

CITY OF JACKSONVILLE

ELLEN SCHMITT
CHAIR

IMANI A. BOYKIN
CARLTON DEVOOGHT
J.J. DIXON
ERICH FREIBERGER



DARCY GALNOR
VICE CHAIR

LATONYA LIPSCOMB SMITH
MARY BLAND LOVE
JOSEPH ROGAN

**ETHICS COMMISSION
MEETING AGENDA**

**HYBRID VIRTUAL VIA ZOOM/IN-PERSON MEETING
LYNWOOD ROBERTS ROOM, 1st FLOOR, CITY HALL**

Friday, March 26, 2021 at 4:00 p.m.

1. Call to Order
 - Pledge
 - Dr. Freiberger Welcome
 - Ethics Thought
2. Minutes Approval
 - Ethics Commission Meeting – October 26, 2020
3. Reports (Staff)
 - ECO Office
 - Office of General Counsel
4. New Business
 - a. Presentation by Diane Moser, City of Jacksonville Director of Employee Services Regarding Resources Available to Boards and Commissions
 - b. Ordinance 2020-705 Sponsored by Council Member Dennis
 - c. Review of Potential Legislative Changes Regarding Post-Employment
 - d. Ethics Director Performance Review
 - e. Succession Planning for ECO Office
 - f. Strategic Planning & Comments of the Chair
 - g. 2021 Committee Assignments and Updates
 - h. Ethics Commission Annual Report
 - i. Update Regarding Ethics Related State Legislation
 - j. Filing of Form 1 Limited Financial Disclosure Statement

**Office of Ethics, Compliance & Oversight
117 W. Duval Street, Room 225
Jacksonville, FL 32202
Phone: (904) 255-5510 HOTLINE: 630-1015**

5. Old Business
 - Review of Potential Legislation Regarding Travel and Gifts
6. Public Comments
7. Announcements and Scheduling of Future Meetings
8. Adjourn

CITY OF JACKSONVILLE



JOSEPH ROGAN
CHAIR

ELLEN SCHMITT
VICE CHAIR

IMANI A. BOYKIN
GEORGE CANDLER
CARLTON DEVOOGHT
J.J. DIXON

DARCY GALNOR
LATONYA LIPSCOMB SMITH
MARY BLAND LOVE

**ETHICS COMMISSION
MEETING MINUTES**

Monday, October 26, 2020

Zoom

No Physical Location

The meeting was called to order by Joseph Rogan, Chair of the Ethics Commission, at 4:01 p.m. A quorum was present.

Commission Attendees: Joseph Rogan, LaTonya Lipscomb Smith, Mary Bland Love, Ellen Schmitt, Dr. George Candler, Darcy Galnor, J.J. Dixon, and Imani A. Boykin. Excused Absence: Carlton DeVooght. Other attendees: Carla Miller, Director, Office of Ethics, Compliance and Oversight ("OECO"); Kirby Oberdorfer, Deputy Director, OECO; Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel ("OGC"); and Sandy Homrighouse, Executive Assistant, OECO.

Public in Attendance: Walette Stanford, Ethics Officer, JEA and Laura Boeckman, Assistant General Counsel, OGC.

The meeting began with Mr. Rogan leading the attendees in the Pledge of Allegiance and Ms. Miller shared the Ethics Thought.

Minutes Approval:

September 30, 2020 Ethics Commission meeting minutes: Ms. Schmitt made a motion to approve the minutes. Ms. Smith seconded the motion. There being no discussion, the motion to approve the minutes passed unanimously with a vote of 8-0.

Staff Reports:

OECO: Ms. Miller referred to the document circulated by email consisting of the top ten OECO activities completed so far this year. The OECO staff conducted ethics training for more than 200 JEA middle management personnel. A survey was sent to participants after each training. Ms. Miller shared a summary of the feedback. Ms. Oberdorfer opined the JEA training was the most impactful training OECO and Ms. Miller has ever conducted. Ms. Stanford thanked OECO for the training. Ms. Miller expressed appreciation for JEA's support. Ms. Oberdorfer stated the post-training surveys also showed the attendees have high hope for an ethical culture at JEA in the future. In summation, Mr. Rogan stated OECO had a busy 2020 even through the pandemic.

OGC: No report.

Complaints Committee Report: Ms. Schmitt announced the Complaints Committee will have a public meeting soon to update the Ethics Commission Complaint Procedures.

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New Business:

Review of Potential Legislation for Travel and Gifts: Ms. Miller gave a history of the draft travel and gift legislation circulated by email to the Ethics Commission members before the meeting (the draft legislation was shown on the screen during the meeting). The draft legislation was originated two years ago by former Council President Anna Lopez Brosche and was subsequently redrafted at the request of former Council President Scott Wilson. Ms. Miller summarized the requirements in paragraph (d) of the draft legislation, including the development by OECO of a reporting form for City officials to disclose travel paid by a third party. Ms. Miller recommended the draft travel legislation be changed to apply to travel paid by any entity and not limited to travel paid by a political committee as currently stated in the draft legislation, and also require disclosure of the purpose of the travel. A discussion occurred regarding additional requirements that may be included in the draft legislation to further transparency regarding travel paid by third parties on behalf of City officials. Ms. Miller and Ms. Oberdorfer will work with Ms. Pollock on revising the draft legislation.

Future of Zoom Meetings and Sunshine Law: Mr. Rogan asked the Ethics Commission members for input regarding continuing the use of Zoom for future Ethics Commission meetings. Mr. Rogan opined that using Zoom to conduct meetings has resulted in efficient and convenient meetings and also greater access to the meetings. Mr. Rogan recommended the Ethics Commission consider joining other ethics commissions in the state to request the Florida Legislature change the Sunshine Law to allow local boards and commissions to meet by communications technology such as Zoom. Ms. Love agreed virtual meetings are a good idea. Ms. Boykin noted her agreement with Ms. Love. Dr. Candler also agreed and added possibly meeting face to face in person twice per year. Ms. Miller stated Florida law allows state boards and commissions to use communications technology to conduct meetings and suggested asking the Florida Legislature to extend this capability to local government boards and commissions. Ms. Miller then asked Ms. Oberdorfer to discuss a project she is working on with OGC to provide guidance to City boards and commissions on conducting hybrid in-person and virtual meetings beginning next month. Ms. Oberdorfer stated she has heard comments that participation has grown among boards and commissions meetings using Zoom. Mayor Curry has formed an ad hoc committee led by Lori Boyer to develop guidance for boards and commissions transitioning to hybrid meetings. Dr. Candler made a motion to issue a resolution encouraging the Florida Legislature to amend the Sunshine Law to allow local government boards and commissions to conduct virtual public meetings. Ms. Smith seconded the motion. Mr. Rogan asked for public participation. There was no public participation provided. There being no further discussion, the motion passed unanimously with a vote of 8-0.

