that is in  
21 an annual period or a two-year period or since  
22 2008?

23 MS. C. MILLER: We started the hotline  
24 September 1st of 2007.

25 MR. YOUNGBLOOD: 2007.

1           So since 2007, with over 200 phone calls,  
2           of those phone calls you fielded, how many of  
3           them were truly founded with an ethics violation  
4           and how many of them were truly more of an  
5           educational process?

6           MS. C. MILLER: I don't have the  
7           statistics. I might be off one or two.

8           We have about 38 cases that the Inspector  
9           General and I opened up as a result of hotline  
10          calls coming in. Thirty-eight out of 200,  
11          whatever that percentage is. The rest were  
12          educational. They were some HR issues that come  
13          in, difficulties with HR. Immediately get --  
14          it's sort of like a triage that the Inspector  
15          General and I do, and so very few actually end  
16          up as hotline cases.

17          We have 35. We have approximately five  
18          that we're working with law enforcement  
19          authorities at this time. We -- immediately,  
20          when Pam and I recognize any possibility of a  
21          criminal offense, we coordinate with the State  
22          Attorney's Office and JSO.

23          Then we have instances of conflict of  
24          interest and things that have been investigated  
25          by the Inspector General. We've had two issues

1           that came up that needed to be looked at to  
2           figure out what happened pertaining to City  
3           Council members, and that turned out to be an  
4           educational thing actually when it was pulled  
5           apart.

6           So, you know, it's -- actually corresponds  
7           to national statistics of hotlines and the kind  
8           of cases that come in. I called Miami and I  
9           said, so what percent do you have of people  
10          that, you know, just don't know where to report  
11          a pothole? You know, you get all of those  
12          cases. I don't even keep track of them  
13          anymore. We refer them to 630-CITY. A lot of  
14          confusion.

15          When we had some issues -- when issues  
16          come -- when they're the front page of the  
17          Times-Union, then I get two or three phone  
18          calls, people confused about it, so I point them  
19          to the correct law or I try to handle it so that  
20          they feel that there's an answer to the  
21          question.

22          MR. YOUNGBLOOD: That brings another  
23          question. I apologize for interrupting.

24          Out of 200, then we have 38 that were  
25          founded. How many of those 38 went to legal

1           action through the State Attorney's Office? And  
2           how many do you have receiving on independent  
3           authorities?

4                    What I'm trying to arrive at here is, truly  
5           are we looking for -- and do we need another  
6           function of government, as another commissioner  
7           stated, or is it truly another layer of  
8           bureaucracy that could already be handled by a  
9           current department that's in place?

10                   MS. C. MILLER: I think we have the  
11           adequate resources now if the puzzle pieces are  
12           rearranged.

13                   Some of the things that have come in on the  
14           independent authorities -- and I listen and I  
15           write everything down and then I triage, and  
16           it's -- well, I don't know. Does the Inspector  
17           General have jurisdiction over that authority?  
18           Can we make recommendations over here? Can we  
19           go and interact with that independent  
20           authority?

21                   So there's a little bit of confusion even  
22           with the City Council auditor. And I've talked  
23           with Kirk Sherman about one or two of the things  
24           that have come in on independent authorities,  
25           and so while I don't quite think I can get into

1           that area -- and I'm thinking, well, someone  
2           needs to get into -- someone needs to  
3           (inaudible) down on this particular thing and  
4           get it handled.

5                     Now, a lot of times it doesn't -- it  
6           wouldn't result in an Ethics Commission hearing,  
7           so what you've got -- if Braxton was standing  
8           here, I'd say over here is Braxton with the  
9           Ethics Commission and here is the internal City  
10          ethics officer/Inspector General system. It is  
11          different. We can handle 90 percent of the  
12          functions of what's going on with a little bit  
13          of rearranging of the puzzle pieces. The  
14          10 percent we're talking about with the Ethics  
15          Commission hearing and educating people on  
16          conflict of interest questions is separate.  
17          It's a smaller piece. I think it's a larger  
18          City initiative.

19                    (Ms. Jeanne Miller exits the proceedings.)

20                    MR. YOUNGBLOOD: Thank you for your answers  
21           and thank you for the -- for coming and  
22           answering our hard questions because I know  
23           everybody seeks to find something to maintain a  
24           better framework, but what other functions of  
25           current government do you work with other than

1 just the State Attorney's Office?

2 The General Counsel's Office you work with  
3 for ethics violations. What other departments  
4 are there that are currently in place that you  
5 work in conjunction with?

6 MS. C. MILLER: Every department in the  
7 City. Every department has a departmental  
8 ethics officer. I work with every one of them.

9 I work with HR because I have a specific  
10 charge in my code provision, not the Ethics  
11 Commission, to work on all procurement hiring,  
12 outreach to vendors. So I work with the  
13 procurement department.

14 We now are proposing a cone of silence  
15 pertaining to procurement issues. That's  
16 state-of-the-art nationwide. That doesn't have  
17 to do with the Ethics Commission. That has to  
18 do with an internal policy, working out with  
19 procurement.

20 I'm working with the ombudsman of the  
21 central operations department/procurement to  
22 make sure that those actions are coordinated  
23 with the Inspector General.

24 So you see we -- and not to mention the  
25 State Attorney's Office, and there's a special

1 integrity unit of the JSO. All of those forces  
2 for the first time are starting to be pulled  
3 together where we're coordinating efforts, which  
4 is really very positive because if we can  
5 identify risk areas, which is the crux of  
6 changing the ethical culture -- if we can  
7 identify those risk areas, we can jump in at the  
8 front end, educate, and keep things from going  
9 on further. That's the key of the program.

10 If you were doing an effective program at  
11 the front end and we coordinated all these  
12 pieces, you would never see any cases come to  
13 the Ethics Commission. That's the ideal scene.

14 MR. YOUNGBLOOD: Thank you.

15 Thank you, Mr. Chairman.

16 THE CHAIRMAN: Commissioner Eichner.

17 MS. EICHNER: We met in the Green Room and  
18 I asked a couple of questions. I've got some  
19 I'll meet with Carla off-line to talk about.

20 THE CHAIRMAN: Thank you.

21 Commissioner Deal.

22 MS. DEAL: Hi, Ms. Miller.

23 You mentioned that you coordinate,  
24 collaborate with the independent authorities  
25 and -- as well as the other governmental

1 departments. Is it your opinion -- and maybe  
2 Mr. Gillam would like to reply to this question  
3 as well.

4 Is it your opinion that the independent  
5 authorities do not handle ethics issues  
6 appropriately or is it that the City does not  
7 have involvement in their processes of handling  
8 those issues?

9 MS. C. MILLER: A combination.

10 I would say that with all the independent  
11 authorities -- and I've talked with all of  
12 them. They all have different levels of  
13 implementing best practices and government  
14 ethics.

15 The JEA has a wonderful program, and they  
16 came and talked to the Ethics Commission Monday  
17 night about that. They have online training.  
18 We utilize their hotline manual, copied parts of  
19 it for the City's hotline manual, so there's a  
20 lot of collaboration right away with JEA.

21 Some of the newer authorities would be  
22 probably -- some more programs implemented that  
23 I think would be best practices, but the best  
24 thing would be that if everybody is in a  
25 separate unit, doing this all with their own

1 staff and resources, that we get together and we  
2 think of this from a citywide level, and JEA  
3 can -- and they are now -- helping JAA on their  
4 new ethics policy as a result of a meeting that  
5 I called in June.

