

CITY OF JACKSONVILLE

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DARCY GALNOR
LATONYA LIPSCOMB SMITH
MARY BLAND LOVE

ETHICS COMMISSION

MEETING MINUTES

January 28, 2019
Don Davis Conference Room
City Hall – 1st Floor

The meeting was called to order by Joseph Rogan, Chair of the Ethics Commission, at 5:00 p.m. A quorum was present.

Commission Attendees: Joseph Rogan, Ellen Schmitt, Dr. George Candler, Carlton DeVooght, J.J. Dixon, Darcy Galnor, and LaTonya Lipscomb Smith. Excused absence: Imani A. Boykin. Mary Bland Love joined the meeting via telephone conference call. Other attendees: Carla Miller, Director, Office of Ethics, Compliance and Oversight (“OECO”); Kirby Oberdorfer, Deputy Director OECO; Lourdes Barboza, Executive Assistant, OECO; and Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel (“OGC”).

Public in Attendance: John Nooney

Mr. Rogan opened the meeting with the Pledge of Allegiance and Ms. Miller shared the Ethics Thought.

Minutes Approval:

The Ethics Commission began by reviewing the minutes from several meetings that were pending approval:

January 9, 2019 New Member Orientation & Training Session minutes: Ms. Schmitt made a motion to approve the minutes. Dr. Candler seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

December 5, 2018 Complaints Committee Meeting minutes: Ms. Lipscomb Smith made a motion to approve the minutes. Ms. Galnor seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

October 22, 2018 Ethics Commission Meeting minutes: Dr. Candler made a motion to approve the minutes. Ms. Schmitt seconded the motion. The motion to approve the minutes passed

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unanimously with a 7-0 vote.

November 5, 2018 Ethics Commission Meeting minutes: Ms. Schmitt made a motion to approve the minutes. Carlton DeVooght seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

July 10, 2018 Legislative Committee Meeting minutes: Ms. Pollack suggested a correction to the attendance section of the minutes. Ms. Muguimi, who was listed as a member of the public on the minutes, was working as an intern for the Department of Financial at the time and her attendance should therefore be listed as an attendee rather than a member of the public. Ms. Galnor made a motion to approve the minutes with Ms. Pollack's correction. Dr. Candler seconded the motion. The motion to approve the minutes with the correction passed unanimously with a 7-0 vote.

October 29, 2018 Legislative Committee Meeting minutes: Ms. Schmitt made a motion to approve the minutes. Mr. DeVooght seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

May 17, 2017 Internal Operations Committee Meeting minutes: Ms. Schmitt made a motion to approve the minutes. Dr. Candler seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

February 27, 2017 Open Government Committee Meeting minutes: Dr. Candler made a motion to approve the minutes. Ms. Schmitt seconded the motion. The motion to approve the minutes passed unanimously with a 7-0 vote.

Reports:

Ms. Miller reported that the OECO is in the process of rolling out the OECO Gift Law and Conflict Law legislation that was approved by City Council to all the Departments in the City. She reported that Ms. Oberdorfer will be attending the Ethics Compliance Institute national ethics conference and is currently enrolled a two-month course to become a Certified Ethics Professional. Ms. Miller informed the commission that there has been an increase in requests for Ethics training this year. Groups attending training include members of the City Council President's Task Force on Crime and Safety, Kids Hope Alliance, Jacksonville Housing Authority, CPAC Chairs and Vice Chairs, and the Health Planning Council. In addition to providing Ethics training to various groups in the City, OECO will be focusing on providing Ethics training to newly elected officials in June.

Ms. Pollock summarized the OGC opinion regarding Ethics Code section 602.804. The opinion was drafted in response to a question regarding whether the lobbying penalties in Section 8 are exclusive for those violations or if they could also be pursued as Ethics offenses under the civil penalty provisions in Section 11. Ms. Pollock will email a copy of the opinion to all Ethics Commission members.

Discussion on Committee Structure, Assignments and Reports:

Mr. Rogan distributed and reviewed the duties and responsibilities of the Ethics Commission.

Mr. Rogan then summarized the policy for Public Comment in Ethics Commission meetings and Committee meetings. During Ethics Commission meetings, public comment will be allowed prior to every final vote on substantive matters before taking action. Additional public comment will be offered at the end of every Ethics Commission meeting. Committee Chairs will allow general public comment at the close of their meetings. Public comment is not mandatory at the Committee level prior to each vote.

Mr. Rogan reviewed the Committee operations and assignments and suggested that they all meet during the month of February.

Ms. Miller added that City Council has given the Ethics Commission additional responsibilities and duties in the Ordinance Code that are not in the Charter.

Mr. Rogan summarized the proposed revisions to the Complaint Procedures and made two corrections to remove the phrase “are made” in the first sentence of Rule 5(h) and 5(i). Dr. Candler made a motion to approve the proposed revisions with the two corrections. Ms. Galnor seconded the motion. Mr. Rogan opened the meeting for public comment, but no member of the public offered comments. The motion was approved unanimously with a vote of 7-0.