Election of Vice Chair for 2021: Mr. Rogan asked if any Ethics Commission members were interested in serving as Vice Chair next year. Ms. Galnor expressed her interest and Mr. Rogan inquired if any other member wished to serve as Vice-Chair. Only Ms. Galnor expressed interest in being Vice Chair. Ms. Schmitt made a motion to elect Ms. Galnor as Ethics Commission Vice Chair for 2021. Ms. Boykin seconded the motion. Mr. Rogan asked for public participation. There was no public participation provided. Discussion occurred regarding whether Ms. Galnor should abstain from voting and it was determined that she should not abstain. There being no further discussion, the motion passed unanimously with a vote of 8-0.

2021 Strategic Planning: Ms. Miller referred to the following documents circulated by email to the Ethics Commission members prior to the meeting: (1) Ethics Commission Strategic Goals 2017-2018 Update and (2) Summary of Ethics Commission Committee Potential Work. Ms. Miller encouraged the Ethics Commission members to read over the documents and contact Ms. Oberdorfer to schedule a meeting during the month of November to discuss 2021 strategic planning.

2021 Committee Preferences: Mr. Rogan and Ms. Schmitt requested the Ethics Commission members email Ms. Miller, Ms. Oberdorfer or Ms. Homrighouse with their preference rankings of all four standing committees and committee leadership roles for 2021.

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Public Comment:

Mr. Rogan requested public comment. None was given.

Announcements and Scheduling of Future Meetings: Ms. Miller recognized Dr. Candler for his service on the Ethics Commission. Dr. Candler expressed his thanks. Ms. Miller recognized Mr. Rogan for his service as Chair of the Ethics Commission. Mr. Rogan expressed his thanks. No specific date has been decided yet for the next Ethics Commission meeting.

Adjourn: There being no further business to discuss, the meeting was adjourned at 5:04 p.m.

Sandy Homrighouse, Executive Assistant, OECO

Date of Approval

This is a summary of the meeting and not a verbatim transcription. A recording of these proceedings is available at <http://www.coj.net/departments/ethics-office/notices.-agendas-minutes> .

1 Introduced by Council Member Dennis:
2
3

4 **ORDINANCE 2020-705**

5 AN ORDINANCE REGARDING THE JACKSONVILLE ETHICS
6 CODE; AMENDING CHAPTER 602 (JACKSONVILLE ETHICS
7 CODE), PART 8 (LOBBYING), *ORDINANCE CODE*, TO
8 RENAME PART 8, ESTABLISH SUBPART A, AND TO ADD
9 A NEW SUBPART B (POLITICAL CONSULTANTS) TO
10 PROVIDE FOR A CITY REGISTRATION PROCESS FOR
11 POLITICAL CONSULTANTS; PROVIDING AN EFFECTIVE
12 DATE.
13

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Amending Part 8 (Lobbying), Chapter 602**
16 **(Jacksonville Ethics Code), Ordinance Code.** Part 8 (Lobbying),
17 Chapter 602 (Jacksonville Ethics Code), *Ordinance Code*, is hereby
18 amended to read as follows:

19 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

20 * * *

21 **PART 8. LOBBYING AND POLITICAL CONSULTANTS**

22 **SUBPART A. - LOBBYING**

23 * * *

24 **SUBPART B. - POLITICAL CONSULTANTS**

25 **Sec. 602.805. Purpose.**

26 The City of Jacksonville has a paramount interest in protecting
27 the integrity and credibility of its electoral and government
28 institutions. Election campaigns are highly competitive and
29 candidates frequently contract for services of professional political
30 consultants who specialize in guiding and managing campaigns. The
31 purpose of this Subpart is to improve transparency by requiring

1 political consultants advising City elected officials and candidates
2 for City elected office to meet certain registration and reporting
3 requirements. Required registration and disclosure of information by
4 political consultants will assist the public in making informed
5 decisions and protect public confidence in the electoral and
6 governmental processes.

7 **Sec. 602.806. Definitions.**

- 8 (a) "Political Consultant" means any person or entity that
9 receives or is promised economic consideration equaling
10 \$1,000 or more in a calendar year for political consulting.
11 The term "political consultant" includes any person or
12 entity that subcontracts with a political consultant to
13 provide political consulting services, and that receives
14 or is promised economic consideration equaling \$1,000 or
15 more in a calendar year for providing political consulting
16 services. The term "political consultant" does not include
17 persons who are employees of a political consultant,
18 attorneys who provide only legal services, accountants who
19 provide only accounting services, pollsters who provide
20 only polling services, and campaign treasurers who provide
21 only those services under Chapter 106, Florida Statutes.
- 22 (b) "Political consulting services" means participating in
23 campaign management or developing or participating in the
24 development of political or campaign strategy.
- 25 (c) "Candidate" means a person who has taken affirmative action
26 to seek nomination or election to local office, a local
27 officeholder who has taken affirmative action to seek
28 nomination or election to any elective office, or a local
29 officeholder who is the subject of a recall election.
- 30 (d) "Campaign management" means conducting, coordinating or
31 supervising a campaign to elect, defeat, retain or recall

1 a candidate, or adopt or defeat a measure, including but
2 not limited to hiring or authorizing the hiring of campaign
3 staff and consultants, spending or authorizing the
4 expenditure of campaign funds, directing, supervising or
5 conducting the solicitation of contributions to the
6 campaign, and selecting or recommending vendors or sub-
7 vendors of goods or services for the campaign.