6 So what we need to do is bring people  
7 together, to not keep duplicating these ethics  
8 programs because they're too key for  
9 anticorruption efforts and for risk assessment  
10 to let it happen haphazardly. It needs to be  
11 done consolidated. Just like the General  
12 Counsel's Office consolidates the legal aspects  
13 of our City, we need to have those ethics  
14 concepts consolidated.

15 MR. GILLAM: Through the Chair to Ms. Deal,  
16 the ethical codes and the Ethics Commission are  
17 borne out of citizen distrust and complaint and  
18 outcry and for -- and as a response from the  
19 City Council and our mayor's office here and  
20 nationwide to those kind of complaints, we're  
21 going to do something for you to help bring back  
22 trust in government.

23 The problem we have as a board is when we  
24 receive a complaint -- and we have received  
25 complaints about activities of independent

1 authorities -- whether founded or not, we  
2 received a complaint, and if the response from  
3 our body is, sorry, we don't have the ability to  
4 address your concern, you need to go somewhere  
5 else, that does the opposite of furthering trust  
6 or developing trust again with the citizens.

7 And so that's the problem and the challenge  
8 that we're faced with, which is one of the  
9 reasons why we come with recommendations and our  
10 resolution to you. For us to do our job and be  
11 able to respond -- and, frankly -- and it may  
12 be -- again, it may be an educational issue. It  
13 may be that we need to have a discussion, have a  
14 presentation, and talk to the citizenry about  
15 the fact that government is functioning  
16 properly, the independent authority is  
17 functioning as it's meant to and there's not any  
18 inappropriate activity. Maybe that's the  
19 result, but the point is you've got to be able  
20 to respond to them. If you don't, you do the  
21 opposite of furthering trust.

22 MS. DEAL: Thank you.

23 THE CHAIRMAN: Commissioner Catlett.

24 MR. CATLETT: Well, again, I don't mean to  
25 belabor this point, but they've given us a

1 two-page resolution that I don't think the folks  
2 in the audience have copies of, but let me --  
3 let me read this to you, if I might.

4 "To reinstate the ability of the ethics  
5 board to subpoena witnesses and documents, to  
6 provide a dedicated funding source for the board  
7 of ethics, and to allow the board to hire  
8 staff."

9 Now, I must be reading this wrong because  
10 what I see is a public expenditure of more  
11 dollars and setting up a bureaucracy. I had the  
12 direct experience of having the water management  
13 district, when it was first formed, tell me that  
14 it would be a very small staff. Between the  
15 water management district -- outside of the  
16 school boards, they're the biggest staffs in the  
17 state of Florida with taxing and independent  
18 authority. So forgive me if my trust in reading  
19 this and hearing what I'm hearing are not on the  
20 same wavelength.

21 The second part I've got is a problem, is  
22 the subpoena power. When the state attorney  
23 does an investigation, everything is kept  
24 secret. When you do an investigation, is it  
25 kept secret with Government in the Sunshine that

1           you fall under also?

2                   MS. C. MILLER: Under Florida law, yes.

3                   During the pendency of an investigation by  
4           the Inspector General or the ethics office,  
5           we're exempt from public records and Sunshine  
6           Law during the investigation.

7                   MR. CATLETT: Is there any penalty if  
8           something that you are studying comes out  
9           publicly to a newspaper?

10                   Let's say there's a violation --

11                   MS. C. MILLER: I mean, it's a violation of  
12           the Sunshine Law and public records law because  
13           we're covered under the Inspector General ethics  
14           office law under the state of Florida as an  
15           exemption to public records and Sunshine during  
16           the pendency of an investigation.

17                   Just like the State Attorney's Office that  
18           create records, at the end of their  
19           investigation, when the case is closed, their  
20           records are public records, same thing for  
21           ethics investigations. Not criminal. I must  
22           say criminal, State Attorney's Office.

23                   MR. CATLETT: I'm just familiar with when  
24           the newspaper makes a mistake -- they've had  
25           huge headlines and they talk about this and that

1           and then three or four days later, on page D-25,  
2           there is a retraction, oops, we made a mistake.  
3           And we ruined this guy's career on the front  
4           page, but -- we made a mistake, oops. And I  
5           want to know if that's a possibility with your  
6           investigations.

7           MS. C. MILLER: Well, through the Chair, as  
8           an ethics officer, I don't conduct any  
9           investigations. The Inspector General's Office  
10          does. It is protected under public record law.

11          Nationwide there's always a discussion that  
12          if you give a citizen body the right to look  
13          into certain offenses, that someone's reputation  
14          could be affected. That's always the concern.  
15          It always is the concern, and the only thing you  
16          can do on the front end is build in safeguards  
17          and make the law very tight on what can be  
18          looked into and the process for that.

19          So if you have that very tight -- it is  
20          true that someone's name could be brought into  
21          that and discussed, but -- you know, the paper,  
22          I'll tell you what happens. Sometimes I've had  
23          people come to me -- I won't mention what office  
24          in the City, but they say, you know, this could  
25          come out on the hotline. And I say, yeah, but

1           it's already in the papers. The Folio has  
2           written about it. The blogs are -- it's  
3           already -- the cat's out of the bag. You know,  
4           I'm keeping the hotline part of it really  
5           confidential, but everybody already is talking  
6           about it. You know, so we have that with the  
7           Internet. There's very little that isn't all  
8           over the place now anyhow.

9                    What Pam Markham, the Inspector General,  
10           and I do is protect the information on the  
11           hotline to, like, 100 percent of our ability to  
12           do that with the two of us and with the State  
13           Attorney's Office. The only time the Ethics  
14           Commission even hears about something is after  
15           we have completed our investigation.

16                   Now, that is an investigation that we're  
17           handling through the Inspector General's  
18           Office. You can have, in an Ethics Commission  
19           meeting -- just like in your group, any one of  
20           you right now can ask a question that the press  
21           can pick up and embarrass someone. You know,  
22           when you have a body that has free speech and  
23           they can talk, they're going to say things. The  
24           Ethics Commission can say things like, do you  
25           think we should bring up X as a matter? You

1 know, and the press can pick that up.

2 I don't know what you can do to prevent  
3 free speech in a group like yourself of  
4 citizens. You know, that's going to happen.  
5 But as far as our investigations, those are  
6 tight.

7 MR. CATLETT: Thank you.

8 Thank you, Mr. Chairman.

9 THE CHAIRMAN: I have a question for you  
10 and perhaps for Mr. Gillam. It has to do with  
11 the original Article 20 that was in the charter  
12 and then removed at some point in the '80s. I  
13 don't know how familiar either of you are with  
14 the specifics of that and I don't want to put  
15 you on the spot, but I would like your thoughts  
16 on a portion of that code. It's at  
17 Tab D in the binder that you gave us.

18 At Section 20.06 -- now, if you need a  
19 moment to find it and read it, I'm happy to give  
20 that to you.

21 MS. C. MILLER: I need my glasses.

22 I'll try to -- is that -- it says political  
23 activities of certain officers and employees; is  
24 that the one you're --

25 THE CHAIRMAN: Yes.

1 MS. C. MILLER: Some of the campaign -- I'm  
2 sorry.

3 THE CHAIRMAN: You're familiar with it? I  
4 mean, you've read it? Because I'm about to ask  
5 you about it. I don't want to put you on the  
6 spot if you don't -- if you haven't read it.