New Business

Proposed Ordinance #2019-19:

Ms. Miller distributed a summary of Proposed Ordinance #2019-19 that was introduced by Council Member Gulliford. She reviewed the current procedures for Public Comment at City Council Meetings and explained how the procedure would change should the proposed ordinance be adopted. CM Gulliford was invited to today’s Ethics Commission meeting but was not able to attend due to a scheduling conflict. Ms. Miller said that the proposed bill could encourage public attendance and participation because it will give the public an opportunity to give public comment on specific issues during special public hearings rather than having to wait until the end of the meeting to speak about a particular bill.

Proposed Ordinance #2019-54:

Ms. Miller summarized Proposed Ordinance #2019-54. The bill was introduced by Council Member Schellenberg. The exact same bill was previously filed and withdrawn in 2017. She explained that there may be times when a vacancy on the Ethics Commission requires that the appointed new member begin his or her term immediately rather than wait until the City Council confirms their appointment. The language in the proposed ordinance prohibits the appointee from serving until Council confirms the appointment. Ms. Miller gave background information about the importance of the current language in Section 602.912 of the Ethics Code. Ms. Miller will reach out to Mr. Matt Carlucci, former Chair of the Florida Ethics Commission, to ask if he would

speak at the February 19, 2019 Rules Committee meeting regarding this bill. There was discussion about the dates that the Rules Committee and City Council will hear the bill.

Dr. Candler made a motion to appoint Mr. Rogan as the representative of the Ethics Commission to discuss Proposed Ordinance #2019-54 with CM Schellenberg and to go before the Rules Committee or City Council to oppose this bill. Ms. Schmitt seconded the motion.

Mr. Rogan opened the floor to public comment on Proposed Ordinance #2109-54. Mr. Nooney commented.

Mr. Rogan called for a vote on the motion and the motion was approved unanimously with a vote of 7-0.

Review State Ethics Commission Legislative Recommendations for 2019 Session:

Ms. Miller summarized ways in which the Jacksonville Ethics Commission can support and impact State Ethics Commission recommendations for legislative changes to the State Code of Ethics. The five current recommendations by the State will be discussed at the Legislative Committee meeting in February.

Briefing on Final Report Issued by Task Force on Open Government:

Ms. Oberdorfer briefly summarized the purpose and final report of the Task Force on Open Government. Mr. Rogan referred the topic to the Legislative Committee for discussion.

Financial Incentives Voted on by City Council:

Mr. Rogan spoke about the issue of City Council consideration of and voting on projects that use pseudonyms in place of company names. Substantive information about the bid is available to the Council Members before they vote, but the public does not have access to this information. Mr. Rogan suggested that the Legislative Committee discuss this matter and decide if they want to pursue it.

ECO Housekeeping Items:

Ms. Miller announced that the 2018 Ethic Commission Annual Report and the Ethics Director Evaluation for 2018 will be sent to the Ethics Commission members at the beginning of February.

Filing of Form 1 Limited Financial Disclosure Statement:

Ms. Oberdorfer reported that all new members of the Ethics Commission had filed their Form 1 2018 and reminded returning members that their Form 1 2018 will need to be filed by July 1, 2019.

Training on ADA, Human Rights, and Restrictions on Campaign Activities:

Ms. Miller presented the Human Rights training normally offered at the Boards and Commissions Ethics training sessions. She also reviewed Rule VI of the Ethics Commission Internal Operating Procedures regarding political races and campaigning. Ms. Oberdorfer offered training on compliance requirements of the American Disabilities Act.

Public Comment:

Mr. Rogan opened the floor to general public comment. Mr. Nooney commented.

Discussion of Future Meeting Dates:

Mr. Rogan asked Committee chairs to schedule their first Committee meetings. The meetings were scheduled as follows:

Complaints Committee will meet on Wednesday, February 13, 2019 at 4:00 p.m.. The Complaints Committee will also meet in Executive Session immediately following the regular meeting.

Legislative Committee will meet on Wednesday, February 13, 2019 at 2:30 p.m.

Internal Operations Committee will meet on Wednesday, February 6, 2019 at 3:00 p.m.

Open Government Committee will meet on Thursday, February 7, 2019 at 4:00 p.m.

Mr. Rogan polled the Ethics Commission members for dates and scheduled Ethics Commission meetings on Thursday, March 7, 2019 at 4:30 p.m., Wednesday, April 3, 2019 at 5:15 p.m., and Thursday, May 16, 2019 at 4:30 p.m.

There being no further business to discuss, the meeting was adjourned at 6:26 p.m.

Lourdes Barboza

Lourdes Barboza, Executive Assistant, OECO

March 7, 2019

Date of Approval

This is a summary of the meeting and not a verbatim transcription. A recording of these proceedings is available at [http://www.coj.net/departments/ethics-office/notices,-agendas---meeting minutes.aspx](http://www.coj.net/departments/ethics-office/notices,-agendas---meeting%20minutes.aspx)

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