8 (e) "Campaign strategy" means plans for election, defeat,
9 retention or recall of a candidate, or for the adoption or
10 defeat of a measure, including but not limited to producing
11 or authorizing the production of campaign literature and
12 print and broadcast advertising, seeking endorsements of
13 organizations or individuals, seeking financing, or
14 advising on public policy positions.

15 (f) "Economic consideration" means any payments, fees,
16 commissions, reimbursements for expenses, gifts, or
17 anything else of value.

18 (g) "Local office" or "Local officeholder" means the following
19 elective offices in the City of Jacksonville: Mayor, City
20 Council Members, Constitutional Officers, Sheriff, State
21 Attorney, Public Defender, and School Board Members.

22 (h) "Measure" means a local referendum or ballot measure,
23 whether or not it qualifies for the ballot, or local
24 legislation which has been filed or is intended to be filed
25 for consideration by the Jacksonville City Council.

26 **Sec. 602.807 Prohibitions.**

27 It shall be unlawful for any political consultant to provide
28 political consulting services, or accept any economic consideration
29 for the provision of political consulting services, without first
30 registering with the Council Secretary and complying with the
31 reporting requirements specified in Section 602.808 below.

1 Sec. 602.808. Registration of political consultants;
2 registration statements.

3 (a) Beginning on January 1, 2021, and following annually on
4 each January 1 thereafter, each political consultant shall report to
5 the City's Council Secretary the following information:

6 (1) The name, business address and business phone number of the
7 political consultant;

8 (2) If the political consultant is an individual, the name of
9 the political consultant's employer and a description of
10 the business activity engaged in by the employer;

11 (3) The names of any individuals employed by the political
12 consultant to assist in providing political consulting
13 services;

14 (4) The name, address and telephone number of each client to
15 whom the political consultant provided political
16 consulting services during the preceding twelve months;

17 (5) Each political contribution of \$100 or more made or delivered
18 by the political consultant, or made by a client at the
19 behest of the political consultant, or for which the
20 political consultant acted as an agent or intermediary,
21 during the preceding twelve months in support of or in
22 opposition to each individual candidate or measure,
23 provided that the cumulative total is \$500 or more;

24 (6) The cumulative total of all political contributions made
25 or delivered by the political consultant, or which is made
26 by a client at the behest of the political consultant, for
27 which the political consultant acted as an agent or
28 intermediary, during the preceding twelve months in support
29 of or in opposition to each individual candidate or
30 measure, provided the cumulative total is \$1,000 or more;

1 (7) Any gifts promised or made by the political consultant to
2 a local officeholder during the preceding twelve months
3 which in the aggregate total \$100 or more; and

4 (8) Any other information required by the Ethics Commission
5 consistent with the purposes and provisions of this
6 Subpart.

7 (b) When a person registers as a political consultant, he or
8 she shall file a registration statement and oath in the form developed
9 from time to time by the Office of General Counsel, in consultation
10 with the City Ethics Officer, the Council Secretary and the Ethics
11 Commission. The Council Secretary, in consultation with the Office
12 of General Counsel, is authorized to reject or strike non-conforming
13 registrations. No person may commence or continue political
14 consulting services related to a rejected or stricken registration
15 statement until such time as a corrected registration statement is
16 submitted and accepted by the Council Secretary.

17 (c) The Council Secretary shall maintain a book or electronic
18 file in which the registration statements and oaths submitted by
19 political consultants shall be entered, together with corrections and
20 amendments as herein authorized and required.

21 (d) Each political consultant shall reregister annually no later
22 than January 1 each year.

23 (e) When a client is acquired by a political consultant
24 subsequent to initial registration or reregistration, the political
25 consultant shall submit an amendment to the registration to the City's
26 Council Secretary no later than 15 days after being retained to
27 provide political consulting services to the client. The amendment
28 shall contain the client information for the new client required in
29 subsection (a) above.

30 (f) If a client terminates the services of a political
31 consultant or the political consultant ceases to represent the client

1 for political consulting services for matters within the jurisdiction
2 of the City of Jacksonville, the political consultant shall submit
3 an amendment to the registration no later than 15 days after the
4 termination. The amendment to the registration must include all
5 information required by subsection (a) above for the period since the
6 political consultant's last annual registration for that client. A
7 political consultant may not provide political consulting services
8 to a client or accept economic consideration for the provision of
9 political consulting services after an amendment for client
10 termination is filed, until a new amendment of registration is filed
11 under subsection (c) above.

12 (g) Each political consultant shall verify, under penalty of
13 perjury, the accuracy and completeness of the information provided
14 under this Subpart.

15 (h) A registration statement may be corrected or amended at any
16 time by the registrant by the submission of a subsequent registration
17 statement and oath setting forth the correcting or additional
18 information that the registrant wishes to place on file. A statement
19 that the subsequent registration statement corrects or amends the
20 previous registration statement shall be inserted in the body of the
21 statement, above the lobbyist's signature, noting the substance of
22 the correction or amendment. A registration statement shall be
23 corrected or amended if any material fact concerning the purpose for
24 which or persons on whose behalf the registrant filed the registration
25 statement changes.

26 (i) Each campaign consultant shall retain for a period of five
27 years all books, papers and documents necessary to substantiate the
28 reports and statements required under this Subpart.

29 (j) This section is limited to registration issues only, and
30 nothing contained in this section shall be interpreted to limit the
31 gift and honoraria solicitation and acceptance prohibitions set forth

1 in Part 7 of this Chapter.

2 **Sec. 602.809. Ethics Commission Powers and Duties.**

3 In accordance with Section 602.921, the Ethics Commission shall:

- 4 (a) Provide assistance and coordination of the training and
5 education of local officeholders, candidates and political
6 consultants as to the City's political consulting laws and
7 any related material which the Commission determines will
8 serve the purposes of this Subpart. Each political
9 consultant must sign a statement acknowledging receipt of
10 these materials;
- 11 (b) Preserve all original registrations, reregistrations,
12 amendments and other records required to be kept or filed
13 by the City under this Subpart for a period of five years.
14 Such records shall constitute a part of the public records
15 of the Ethics Commission and shall be open to public
16 inspection;
- 17 (c) Provide formal and informal advice regarding the duties
18 under this Subpart of a person or entity pursuant to the
19 procedures specified in Part 9 below;
- 20 (d) Have the power to adopt all reasonable and necessary rules
21 and regulations for implementation of this Subpart.