7 MS. C. MILLER: I have read it, but  
8 probably two weeks ago. And if you want me to  
9 answer detailed questions, I'll go get my  
10 glasses. But go ahead, ask the question, and  
11 maybe --

12 THE CHAIRMAN: Okay. This provision is  
13 essentially a mini Hatch Act that parallels the  
14 federal legislation that regulates political  
15 activity by government employees.

16 Obviously, this was something that the  
17 founders of consolidation took seriously as a  
18 concern because they put it in the local  
19 government study report, it went to Tallahassee  
20 to the Duval Delegation. And although the  
21 Delegation made several amendments to the draft  
22 charter that they felt would help make it  
23 perhaps more likely to be approved in the  
24 referendum, this was not a section that they  
25 modified and it was, in fact, approved by the

1 referendum and was a -- was the law of our city  
2 until such time as it was removed apparently,  
3 according to Mr. Rinaman, sometime in the '80s.

4 From your perspective as the ethics officer  
5 of the City and as the executive director of the  
6 Ethics Commission, I'm just interested in your  
7 thoughts as to whether you think this is a  
8 provision that should be reintroduced to the  
9 charter.

10 MS. MILLER: I'll tell you, if you take a  
11 look at the charter right here, what you would  
12 reintroduce would be -- it would look quite  
13 different than this. It wouldn't be taking  
14 this, which is almost a half a century old, and  
15 putting that back in without discussion on each  
16 one of these provisions.

17 The Hatch Act and the campaign laws have  
18 been removed from the ethics code. And I've  
19 spoken with the General Counsel's Office on this  
20 because nationwide election laws, campaign laws  
21 are considered to be part of ethics laws, but  
22 they were removed from the ethics code and,  
23 therefore, I'm not an expert on campaign laws  
24 and election laws.

25 I think that they should not be in an

1 ethics charter amendment. I think they  
2 should -- if they're necessary, they should be  
3 studied, but that's outside of the scope of what  
4 I think an Ethics Commission should do. An  
5 Ethics Commission should handle conflict of  
6 interest issues.

7 So you wouldn't take, like, this original  
8 charter and put it back in like it is. It's  
9 almost 50 years old. It's almost as old as I  
10 am. You know, so I think that you'd have to be  
11 very clever on what you put in and strip it down  
12 to maybe four or five basic concepts, maybe a  
13 paragraph, and then leave the ability to  
14 determine conflict of interest laws to the City  
15 Council to adapt as the years go on so the guts  
16 of the conflict of interest provisions will be  
17 kept with City Council, but whether or not you  
18 would have authority to do citywide consolidated  
19 programming would be in the charter.

20 THE CHAIRMAN: Mr. Gillam, do you have any  
21 opinion on that provision?

22 MR. GILLAM: The only thing I can say --  
23 again, my experience is less than two years  
24 old. None of those kind of issues or any --  
25 come to our commission because it's not part of

1 the current code. That's not the complaints  
2 we're hearing from the public about --

3 THE CHAIRMAN: I understand. I'm just  
4 talking philosophically going forward.

5 MR. GILLAM: Philosophically, I mean, I'm  
6 really going to agree with Carla. I mean,  
7 ultimately -- and this -- you know, I hear  
8 Mr. Catlett continue to harp on the creation of  
9 bureaucracy and the expense of money.

10 I'll tell you that the critical issue, from  
11 my standpoint, is the consolidation of  
12 responsibility in one place instead of having it  
13 divided among independent authorities in the  
14 City of Jacksonville. Even if you don't have  
15 the bureaucracy that Mr. Catlett refers to,  
16 it -- it's a matter of having one point group  
17 who's going to address the concerns and  
18 coordinate going forward, education, explanation  
19 and understanding, and so -- and as far as what  
20 the meat of the matter is, I mean, I'm only left  
21 with a mile experience. It's no broader than  
22 what we currently have in our code.

23 THE CHAIRMAN: Thank you.

24 Commissioner Korman has another question.

25 MS. KORMAN: Actually, I don't know if I

1           could do this, but my question is actually for  
2           the independent agencies.

3                     I want to commend JAA, JEA and JPA for  
4           taking the time to -- this is important enough  
5           for -- I see, I think, all their executive  
6           directors here, and we really appreciate that.

7                     I want to know how you guys feel about  
8           bringing you guys under the ethics office as far  
9           as -- because I heard her say that JEA has your  
10          own ethics person.

11                    Can we -- can I do that? Could I ask them  
12          to come up and tell us how they feel about --

13                    THE CHAIRMAN: Your can certainly request.

14                    MS. KORMAN: May I request it?

15                    THE CHAIRMAN: Please do so.

16                    MS. KORMAN: Thanks. I'm requesting it,  
17          then.

18                    And I know Mr. Grossman is new, so, I mean,  
19          but -- if he doesn't mind -- and Mr. Ferrin, if  
20          you could also, please.

21                    (Mr. Dickinson approaches the podium.)

22                    MR. DICKINSON: My name is Jim Dickinson.  
23          I am the CEO, managing director of JEA. We're  
24          located at 21 West Church Street, downtown.

25                    THE REPORTER: Do you affirm that the

1 testimony you're about to give will be the  
2 truth, the whole truth, and nothing but the  
3 truth so help you God?

4 MR. DICKINSON: I do.

5 THE REPORTER: Thank you.

6 MR. DICKINSON: I guess the question is how  
7 do I feel about this. I guess that's -- so  
8 that's really an opinion question, so all I have  
9 to worry about is my own truth, then, right?

10 No, I'll -- you know, it's a -- it's a  
11 little bit hard because, first off, as we just  
12 recently learned, you know, that this was going  
13 to come before the -- before the commission --  
14 we did have an opportunity actually this past  
15 Monday night to make a presentation to the  
16 Ethics Commission on what JEA is doing and  
17 having the opportunity to explain what we're  
18 doing. So this is moving rather fast, you know,  
19 for us, and so -- but we were able to do that.

20 I'll say that certainly we're very proud of  
21 our ethics program. Our ethics program is a  
22 part of our comprehensive enterprise risk  
23 management program. We have a very -- we put it  
24 in place over the last four to five to six  
25 years, very comprehensive enterprise risk

1 management program, which simply looks at risk  
2 across the corporation of all types of risk.  
3 And certainly reputation and legal risk is one  
4 of them, so the ethics falls under a lot of our  
5 reputation risk that falls in it, and we handle  
6 it in -- you know, in that area of the company,  
7 and so --

8 We do have an external hotline, you know,  
9 where employees can call. We feel like that's  
10 very important to have that, to be able to do  
11 it. We have a very effective internal auditor  
12 program that moves forward, that reports  
13 directly to me and also directly to our Finance  
14 and Audit Committee on the board. So we're --  
15 we're very happy with the program we have going  
16 forward.

17 It would be very difficult to stand here  
18 and say that we don't believe that we ought to  
19 be a part of an overall City ethics program,  
20 so -- so I think that's -- that's something I  
21 don't want to -- wouldn't want to communicate.