22 **Sec. 602.810. Restricted activities.**

23 No information obtained from registration statements required
24 by Section 602.808, or from lists compiled from such statements,
25 shall be sold or utilized by any person for the purpose of soliciting
26 campaign contributions or selling tickets to a testimonial or similar
27 fund-raising affair or for commercial purposes.

28 **Sec. 602.811. Penalties.**

29 A person who, knowingly and willfully:

- 30 (a) Being at the time required to register as a political
31 consultant fails or refuses to do so; or

1 (b) Having registered as a political consultant, fails or
2 refuses to properly file with the Council Secretary a
3 corrected or amended registration statement when required
4 by Section 602.808 to do so; or fails to disclose on the
5 registration statement any information required by this
6 Subpart;

7 (c) Continues to act as a political consultant after expiration
8 of the period for which the registration statement was
9 filed with the Council Secretary; or

10 (d) Commits, or procures or acquiesces in the commission of,
11 any violation of this Subpart;

12 Shall be guilty of a class D offense against the City.

13 **Section 2. Effective Date.** This ordinance shall become
14 effective upon signature by the Mayor or upon becoming effective
15 without the Mayor's signature.

16
17 Form Approved:

18
19 /s/ Paige H. Johnston

20 Office of General Counsel

21 Legislation Prepared By: Paige H. Johnston

22 GC-#1397584-v1-Dennis_Chapter_602.doc
23
24

DRAFT: POST EMPLOYMENT LEGISLATION

GOALS:

1. To pull together all existing Jacksonville Ethics Code laws on post-employment (written over several decades) into one section that is written in plain English.
2. To review best practices in post-employment legislation at the federal, state and local level and incorporate into our Ethics Code, if applicable.

Our review led to this proposed Code section that would incorporate (and therefore eliminate) current Jacksonville Ethics Code provisions (602.404, 405, 408, 411 and 412). It would also pick up elements from federal and state laws and is based on the national Model Ethics Code of City Ethics (www.cityethics.org).

Carla Miller, Kirby Oberdorfer 3/24/2021

PROPOSED CODE SECTION ON EMPLOYMENT CONFLICTS:

1. Prior-Employment

(Current Sec. 602.405)- Responsibility of contracts with former employer prohibited.

For a period of two years from ceasing employment with a former employer, no employee of the City shall negotiate, supervise or manage a contract with the employee's former employer.

2. Post-Employment

a. Representation/Lobbying. Two year prohibition. (Current 602.411) For a period of two years after the termination of his or her City or Independent Agency service or employment, an official or employee may not, on behalf of any other person or entity, for compensation, directly or indirectly, formally or informally, act as agent, attorney, lobbyist, or any other sort of representative, to or before his or her former agency, department, authority, board, or commission. For the purposes of this provision, a mayor, chief administrative officer, deputy chief administrative officer, chief of staff, or City Council member is deemed to have worked for every city department, agency, authority, board, and commission.

(Example: You cannot be an employee of the Planning Department, leave City employment and then come back and be compensated for interacting with the Planning Department for a period of 2 years.)

b. Representation/Lobbying on Particular Matters. Five Year Prohibition. (Current 602.411 and 412) With respect to particular matters on which the official or employee personally and substantially worked while in City or Independent Agency service or employment, the prohibition in paragraph (a) is five years from the date the person left City or Independent Agency employment. Personally and substantially worked includes

decision, approval, disapproval, evaluation, recommendation, rendering of advice, investigation, or other such action related to any matter or portion of a matter. This includes, but is not limited to, bids, proposals, awards, specifications, solicitation related documents, or payments.

(Example: You work in the Parks Department and you are in charge of purchasing playground equipment; you leave City employment. Under section a) when you leave the City you cannot appear in front of the Parks Dept. for 2 years for anything; but under this section you cannot appear in front of the Parks Dept. for 5 years on issues relating to playgrounds.)

c. Prohibited Future Employment. (current Section 602.412) For a period of two years after the termination of his or her City or Independent Agency service or employment, an official or employee, may not accept employment with or contract with a party that has a contract with the City, when he or she participated personally and substantially in the preparation, negotiation, or award of the contract, and the contract obliged the City to pay an aggregate of at least \$100,000. Personally and substantially worked includes decision, approval, disapproval, evaluation, recommendation, rendering of advice, investigation, or other such action related to any matter or portion of a matter. This includes, but is not limited to, bids, proposals, awards, specifications, solicitation related documents, or payments.

A mayor, chief administrative officer, deputy chief administrative officer, chief of staff, or City Council member, may not, for two years after termination of City service or employment, accept any compensated position with the City. For the purposes of this section, "employment" includes full-time and part-time jobs, and professional and other work for hire, given directly or indirectly.

(Example: You work in the City's Parks Dept. and you negotiate a contract for the department in the amount of \$200,000 for playground equipment with "Company A". You cannot leave your City employment and work for "Company A" for 2 years after you leave the City.)

d. Soliciting Future Employment or other Compensation. (current Section 602.404 & additions).

(Current law) No officer or employee of the City or Independent Agency shall accept or solicit any other employment, contract or compensation, if the employment, contract or compensation could reasonably be expected to impair independence in judgment or performance of City or Independent Agency duties.

(New/Federal) An officer or employee that is negotiating or has an arrangement for future employment with an organization or entity, shall not take any official action on a matter that could affect the financial interests of that organization or entity. The remedy for the employee is to disqualify and remove themselves immediately from the interaction with that organization or entity.