22 I would be -- I would want to be involved  
23 in maybe how that moved forward, and also  
24 it's -- you know, to hear -- and I don't have a  
25 lot of interaction with the ethics committee.

1 I've never been before them or not, but kind of  
2 hear comments made that if -- if a complaint  
3 came about JEA to the Ethics Commission that  
4 they wouldn't know what to do with it. I would  
5 certainly hope that that would get to JEA in  
6 some way, would get to our internal auditor,  
7 would get through the council auditor.

8 We work very closely with the council  
9 auditor that sends things to us, and our  
10 internal auditor works very closely with the  
11 council auditor, so -- in that process, so I  
12 would hope that any issue -- complaint that came  
13 up would come to us to handle in the way that we  
14 would handle any internal complaint, you know,  
15 moving forward, so . . .

16 We were -- we're certainly happy to  
17 coordinate on some type of a broader program,  
18 but -- but it would all depend on what that  
19 would look like. I mean, first off, we would --  
20 if it meant taking staff from JEA and move it  
21 over here, I think that -- that would be  
22 probably a concern, to look to see what we would  
23 do, but --

24 But I would certainly want the council to  
25 know, certainly want the -- you know, this

1           commission to know that we'd be -- we would be  
2           supportive of some type of overall program, it's  
3           just what it looked like because I think -- we  
4           wouldn't have it to the public that said we're  
5           not -- we're not coordinated for ethics, you  
6           know, on the -- on the City. We need to present  
7           that front.

8                     It's all a matter of how you move forward  
9           and do it, and I -- you know, I applaud some of  
10          Mr. Catlett's pieces on that in terms of how it  
11          might go forward and what it -- what it might do  
12          in terms of a -- in terms of a structure, so  
13          we're --

14                    We're definitely for ethics. We feel like  
15          we run a very good program. It could be from  
16          the JEA perspective, if there's some -- if  
17          there's some overall commission that we report  
18          to periodically, annually, a report on what  
19          we're doing and how we're doing, that someone  
20          would oversee what type of education do you  
21          have, do you have an educational program, do you  
22          have a hotline program, do you have the types of  
23          programs you need to have in place, and we can  
24          report that out, but I -- I'm -- I would be a  
25          little bit concerned about -- and I'm not --

1           someone who had subpoena authority that could  
2           run down within the company and -- I don't -- I  
3           haven't thought well through that to see what  
4           that is.

5           I would handle ethics issues within my own  
6           company, that we'd discipline employees, we  
7           would terminate employees, which we have,  
8           because of ethics violations and so forth, so --  
9           so that would be my concern, is how it's all put  
10          together in a way that was -- that was  
11          comprehensive and we could support.

12                     (Mr. Ferrin approaches the podium.)

13           THE CHAIRMAN: Mr. Ferrin, name and  
14           address, please.

15           MR. FERRIN: Thank you, Mr. Chairman.

16           I really don't have much to add to what Jim  
17           said --

18           THE CHAIRMAN: Mr. Ferrin, can we have our  
19           court reporter --

20           MR. FERRIN: I'm sorry, yes.

21           My name is Rick Ferrin. I'm the chief  
22           executive officer of the Jacksonville Port  
23           Authority, which is located at 2831 Talleyrand  
24           Avenue, Jacksonville, Florida 32206.

25           THE REPORTER: Do you affirm that the

1 testimony you're about to give will be the  
2 truth, the whole truth, and nothing but the  
3 truth so help you God?

4 MR. FERRIN: I do.

5 THE REPORTER: Thank you.

6 MR. FERRIN: Mr. Chairman, thank you very  
7 much for the opportunity.

8 I don't have much to add to what Jim  
9 Dickinson has said. Certainly the JEA has the  
10 flagship ethics program, and we certainly  
11 subscribe completely to ethics and ethical  
12 practices in the workplace. We cannot and will  
13 not tolerate anything less than 100 percent  
14 compliance with the ethical standards that have  
15 been established for the way in which we do  
16 business.

17 I look at Jim's program and I say that we  
18 have many, many similarities and clearly we want  
19 to venerate and emulate his program.

20 We do have an ethics officer. Our ethics  
21 officer reports to the board of directors  
22 through the Office of General Counsel. We have  
23 a member of the Office of General Counsel who is  
24 really dedicated almost entirely to the  
25 Jacksonville Port Authority, Deborah Walters.

1           We do work very closely with the City  
2           Council auditor's office. We have never closed  
3           the door to the City Council auditor any time  
4           the auditor has wanted to look at anything  
5           within the Port Authority.

6           We also have an internal audit function  
7           that reports to the board through the Audit  
8           Committee, so we have -- really we have created,  
9           I think, a system within the Port Authority  
10          which may not be an exact duplicate of what they  
11          have at JEA. We certainly look to the JEA as  
12          having the benchmark or having the -- the best  
13          system, the best practice in place.

14          And as Jim pointed out, we certainly don't  
15          want to stand against ethics. I think maybe  
16          having some consolidation at the City so that  
17          our programs are all similar and work to a  
18          similar end is a great idea. Of course, we'd  
19          have to look at it and see exactly what does  
20          that mean for us, but I think generally we are  
21          certainly supportive of the very highest ethics  
22          in the workplace. We are very supportive of  
23          100 percent transparency and honesty in how we  
24          conduct our business and will tolerate nothing  
25          less.

1           So thank you very much.

2           THE CHAIRMAN: Thank you.

3           (Mr. Grossman approaches the podium.)

4           MR. GROSSMAN: Mr. Chairman, I'm Steve  
5           Grossman, CEO of the Jacksonville Aviation  
6           Authority, located on Pecan Road in  
7           Jacksonville, Florida.

8           THE CHAIRMAN: Welcome, Mr. Grossman.

9           I apologize that within your first two  
10          weeks of coming to town you're being placed  
11          under oath. Please don't take it the wrong  
12          way.

13          MR. GROSSMAN: I always find it interesting  
14          that ethically I have to take an oath to do  
15          something I ought to be doing anyway, but I'm  
16          certainly willing to do that.

17          THE REPORTER: Do you affirm that the  
18          testimony you're about to give will be the  
19          truth, the whole truth, and nothing but the  
20          truth so help you God?

21          MR. GROSSMAN: I do.

22          THE REPORTER: Thank you.

23          MR. GROSSMAN: With regard to the Authority  
24          and based on one week, three days and four hours  
25          of experience, our ethics program works through

1           our internal auditor and also involves the  
2           General Counsel in a very strong way.

3           I think that -- to echo a little bit, we  
4           should be improving all the time. And our  
5           ethics program is somewhat in its infancy, and  
6           we can certainly be learning from our fellow  
7           agencies in the City, and we do coordinate with  
8           the City.

9           And as Jim mentioned, if there is any issue  
10          that comes up before the City, you know,  
11          regarding JAA, it should come to me because  
12          within our organizations I can think ethics  
13          start right here. You know, it's -- as was  
14          pointed out earlier in your meeting, Enron had a  
15          really good ethics code, and look what good that  
16          did them because the people at the top were not  
17          ethical.

18          I think -- you know, based on my  
19          experience, my career, and then here, I mean,  
20          it's -- you have to walk the walk at the top,  
21          zero tolerance for the staff, but it's the  
22          processes you set up, et cetera.