(New/Federal) An employee participating in a procurement over \$100,000 shall notify his supervisor and the designated Department Ethics Officer (DEO) in writing when the employee contacts or is contacted by a bidder regarding the possibility of employment. The employee must either reject the possibility of employment or disqualify him/herself from further participation in the procurement.

e. Lobbying, Employment or Consulting by former appointed officials required to file Form 1 Financial Disclosures; Prohibition. (current section 602.408)

A person who has been appointed to any county, municipal, or state, Board, Commission, Committee, Council or authority may not personally benefit or represent another person or entity for compensation before the Board, Commission, Committee, Council or Authority of which the person was an appointed official required to file Form 1 Financial Disclosures for a period of 2 years after vacating that office. For purposes of this section, "personally benefit" is intended to mean directly benefit financially and includes such scenarios as employment with the Board, Commission, Committee, Council or Authority, or retention/engagement by the Board, Commission, Committee, Council or Authority for consulting or lobbying on its behalf, or contracted or employed or retained by a third party for consulting or lobbying services for interaction with the Board, Commission, Committee, Council or Authority. For purposes of this section an "Appointed Official" is defined in Section 602.201, Ordinance Code. This section shall apply to all Appointed Officials subject to Form 1 Financial Disclosures filing requirements appointed or reappointed on or after April 14, 2020.

(Note: this extends the 2 year prohibition on representation/lobbying in part (a) to those people who are not City employees, but serve on Boards and Commissions that file state financial disclosure forms.)

f. Exceptions. Former officials and employees are not prohibited from acting if:

1. They are working for the City or Independent Agency on a volunteer basis.
2. They are acting on behalf of another federal, state, or local government.
3. They are giving testimony under oath and are not being compensated for it.
4. They are providing scientific or technological information at the City's or Independent Agency's request and have obtained a waiver under (g).
5. The contract was competitively bid under procurement provisions. A contract is competitively procured if it has been obtained through a sealed low bid award.

g. Waivers. The prohibitions of this section can be waived if it is determined by a Committee comprised of the City Council Rules Chair and 2 members of the Ethics

Commission that the situation does not create a potential for undue influence, unfair advantage, or a serious appearance of impropriety.

h. Notice of Breach. (Lot J legislation language.) If any person, company or entity causes directly or indirectly a violation of this section to occur, they shall have 15 days from receipt of the City's written notice of violation to correct the violation, and if not, shall be considered in violation of this Ethics Code.

CURRENT LAWS

The following information was reviewed and incorporated, if applicable, into the proposed code provision.

JACKSONVILLE EXISTING POST-EMPLOYMENT PROVISIONS

Sec. 602.404. - Soliciting future employment or compensation. (a) No employee of the City shall accept or solicit any other employment, if the employment could reasonably be expected to impair independence in judgment or performance of City duties; (b) No employee of the City shall solicit or accept compensation for any other employment, which compensation is to be paid while still an employee of the City, if the compensation could reasonably be expected to impair independence in judgment or performance of City duties.

Sec. 602.405 - Responsibility of contracts with former employer prohibited.

For a period of two years from ceasing employment with a former employer, no employee of the City shall negotiate, supervise or manage a contract with the employee's former employer.

Sec. 602.408. - Lobbying, Employment or Consulting by former appointed officials required to file Form 1 Financial Disclosures; Prohibition.

A person who has been appointed to any county, municipal, or state, Board, Commission, Committee, Council or authority may not personally benefit or represent another person or entity for compensation before the Board, Commission, Committee, Council or Authority of which the person was an appointed official required to file Form 1 Financial Disclosures for a period of 2 years after vacating that office. For purposes of this section, "personally benefit" is intended to mean directly benefit financially and includes such scenarios as employment with the Board, Commission, Committee, Council or Authority, or retention/engagement by the Board, Commission, Committee, Council or Authority for consulting or

lobbying on its behalf, or contracted or employed or retained by a third party for consulting or lobbying services for interaction with the Board, Commission, Committee, Council or Authority. For purposes of this section an "Appointed Official" is defined in Section 602.201, Ordinance Code. This section shall apply to all Appointed Officials subject to Form 1 Financial Disclosures filing requirements appointed or reappointed on or after April 14, 2020.

Editor's note— Ord. 2007-329-E, § 3, amended the Code by repealing former § 602.408 in its entirety. Former § 602.408 pertained to approval required for noncity employment performed by appointed employees, and derived from Ord. 97-890-E, § 1. Subsequently, Ord. 2020-160-E, § 1, added a new § 602.408.

Sec. 602.411. - Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.

(a) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which he or she participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while employed by the City or an independent agency. (b) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to appear personally before any unit of government as agent or attorney for anyone other than the City or an independent agency in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and which was under his or her official responsibility as an officer or employee of the City or an independent agency at any time within a period of one year prior to the termination of his or her responsibility. (c) Nothing in subsection (a) or (b) shall prevent a former officer or employee of the City or an independent agency with professional, scientific or technological qualifications, from acting as agent or attorney or from appearing personally in connection with a particular matter in a professional, scientific or technological field if the head of the unit of government concerned with the matter, the Executive Director of the Office of Ethics, Compliance and Oversight or their designee, and the City Council President or their designee, shall certify in writing that the public interest would be served by the action or appearance by the former officer or employee. (NEW IN 2019)

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 2; Ord. 2014-457-E, § 1; Ord. No. 2019-805-E, § 2)

Sec. 602.412. - Prohibited future employment.

It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to be employed by or enter into any

contract for personal services, with a person or company who contracted with, or had a contractual relationship with the City or the independent agency, while the contract is active or being completed, or within two years of the cessation, completion, or termination of the person's or company's contractual relationship with the City or the independent agency, where (1) the contract with the City or the independent agency had a value that exceeded \$250,000, and (2) the officer or employee had a substantial and decision-making role in securing or negotiating the contract or contractual relationship, or in the approval of financial submissions or draws in accordance with the terms of the contract; except that this prohibition shall not apply to an employee whose role is merely as a review signatory, or to contracts entered into prior to January 1, 2008, or to contracts that have been competitively procured. With respect to this subsection a contract is competitively procured if it has been obtained through a sealed low bid award. A "substantial and decision-making role" shall include duties and/or responsibilities that are collectively associated with: (i) approving solicitation or payment documents; (ii) evaluating formal bids and proposals; and (iii) approving and/or issuing award recommendations for final mayoral, City Council, or independent agency approval. The contract of any person or business entity who hires or contracts for services with any officer or employee prohibited from entering into said relationship shall be voidable at the pleasure of the City or independent agency. This prohibition shall not apply to any former officer or employee after two years from cessation from City or independent agency employment. An officer or employee subject to the prohibition of this Section who believes his or her role in the applicable contract does not create an ethical dilemma, may appeal to a committee of the City Council Rules Chair, the Chairperson of the Ethics Commission, and the Chief of Procurement for relief from this Section. Said appeal shall be considered and ruled upon within ten business days of a written request.

FEDERAL LAW ON POST EMPLOYMENT

SEEKING EMPLOYMENT

An employee may not take official action on a matter which can affect the financial interests of an organization with which she is negotiating or has an arrangement for future employment. The remedy is disqualification.

18 U.S.C. § 208

In addition, an employee may have to disqualify herself from working on a matter when she is merely seeking employment, but before actually negotiating for a job. An employee would be considered to be seeking employment if she sends her resume to companies or if she is approached by someone about a position with a company and she responds that she is interested.

5 C.F.R. § 2635.601 (see **Subpart F - Seeking Other Employment**)

(Only Form 1 and 6 filers?) This requirement applies only to employees who file a Public Financial Disclosure report. Public Financial Disclosure filers must inform their Deputy Designated Agency Ethics Official (DDAEO) of any negotiation or agreement for post-government employment or compensation **within three (3) business days of commencing negotiations or reaching agreement (whichever occurs first)**.

An employee participating in a procurement over \$100,000 shall notify his supervisor and the designated agency ethics official in writing when he contacts or is contacted by a bidder regarding the possibility of employment. The employee must either reject the possibility of employment or disqualify himself from further participation in the procurement.

48 C.F.R. § 3.104-4(c) and 104-6

The following are Section 18 USC 207's main restrictions:

Lifetime Ban - An employee is prohibited from communicating with or appearing before the government on a particular matter involving specific parties in which the employee participated personally and substantially during government service.

Two-Year Ban - An employee is prohibited for two years from communicating with or appearing before the government on a particular matter involving specific parties that was pending under that employee's official responsibility during their last year of government service. "*Official responsibility*" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government actions.

One-Year Ban - A senior employee is prohibited from communicating to, or appearing before, the agency in which the former senior employee served during the last year of government service. Whether a former employee is a "*senior employee*" depends on their rate of basic pay during their last year of service. Note that for the purposes of this provision, many DOJ components are their own separate "agencies." Former and current DOJ employees can contact their **Deputy Designated Ethics Official** for information on whether they are a senior employee and whether their component or office is considered separate.

MIAMI POST-EMPLOYMENT LOBBYING

Miami post-employment, covers "lobbying" which is defined as

Section 2-11.1 (q) ("two-year rule") of the Miami Dade

County Ethics Code prohibits former local government employees from lobbying their former County or Municipal employers for two years following the termination of their employment.

The definition of what constitutes "lobbying" is very broad.

To whom does the two-year rule apply? Applies to the following County and Municipal personnel: Local elected officials: mayor, commissioner, councilperson Staff members of local elected officials County or city manager All County and Municipal employees

State of Florida post-employment provisions

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES. –

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation

during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to: (N/A for our purposes)

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

the business entity and the agency does not exceed \$500 per calendar year.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office or appointed superintendent of a school district may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) **ADDITIONAL EXEMPTION.**—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

(a) The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.



OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT

Director Performance Appraisal

Chair of Commission: Joseph Rogan

Date: January–December 2020

	Excellent	Very Good	Average	Needs Progress	Seldom
A. PROFESSIONALISM					
1. Demonstrates professional demeanor when interacting with others	[1]	2	3	4	5
2. Demonstrates appropriate leadership skills	[1]	2	3	4	5
3. Able to accept and utilize feedback	[1]	2	3	4	5
4. Demonstrates a positive attitude	[1]	2	3	4	5
5. Demonstrates an appreciation and respect for other's opinions, abilities and needs	[1]	2	3	4	5
B. MEETING WORK COMMITMENTS & ORGANIZATION OF WORK					
1. Completes work assignments	[1]	2	3	4	5
2. Meets deadlines pursuant to Chapter 602 of the Jacksonville Ethics Code	[1]	2	3	4	5
3. Demonstrates concern for the quality and completeness of tasks performed	[1]	2	3	4	5
4. Follows established policies and procedures	[1]	2	3	4	5
5. Shows initiative in making work improvements	[1]	2	3	4	5
6. Identifies and corrects errors	1	[2]	3	4	5

C. SKILLS: (Ability to perform in special area)					
1. Demonstrates an understanding of the OEKO mission and a commitment to fulfilling its objectives	[1]	2	3	4	5
2. Demonstrates ability to express and resolve conflicts	[1]	2	3	4	5
3. Demonstrates ability to communicate effectively (verbal and written)	[1]	2	3	4	5
4. Takes initiative in problem solving and project planning	[1]	2	3	4	5
5. Demonstrates ability to work as part of a team in planning, assisting, and making recommendations for improvements	[1]	2	3	4	5
6. Applies consistent, superior, reliable judgment in analyzing work situations and in drawing sound conclusions	[1]	2	3	4	5
D. PROGRAM REQUIREMENTS					
1. OEKO Board: Ability to establish professional relationships with OEKO board members.	[1]	2	3	4	5
2. OEKO staff: Ability to recruit, train, and retain competent OEKO staff; Demonstrates ability to motivate staff	[1]	2	3	4	5
3. Relationship with OEKO partners: Maintains open, frequent communication; ability to establish effective working relationships with entities under its jurisdiction	[1]	2	3	4	5
4. The ability to establish amiable, effective relationships with the general public	[1]	2	3	4	5
5. Responds to administrative requirements promptly and effectively	[1]	2	3	4	5
6. Responds to fiscal requirements promptly and effectively	[1]	2	3	4	5

Individual Development Plan For Future Job Performance of OEEO Director

- Prioritize succession planning.
- Continue to advocate for budget increases for OEEO.

Performance goals and objectives for further development in job performance during the next year:

1. What professional quality is the most important to me?
The ability to develop the skills and happiness of my staff.
2. What professional area do I want to work on improving?
The allocation of staff duties and related training so that I can be replaced as OEEO Director.
3. What additional skills would I like to develop?
Ability to tie up loose ends and move on to my next stage in contributing to the field of government ethics.