23          I really haven't heard the problem that  
24          we're trying to fix by setting up an entire new  
25          agency with staff, et cetera, et cetera,

1 et cetera, so I'm -- I would be very concerned  
2 about that, but the idea of further coordination  
3 with the City, adopting best practices, those  
4 are all excellent things that we should do as an  
5 organization that is looking for continuous  
6 improvement, and so basically those are my  
7 comments.

8 THE CHAIRMAN: Thank you.

9 Commissioner Korman, does that respond to  
10 your question?

11 MS. KORMAN: No, it does. Thank you. I  
12 appreciate it.

13 I think -- and I want -- I wasn't  
14 questioning the fact that you don't take ethics  
15 as a number one priority. My concern was  
16 that -- that I've heard some of the other  
17 hearings that sometimes some of the independent  
18 agencies, not picking on any one of you, don't  
19 like all the time having to use -- and we'll use  
20 the General Counsel's Office as an example.

21 So once again, we would be using --  
22 sometimes you like your own independent people  
23 to pick, and it sounds like most of you or all  
24 of you have people in the process already, so we  
25 would be sending you back through the City and

1 kind of -- I wouldn't say taking away some of  
2 your independent authority, but it's that  
3 balance again, so -- I'm trying to understand  
4 that. Does that make sense?

5 So I'm just trying to make sure that if  
6 this were to happen -- and we have -- this is  
7 the first time I've heard about this -- that you  
8 would be open to it and wouldn't be doing  
9 something that you would be completely opposed  
10 to.

11 That's it.

12 THE CHAIRMAN: Commissioner Catlett had a  
13 question.

14 MR. CATLETT: And this will be my last one,  
15 I swear.

16 THE CHAIRMAN: There's nobody else in the  
17 queue.

18 MR. CATLETT: Okay. That's good.

19 Are there any of the provisions of this  
20 resolution that have been discussed with the  
21 council president? And what's his feeling on  
22 these?

23 THE CHAIRMAN: Thank you, gentlemen.

24 MR. DICKINSON: Can I make one other  
25 comment --

1           THE CHAIRMAN: Just stand by. We'll have  
2 public comment in just a minute, so feel free to  
3 do so then.

4           (Ms. Carla Miller approaches the podium.)

5           MS. C. MILLER: Through the Chair, Braxton  
6 Gillam and I met with the City Council  
7 president. I met with the City Council  
8 president about a month ago. He was in the  
9 middle of the budget, and I said, ethics, we  
10 need to sit down. And Braxton Gillam and I met  
11 with the City Council president. He has some  
12 really good ideas on the structure. But until  
13 their budget was behind him, we didn't really  
14 want to spend a lot of time with him. But he  
15 has researched it and he has good input, and  
16 several other people, you know, so, the more we  
17 can get input from the stakeholders the better  
18 off we'll be.

19          THE CHAIRMAN: Thank you.

20           I have no other questions in the queue.

21           All right. Thank you to all of our  
22 speakers today.

23           The next item on our agenda is commission  
24 discussion. We will have public comment, but I  
25 do want to provide an opportunity for the

1 commissioners to share any thoughts that they  
2 haven't perhaps already shared in their comments  
3 or questions.

4 This was one of our top -- this issue of  
5 independent authorities was one of the top  
6 vote-getters, as you know, in our issues list,  
7 so -- so it's obviously something that all of us  
8 care about.

9 Commissioner Eichner.

10 MS. EICHNER: This is just one housekeeping  
11 item. I want to make sure that I'm listed as  
12 attending the last commission meeting on  
13 September 10th.

14 THE CHAIRMAN: Noted.

15 Mr. Clements.

16 MR. CLEMENTS: (Nods head.)

17 THE CHAIRMAN: Commissioner Youngblood.

18 MR. YOUNGBLOOD: I have a question for the  
19 General Counsel's Office, Steve Rohan.

20 Through the Chair, if you would,

21 Mr. Rohan.

22 MR. ROHAN: Yes.

23 MR. YOUNGBLOOD: How --

24 MR. ROHAN: Legal or as a witness?

25 MR. YOUNGBLOOD: More, I guess, information

1 for my purposes.

2 How, currently, does the General Counsel's  
3 Office handle ethics complaints? Because it  
4 seems as if everyone that's elected or appointed  
5 has to work in and through the General Counsel's  
6 Office. It seems somewhat as a -- preventative  
7 to having a true ethics violation if there's  
8 40-plus attorneys in the General Counsel's  
9 Office to represent each of these different  
10 departments.

11 Is there a problem? I mean, are we hearing  
12 an outcry that there is internal difficulties?

13 MR. ROHAN: I'm pleased to say that the  
14 City of Jacksonville is nothing like the City of  
15 Miami, where I was born, nor Washington, D.C.,  
16 and the level of the ethics inquiries that we  
17 address is very small.

18 I served as the ethics officer for four  
19 years. In that respect, my main function, in  
20 addition to training, was in the discussions  
21 with employees and officers over employment  
22 conflicts and conflicts of interest. And our  
23 number one thing that we did was give advice,  
24 guidance, steered everybody in the right  
25 direction so that there were no violations.

1           We don't get a lot of complaints and we've  
2           yet to have to really do anything about that. I  
3           have helped on some hotline issues where various  
4           council members were involved, and what we did  
5           was we simply went to the council members,  
6           explained the facts, they gave their position.  
7           That was relayed to the Ethics Commission, and  
8           the council members were exonerated, but  
9           that's -- that's basically our involvement.

10           We have various attorneys that work for  
11           each of the agencies. These attorneys help in  
12           the development of their ethics guidelines and  
13           principles. And we have an ethics liaison with  
14           Jon Philips, who now performs the work that I  
15           sort of did when I was an ethics officer.

16           MR. YOUNGBLOOD: Then, in your opinion,  
17           would you see that this is a duplicity of boards  
18           or is it something that's -- is truly  
19           necessary? And as Commissioner Catlett, you  
20           know, continued to bring to the table, is it an  
21           additional level of bureaucracy or is it  
22           something that is truly necessary based on what  
23           the General Counsel's Office is hearing, and  
24           what is your opinion?

25           MR. ROHAN: Well, based on the

1 presentations that we had today and the  
2 experience that I've had, the Ethics Commission  
3 is melding from an Ethics Commission to more of  
4 a waste, corruption, and performance commission  
5 because we get very, very few Chapter 602 or  
6 Chapter 112, Florida Statutes, complaints. The  
7 basic thing is people don't like the way a  
8 contract is bid. People don't like the way  
9 public records are being delivered. These are  
10 not really ethics issues. I think one of the  
11 things that needs to be done -- either we're  
12 going to have an Ethics Commission that deals  
13 with our code and state law or we may have a  
14 waste, corruption and performance commission.

15 Now, we already have the Taxation, Revenue,  
16 Utilization and Expenditures Commission, the  
17 TRUE Commission, and that's sort of their  
18 responsibility.

19 We have a number of commissions in the City  
20 of Jacksonville, and citizens like these  
21 wonderful citizens here sit on them. They're  
22 appointed to these commissions and they sit on  
23 them, and they go to commission meetings, board  
24 meetings. And frequently they go in and they  
25 say, what's on the agenda? What do we do? What

1 do we have to do?