Further Comments by Evaluator:

Areas of greatest strengths: In 2020 (as in other years), Carla Miller played an indispensable part in our city's development. She supported the city in dealing with everything from the attempted sale of JEA and discussions about Lot J development to routine legislation, procurement, and conflicts. Her work guided city employees, improved our legislation, improved city operations, and made me a better leader, lawyer, person, and citizen. She's a dedicated and passionate public servant who does well and does good.

Areas of opportunities to grow: I reiterate the two suggestions I made last year. First, Ms. Miller must include Kirby Oberdorfer or Andrea Myers in all her material work. I have great confidence in our OEEO staff, but I don't believe the office is yet ready to fulfill its mission without Ms. Miller. Now, as we near Ms. Miller's time to scale-back, that development requires critical attention. Second, OEEO needs more money. The office made good progress last year. We still have work to do to achieve a budget that will allow OEEO to fulfill its mission once Ms. Miller decides to retire.

Signature of Evaluator (2020 Board Chair)



Date: February 3, 2021

Evaluator discussed report with Director being evaluated: YES NO

Copy of report given to Director being evaluated on: February 4, 2021

Comments by OECD Director being evaluated _____

In signing this report, I only acknowledge that I have received this evaluation, not that I necessarily agree with evaluation and/or comments.

Signature, OECD Director

Date

Copies Provided To:

Director

Director's personnel file

2021 Chair of the Ethics Commission

ETHICS OFFICE 5-YEAR STRATEGIC PLANNING

Chapter 402	Federal Sentencing Guidelines	Blue Ribbon Program Goal "Managing"	Phase I (Current Activities)	Phase I (Additions to Phase I activities)	Staff Lead	Measures
(b) Develop ethics policies, programs, strategies and (e) periodically review the ethics code	<p>1. Organization must have written standards to prevent issues</p> <p>9. After criminal conduct detected, respond appropriately with new rules</p>	<p>1. Share learning (6)</p> <p>2. Targeted Training (7)</p> <p>3. Leaders promote ECO (1-3)</p> <p>3. Effective Training (4)</p>	<p>1. Strategic Plan for ECO</p> <p>2. Occasionally review code sections with commission.</p> <p>3. Update code in response to issues that arise.</p> <p>4. Support drafting/reviewing/tracking ethics legislation</p> <p>5. Review/Draft ES Ethics Policies</p> <p>1. Ethics training for employees, boards, independent authorities, citizen groups, etc</p> <p>2. Develop/Share Training Manual/Materials</p> <p>3. Tracking and compliance with financial filers disclosures/forms/training</p> <p>4. Support development of City-wide micro-learning modules</p>	<p>6. Integrating other city agencies</p> <p>7. List & Prioritize groups that relate to the mission</p> <p>8. Optimize interaction with agencies and groups that relate to mission</p>	<p>1. KO/ABM/CM</p> <p>2. CM/KO</p> <p>3. CM/KO/EC</p> <p>4. KO</p> <p>5. KO</p> <p>6. CM/KO/AM</p> <p>7. CM/KO/AM</p>	<p># new laws</p> <p># edits</p> <p># policies</p> <p>% issues result in policy/law</p>
(a) Encourage compliance and (c) develop training (Charter: Elected Officials & JEA managers and executive team)	<p>6. COJ must communicate code periodically with effective training and real-life scenarios.</p> <p>2. Engage high-level managers in the program</p>	<p>1. Continuous improvement (4)</p> <p>1. ECO shares learning (6)</p> <p>2. Risk assessments (1-5)</p> <p>5. Multi-media communications (1)</p>	<p>1. Occasional DEO meetings/plan</p> <p>2. Draft department gift policies</p> <p>3. Administer City-wide Gift Registry/ Reminders/ Compliance</p> <p>4. Advice/issues on secondary employment, gifts, etc</p>	<p>5. Engage Department Directors in promoting Ethics</p> <p>6. DEOs support micro-learning, anonymous surveys and risk assessing/focus groups</p> <p>7. Complete DEO manual</p>	<p>1. ABM/KO/+</p> <p>2. KO/ABM</p> <p>3. KO/SH</p> <p>4. ABM/KO</p> <p>5. KO/ABM/CM</p> <p>6. CM/ABM</p>	<p>5-6 trainings/mo</p> <p>143 ppl/mo</p> <p>#trained</p> <p># shares</p> <p>110 Financial Filers</p> <p>14 Bodies</p> <p>100% Compliance</p> <p># trained DEOs</p> <p># micro-learning modules</p> <p># employees trained</p> <p># gift policies</p> <p># modules</p> <p># manuals</p> <p># surveys submitted</p> <p>% culture improvements</p>
(d) Organize DEO Program and (l) Coordination Council and Citywide Ethics plan	<p>6. Periodic communication & training</p> <p>7. Anonymous surveys</p> <p>10. Assessing Risks</p>				<p>1. ABM/KO/CM</p> <p>2. KO/ABM/CM</p> <p>3. KO/ABM/CM</p> <p>4. KO/ABM/CM</p> <p>5. ABM/KO/CM</p> <p>ABM/KO</p>	<p># calls result in ethics action</p> <p># resolutions</p> <p># referrals</p>
(f) Administer confidential "hotline"	<p>7. Anonymous reporting including hotline and surveys (ask employees about ethical climate, commitment, additional risks, "unwritten rules")</p>	<p>2. Risk assessments (1-5)</p> <p>3. Employees confidentially report issues (5)</p> <p>4. Culture of proactive reporting (1)</p> <p>4. Leaders promote speak-up (5-8)</p>	<p>1. Answer and respond to hotline calls for complaints and assistance</p>	<p>2. Formalize Hotline Management</p> <p>3. Regular anonymous employee surveys (Quarterly with DEO, report to DD/EC)</p> <p>4. Focus Groups</p>	<p>1. ABM/KO/SH</p> <p>2. ABM/CM/KO</p> <p>3. ABM/CM</p> <p>4. ABM/CM</p>	
(a) Provide advice, (g/o) Respond to requests for assistance	<p>Proactive in relationship and trust building so employees come to us - is not mentioned in federal sentencing guidelines or Blue-Ribbon ECO Program. Important and Unique element of COJ Program!</p>		<p>1. Give advice and issues (including Sunshine, gifts, conflicts/ES policy support, + 13 more topics)</p> <p>2. Respond to requests for advice from City Board Liaisons including training, Sunshine, financial disclosures, residency, governance, bylaws, term expirations, duties, quorum.</p> <p>3. Respond to records requests/media inquiries (ex: training docs we share)</p> <p>4. Approve Travel Authorizations (paid by 3rd parties)</p> <p>5. Secondary Employment Approval Process and Implementation</p>	<p>6. Track advice and issues (including conflicts and ES policy support)</p> <p>7. Track records requests (ex: training docs we share)</p>	<p>1. CM/KO/ABM/SH</p> <p>2. KO/ABM</p> <p>3. CM/KO/ABM/SH</p> <p>4. KO/ABM</p> <p>5. KO/ABM</p> <p>6. KO/CM/ABM/SH</p> <p>7. KO/CM/ABM/SH</p>	<p># advice</p> <p># conflicts addressed</p> <p># ES policy ?s</p> <p># PR requests</p>