2 And there's really not enough to fill the  
3 agenda, partly because Jacksonville is just a  
4 terrific city. And I'm concerned that if you go  
5 too far with the commission, they -- would they  
6 have enough to do? Would there be enough for an  
7 executive director to do? We have to take a  
8 look at utilization, our resources, and  
9 duplication of resources.

10 MR. YOUNGBLOOD: Thank you.

11 That answers my question, Mr. Chair.

12 THE CHAIRMAN: I have no other speakers in  
13 the queue, so we will move to public comment.

14 Do we have any -- Mr. Dickinson and then  
15 Mr. Nooney.

16 (Mr. Dickinson approaches the podium.)

17 MR. DICKINSON: Do I need to swear in again  
18 or --

19 THE REPORTER: No.

20 MR. DICKINSON: -- the other one count?

21 Great. Thank you.

22 I just had another thought that -- just  
23 to -- on the ethics issue, certainly -- and  
24 then, Ms. Korman, understanding your question  
25 maybe a little bit better, I think a question

1           for the commission would be -- I certainly feel  
2           like that within JEA, with the powers that are  
3           granted to JEA -- remember, we -- first off, if  
4           you look at our structure, you know, I am hired  
5           by the board. I am kind of the board's only  
6           employee. They hire me and I hire everybody  
7           else, and then they expect me to run an  
8           organization underneath their policies.

9           The board has been granted all of their  
10          authority from City Council. You know, our  
11          charter for JEA can be totally changed by the  
12          City Council. It doesn't have to go to the  
13          State. We're a little different than the other  
14          independent agencies. The council has complete  
15          authority to change our charter with 14 votes,  
16          so there's a process to go through that -- to be  
17          able to do that, so --

18          So if the question comes down -- certainly  
19          I believe that within the full authority that's  
20          been given to the board to run a company -- and  
21          ethics is a big piece of it -- that we're  
22          comfortable in the process that we're doing it.

23          The question is, what -- who should JEA, as  
24          a board, you know, answer to in terms of how  
25          their ethics program is doing? You know, is

1           that we should do something periodically with  
2           City Council? Should there be a commission to  
3           do that? I think that's our question for  
4           certainly the -- you know, the -- your  
5           commission and the council to look at.

6                     And, again, for me, if it says, well,  
7           because we're not satisfied with some things  
8           going in with the independent authorities, we  
9           need to kind of bring some things out and do  
10          some things there, that's where I would, you  
11          know, want to be more involved in the process of  
12          that because I do feel like we run a very good,  
13          effective program with the powers that's been  
14          given to us.

15                    With who we answer to, you know, ethics  
16          outside of me to my board would be, you know, a  
17          question, or if an ethics issue came up with me,  
18          I would expect it to go to the board to handle.  
19          If an ethics issue came up with one of my board  
20          members, kind of who handles it -- you know,  
21          does the board handle that themselves? Is  
22          that -- how does that go forward? And there may  
23          be some better structure for something like  
24          that.

25                    I just wanted to clear that up in terms of

1           that.

2                   And then one other comment, if I could.  
3           I guess I would say from some earlier  
4           discussions -- I'm not sure if the word "miffed"  
5           is right, but I'm -- I guess I'm a little miffed  
6           on the whole issue of collaboration between the  
7           independent authorities and the City  
8           administration because, you know, I could list  
9           for you numerous examples of great collaboration  
10          and -- over time.

11                  Certainly I would never reject any meeting  
12          with the mayor.  If the mayor wanted to get  
13          together and talk through quarterly or -- or any  
14          of those things, to look and see, you know, how  
15          we would phase into an overall City plan and the  
16          process of doing that.  I think the question for  
17          you is, how do you legislate that?

18                  Because at the end of the day -- you know,  
19          we can talk about all the different things that  
20          are going on, but at the end of the day you've  
21          got to recommend some type of a legislation  
22          change in terms of what would happen, and I'm  
23          not sure what I could offer there, would happen  
24          to be involved in that discussion, but I believe  
25          there's --

1           Just like there may be examples of things  
2           that maybe didn't go forward as well as it  
3           could, there's lots of examples of things that  
4           did happen. For instance, JEA was very involved  
5           in the preservation project -- purchasing  
6           preservation project under the Delaney  
7           administration. We actually have some of our  
8           contribution to the City that was pledged to a  
9           bond issue for the Port Authority, you know, to  
10          make something move forward.

11          So certainly we would welcome, you know,  
12          the bigger picture to be involved in those  
13          things, you know, as we go forward, but there's  
14          also things going on at JEA in the process that  
15          it -- if things go forward, they would greatly  
16          affect our customers in moving forward that we'd  
17          be doing.

18          So we'd be very happy to do that. I'm just  
19          not sure how you're going to legislate that  
20          because I believe in -- I believe in certainly  
21          independence. And, of course, when we were  
22          formed, we were a department of the City in 1968  
23          and then we became an independent authority.  
24          And one of the purposes for that -- and  
25          Mr. Austin has quoted this before -- was that we

1           were to do that to take away undue political  
2           interference, you know, or influence, you know,  
3           and run like a business, but yet that we were  
4           also to maximize returns to the City, you know,  
5           from a contribution.

6           We believe we're doing that. We'll  
7           probably have other discussions later about that  
8           contribution. I'd welcome being involved in  
9           that, but -- but we would welcome, you know, any  
10          collaboration over time.

11          One of the things that does happen over  
12          time is that, you know, administrations change  
13          and could change every four years. However, we  
14          don't change that much. You know, we're a  
15          long-term cycle business in terms of what we do  
16          and how we're moving through, so -- but I would  
17          certainly welcome, you know, anything to be able  
18          to plan and look at that.

19          And we do -- we work very closely with the  
20          planning authority. I think a comment was made  
21          that development happens by wherever we put a  
22          plan and wherever we run lines. That's not  
23          really true. Development happens by where the  
24          development of the city moves forward. And  
25          we've got a lot of examples with the planning

1 and development part of the City that say, JEA,  
2 we don't want you to run a line over there  
3 because it doesn't fit into the comp plan and so  
4 forth.

5 We really follow the development program  
6 and where development kind of moves forward.  
7 We're not out there saying let's run an  
8 electrical line over here to see if we can spur  
9 development. We work very closely, you know,  
10 with the planning and development area in the  
11 process, so . . .

12 Those are my comments.

13 THE CHAIRMAN: Thank you.

14 Any questions of Mr. Dickinson?

15 COMMISSION MEMBERS: (No response.)

16 THE CHAIRMAN: Okay. Thank you.

17 Mr. Nooney.

18 (Audience member approaches the podium.)

19 AUDIENCE MEMBER: My name is John Nooney,  
20 8356 Bascom Road, Jacksonville, Florida 32216.

21 You know, Ms. Miller started off this  
22 meeting, you know, holding up a pamphlet of  
23 ethics introduced in the City charter in 1968.  
24 And when she held that up, I was sitting back  
25 there and it looked to me like the size of just

1 a birthday card. It is so concise, and then  
2 it's removed four years later, and so here we  
3 are today.

4 And as I had mentioned in the last Charter  
5 Revision Commission meeting, you know, I  
6 participated in the JCCI study, and one of the  
7 biggest recommendations is that the public trust  
8 in this community has just been totally  
9 destroyed. It needs to be restored.

10 And I also shared with you some newspaper  
11 articles, and I go back to 2007. And a  
12 councilwoman, you know, goes to court to support  
13 a guy who stole \$95,000 from a City fund. Stole  
14 a hundred grand of our taxpayer money. That was  
15 in 2007.

16 And people ask me, why do you hold on to  
17 this? Because it has everything. You know, it  
18 went to court. The State Attorney wanted to  
19 prosecute. The adjudication for it was that he  
20 got probation and was asked to make  
21 restitution.

22 Now, he stole this money from the JEDC, a  
23 hundred grand.

24 And then you have to ask yourself,  
25 restitution to who? That's taxpayer

1           restitution.

2                   Now, I haven't had a chance to talk to  
3           Mr. Barton, and then we just had the new  
4           budget. I mean, how -- there should be a line  
5           in there going back to that money.

6                   Now, here's another one, still 2007. You  
7           know, you talk about the school board. Here's a  
8           gym teacher, charges dropped. What happened?  
9           What's next? Well, the school board says the  
10          district's investigation is separate and will  
11          continue with plans to fire him.

12                   So here you have another situation that  
13          it's just taken out of the scope, you know, of  
14          our city.

15                   And then just between the last time I met  
16          or spoke to this commission, here we have, just  
17          a few days ago, in two front page news stories  
18          of the Ed Ball building, a fellow resigns who is  
19          overseeing the project. And then the next day,  
20          the Ed Ball building, work loaded with red  
21          flags. And here we are, the City says the  
22          building's property manager owes \$1.2 million.

23                   Now, as far as the citizen -- you know,  
24          people in this community, I -- I mean, I've got  
25          dozens of examples, and I share these with you

1           because it is so relative.

2                     Now, when you talk about, you know, the  
3           funding source -- you know, I attended, you  
4           know, the Ethics Commission meeting, you know,  
5           Monday, and there was a presentation with JEA,  
6           and they used the global compliance, and the  
7           cost for that is based on the number of  
8           employees. And it's a very good program. And,  
9           you know, for the City it would just be -- just  
10          double the cost.

11                    And so anyway, the point is it was a very  
12          good program that should be looked at, but when  
13          you look at the funding source -- and I get back  
14          to this. This is where, if anything happens,  
15          the State Attorney should have the ability in  
16          the part of a plea bargain if there is any  
17          taxpayer monetary compensation involved.

18                    I have no idea if this guy is receiving a  
19          pension or -- or anything like that, but if  
20          there is, think of alimony, think of child  
21          support, think of that one case alone, a hundred  
22          grand. I mean, where is that money going to?

23                    So that is taxpayer dollars. That's the  
24          JEDC. Do you want that money to go back to JEDC  
25          or do you want that money to go back and fund,

1           you know, the ethics? And that's just one  
2           example, and there will be dozens moving  
3           forward, and so you have to look at that  
4           clawback provision.

5           So, you know, I'll -- moving forward, you  
6           know, get more of these copies for the  
7           commission members.

8           I just -- if you have any questions or  
9           you're following the thought or logic of just  
10          how you could really restore public trust back  
11          to this community and, you know, tie in, you  
12          know, every independent agency, every aspect,  
13          you know, of government and the way it's run,  
14          you know, in Jacksonville.

15          THE CHAIRMAN: Thank you, Mr. Nooney.

16          MR. NOONEY: I'll just conclude with that  
17          and -- any questions?

18          COMMISSION MEMBERS: (No response.)

19          THE CHAIRMAN: Thank you.

20          MR. NOONEY: Thank you for listening.

21          THE CHAIRMAN: Any other speakers?

22          (Audience member approaches the podium.)

23          AUDIENCE MEMBER: Do I need to fill out a  
24          card?

25          THE CHAIRMAN: Name and address for the

1 record, please. That will be sufficient.

2 AUDIENCE MEMBER: Derek Bermudez, 7990  
3 Baymeadows Road East.

4 I guess we down here about ethics. I  
5 wasn't down here for the meeting, but I just,  
6 you know, came on in in a whirlwind. So since  
7 I'm down here -- I swear I learn something new  
8 every time I come.

9 I know the budget is getting ready to be  
10 submitted by October something or whatever, the  
11 Florida law.

12 Through the Chair, can I have legal talk to  
13 me real quick?

14 THE CHAIRMAN: No, sir. This is public  
15 comment.

16 Thank you.

17 MR. BERMUDEZ: Well, as far as what I see  
18 on TV and what I've read, I know it's the  
19 Florida law that we submit a balanced budget  
20 every year; is that right or wrong? Yea or  
21 nay?

22 THE CHAIRMAN: (No response.)

23 MR. BERMUDEZ: Yea or nay?

24 THE CHAIRMAN: I'm sorry, sir. I'm not a  
25 resource. I welcome your --

1           MR. BERMUDEZ: Basically what I'm saying,  
2           if we -- if it's the law that you got to submit  
3           a balanced budget every year, how in the heck do  
4           we come up millions of dollars short every  
5           year?

6           Then we look at the children in the street  
7           and call them gangsters and goons and thugs and  
8           all this stuff. I read in the newspaper that in  
9           our -- in Duval County public schools, we have  
10          gangs forming in our public schools and -- to  
11          see the history and to learn a tradition on some  
12          of those schools. And the blood that's on some  
13          of those schools, it's just total hypocrisy.

14          I watched the president address the United  
15          Nations last night and to see all the words he  
16          used and all he was saying. You got to start in  
17          your own country. If people in your own country  
18          don't have freedom and democracy and equal  
19          rights and justice, how can you say you want to  
20          spread freedom and democracy in other  
21          countries?

22          What we need to do is take a look at our  
23          own selves in the mirror. And all this ethics  
24          stuff, what's going on, what's the use of doing  
25          all this if no accountability is going to

1           happen, no responsibility is going to happen?  
2           You know, if you continue to look at the poor  
3           people out here, just like the man just said,  
4           it's thousands and millions of dollars coming up  
5           short here.

6           I read about the consolidated government in  
7           the city of Jacksonville and all that went on  
8           back then, and to read the stories and the  
9           corruption that happened back then and see  
10          what's going on right now, history always  
11          repeats itself. So hold on to your newspaper,  
12          man. You're going to see the same thing going  
13          on over and over again.

14          Lastly, if it's [sic] somebody from the  
15          state attorney office, I need to talk to them.  
16          Are they in the audience?

17          Oh, it's public comment. Come on, man.  
18          Public comment? Well, when the public going to  
19          have some answers?

20          You know, I mean, we see y'all -- I don't  
21          want to use "stealing" and all those type of  
22          words like that because I know a lot of people  
23          get offended. I don't want to make it look like  
24          nobody's a bad guy down here. I know y'all  
25          doing the best y'all could do, and I'm not

1           trying to complain.

2           I'm on my way to try to run for president  
3           of United States, and I know the first thing I'm  
4           going to do. And I know we live in a post 9/11  
5           area. I'm going to take a book out of George W.  
6           If you ain't with me, you're against me.

7           So I bet anybody in my Congress or my  
8           Senate to tell me that I'm a liar on my face on  
9           national public TV because what I'm going to do  
10          is send them down to the Guantanamo, Cuba, and  
11          I'm going to use the Patriot Act and modify and  
12          amend these Patriot Acts so that I could start  
13          with a homeland domestic terrorism in my own  
14          country first before I try to look at the kids  
15          on the street and call them little young guns  
16          and terrorists.

17          Last thing -- let me get off y'all mic.

18          The Honorable Ed Austin, can I have, like,  
19          30 seconds with you in the Green Room?

20          THE CHAIRMAN: Thank you.

21          MR. BERMUDEZ: Mr. Austin.

22          MR. AUSTIN: What?

23          MR. BERMUDEZ: Can I see you in the Green  
24          Room for about 30 seconds?

25          MR. AUSTIN: You want to see me?

1 MR. BERMUDEZ: Yes, sir.

2 MR. AUSTIN: Certainly.

3 MR. BERMUDEZ: All right. Thank you.

4 THE CHAIRMAN: Any other public speakers?

5 (Audience member approaches the podium.)

6 THE CHAIRMAN: Mr. Markle.

7 AUDIENCE MEMBER: Conrad Markle, 1146

8 Romney Street, representing Concerned Taxpayers

9 of Duval County.

10 I just wanted a clarification on your basic  
11 agenda here. I've noticed that five people have  
12 opted for a CO appointment, and I'm not sure  
13 what that acronym stands for.

14 THE CHAIRMAN: That's constitutional  
15 officers. We're going to look into the issue of  
16 whether some of the constitutional officers  
17 should be appointed versus elected.

18 MR. MARKLE: All right, because that leads  
19 into another question. I was hoping Ms. Barrett  
20 would still be here, but I guess she's left the  
21 commission?

22 THE CHAIRMAN: That's correct. She is no  
23 longer on the commission.

24 MR. MARKLE: Because I was interested in  
25 her idea that -- I noticed in the minutes, I

1           guess about six weeks ago -- or months ago,  
2           excuse me, where she opted to not pursue the  
3           City ombudsman, and I was hoping she would be  
4           here to comment on why she -- I thought it was  
5           an excellent idea when she brought it up and was  
6           the only one -- and then she withdrew it.

7           I was wondering what her reasoning was on  
8           that, but -- since she's not here, I guess I  
9           can't get a -- is there a way to correspond  
10          directly with somebody like -- I've been  
11          wondering if it's possible to directly approach  
12          any of the commissioners through an e-mail or  
13          whatever if we had a direct question to one of  
14          them rather than take up time here.

15          THE CHAIRMAN: Yes, sir. There is a  
16          suggestion box, e-mail address on the Charter  
17          Revision Commission web page at COJ.net.

18          MR. MARKLE: So send it to Mr. Clements,  
19          through the main --

20          THE CHAIRMAN: Yes, please.

21          MR. MARKLE: All right. Thank you very  
22          much.

23          THE CHAIRMAN: Thank you, Mr. Markle.

24          Anybody else?

25          AUDIENCE MEMBERS: (No response.)

1 THE CHAIRMAN: Okay. Thank you.

2 Other business. Our next commission  
3 meeting is October 15th. That's on the schedule  
4 that we originally promulgated at the beginning  
5 of this process. I'm concerned that meeting  
6 every two weeks at this point is not enough  
7 time. It's already October, practically, before  
8 our next meeting, and we have a lot of issues  
9 that we wanted to cover on our issues list. And  
10 as we've seen, each of our meetings, all of us  
11 have good questions, and it's hard to fit all  
12 the speakers and the questions in, and I want to  
13 do that.

14 So what I am going to do is -- at least for  
15 the next few months, we're going to meet every  
16 week, so I want you to know that now. We'll  
17 meet October 15th, and then we will meet the  
18 week after that, which is the 22nd. And then  
19 we're already scheduled to meet on the 29th, I  
20 believe.

21 So plan on that accordingly. I will send  
22 out -- I will coordinate with Mr. Clements to  
23 promulgate a calendar to that effect, but what I  
24 do not want us to do is run out of time. I  
25 would rather that we meet every week until we

1           feel like we've gotten a handle on all the  
2           issues that we want to talk about, heard from  
3           all the people we want to hear from. And then  
4           if we feel like we are at a place where we're  
5           more comfortable, then we can drop back to  
6           meeting every two weeks. Certainly in the last  
7           month of our tenure, we will be, if I have  
8           anything to say about it, focusing on writing  
9           our report instead of still hearing from  
10          people.

11                 So that's my intention. I want you to have  
12           that information as early as possible so you can  
13           coordinate your schedules.

14                 Mr. Catlett.

15                 MR. CATLETT: I just want to make sure I've  
16           got this right. We aren't starting the weekly  
17           meetings until after October 15th?

18                 THE CHAIRMAN: That is correct.

19                 Commissioner Oliveras.

20                 MR. OLIVERAS: Thank you, Mr. Chairman.

21                 Would it be possible, since we're going to  
22           go to a weekly format, to perhaps go into a  
23           workshop-type session occasionally so we can get  
24           into the items that have been discussed and the  
25           questions that have been answered from the --

1           our guests so that we can tackle -- begin to  
2           tackle the individual issues and then move on to  
3           the next items?

4           THE CHAIRMAN:  What I would like to do is  
5           continue to gather information at this point,  
6           and then perhaps in November if we're going to  
7           be meeting every week now, then we can start  
8           taking votes, but I don't -- I would like to do  
9           those -- have those discussions and take those  
10          votes in full commission.

11          So I don't know what you mean by a  
12          workshop.  It's going to be a noticed meeting.  
13          It's going to be a regularly -- you know, at our  
14          regular meeting time.

15          But what I think I understand your question  
16          to be is, can we set aside a meeting where we  
17          don't hear from speakers, we just discuss and  
18          vote, and absolutely we're going to do that.

19          MR. OLIVERAS:  That was my intention.  So  
20          we could just have the time amongst the  
21          commissioners to tackle the issues.

22          THE CHAIRMAN:  Exactly.  And I'm -- that's  
23          why I want to start meeting every week, so that  
24          we can get all the speakers in and then have  
25          plenty of time, not run out of time, where we

1           have meetings where we just talk amongst  
2           ourselves.

3                   Any other discussion?

4                   Mr. Rohan.

5                   MR. ROHAN: Mr. Chairman, from a technical  
6           point of view, I will be here October 15th. I  
7           will not be here the 22nd and the 29th.

8                   Let me remind the commissioners that I am  
9           available at any time to draft any ideas that  
10          you have, to articulate any concepts, any  
11          charter changes that you'd like, and I can get  
12          those drafted up for your review, either -- at  
13          any meeting.

14                   And while I won't be here the 22nd and the  
15          29th, somebody will be here, and I will be  
16          available by computer and by cell phone. So  
17          we'll get your needs met, but I just wanted to  
18          remind you, if you want me to draft anything for  
19          you, I'm happy to do that.

20                   THE CHAIRMAN: Thank you, Mr. Rohan.

21                   Commissioners, I would ask that you direct  
22          those requests to Mr. Rohan through me and  
23          Mr. Clements so I can make sure I'm coordinating  
24          everybody's efforts.

25                   Any other business, comments?



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C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF DUVAL :

I, Diane M. Tropa, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 3rd day of October, 2009.

Diane M. Tropa