Additional, Non-Code Related Activities	Federal Sentencing Guidelines	Blue Ribbon Program Goal "Managing"	Phase 1 (Current activities)	Phase 2 (Additions to Phase 1 activities)	Staff Lead	Measures
(l) Work with Procurement & HR to integrate ethics across City functions (also IG/Risk/Dept Directors?)	5. Organization must use reasonable efforts NOT to hire unethical leadership. 8. Consistent enforcement (incentives & disciplines)	2. Cross-function risk mitigation (9/10) 4. non-retaliation (4) 4. Leaders respond to issues (7) 5. Consistent disciplinary action tracked/reviewed (3) 5. Ethics considered in hiring (6)	1. HR and Procurement policies put in place in years past 2. Review/draft/edit new ethics related policies for Employee Services	3. Annual one-on-one alignment meetings with P/ES/IG/OGC/CA/CD/CAO	1. CM 2. KO 3. KO/ABM	# meetings # new policies/procedures
(h) Staff Ethics Commission/ Post-Employment Committee (602.402)/ Conflict Exemption Committee (602.412)	2. Board must be knowledgeable about ethics program and issues 8. Consistent enforcement	1. Board monitors ECO (5) 4. EC monitors reporting process (8)	1. Prepare/compile meeting materials including notices, agendas, minutes 2. Schedule and notice meetings 3. Complaint investigations/case management 4. Respond to public records requests 5. Draft/review legislation including appointments 6. Draft annual report 7. Facilitate strategic plan 8. Manage membership search/terms/attendance/training/appointments/confirmations 9. Support all legislative efforts related to Appointment/Confirmation of ED 10. Reports to Ethics Commission	1. Ethics Commission training 12. Complete a policy for securing recordings 13. Create manuals for Committees and Ethics Chair (guidelines, highlights, procedures)	1. KO/SH 2. KO/SH 3. CM/KO/SH 4. KO/SH 5. KO/SH 6. KO 7. KO/ABM 8. KO/SH 9. KO/CM 10. ABM/CM/KO 11. KO/CM 12. SH/KO/CM 13. EC/AM	# members # meetings # laws reviewed % trained # manuals
(k-m) investigate and report issues, (m-n) support other agencies including prosecutors		5. Investigative staff (2)	1. Proactively respond to arising ethics issues	2. Develop better understanding of procurement process	1. CM/KO 2. KO	
Lobbyist Registration System			1. Train and Register Legislative Services Staff 2. Monitor Lobbyist registration is working 3. Respond to lobbyist's request for assistance 4. Facilitate the resolution of technical issues	5. Require lobbyist training	1. KO 2. KO 3. KO/AM 4. KO	# touchpoints
Administrative			1. Annual Report for ECO 2. Preparing/Administering ECO Budget 3. Monitoring IA Contributions 4. Invoicing IA for Contributions 5. Annual Property and IT Inventory 6. ECO and Commission Website 7. Hiring/Management of Staff 8. Accounting Approvals 9. G-Drive Organization 10. Secure Office - Monthly Check-list		1. KO 2. KO 3. CM 4. KO/SH 5. KO/SH 6. KO/SH 7. CM/KO 8. KO/HS 9. AM/KO 10. SH/KO	
Begin preparations for future	2. Report effectiveness to Ethics Commission 3. High-level/independent personnel manage ethics	1. Resources to remain independent (1)	1. Identifying and leveraging strengths 2. Implementing chair's suggestions from 2020 annual review 3. Transition Planning and Implementation		1. KO/ABM/CM 2. CM/KO/AM 3. CM/KO	# targets reached
ECO Staff Satisfaction/Development			1. Staff Development. Identify skills and strengths to be developed 2. Develop individualized development plans		1. All 2. All	# issues resolved

ETHICS COMMISSION STRATEGIC PLANNING & INTEGRATION

Chapter 402	Federal Sentencing Guidelines	Blue Ribbon Program Goal "Managing"	Committee	Additional Committee Goals	Staff Lead	Measures
Internal Operations: Oversee Strategic Plan, Processes, Procedures, and Commission Development						
(a) Receive or initiate complaints	7. Anonymous reporting including hotline and surveys (ask employees about ethical climate, commitment, additional risks, "unwritten rules");	3. Employees confidently report issues (5) 4. non-retaliation (4) 4. Leaders respond to issues (7)	Complaints Committee		CMIKO/ABM	# complaints received
(a) Investigate/issue findings/refer violations of Chapter 602	8. Consistent enforcement	5. Trained investigative staff are responsible for cases (2) 5. Consistent disciplinary action tracked/reviewed (3)	Complaints Committee		CMIKO	# investigations
(d) Levy fines for violations of Chapter 602	9. Respond appropriately when unethical conduct is detected	4. Receives and acts upon reported concerns (6)	Complaints Committee Legislative Committee		CMIKO	Track outcomes
(a) Establish an ethics "hotline"	7. Anonymous reporting including hotline and surveys (ask employees about ethical climate, commitment, additional risks, "unwritten rules"); 10. Assessing risks	2. Risk assessments (1-5) 3. Employees confidently report issues (5) 4. Culture of proactive reporting (1) 4. Leaders promote speak-up (5-8) 4. Track number of reports and resolutions (8)	Open Government Committee		ABMIKO	# call/topics # surveys Survey data
(b) Assist/ provide input on City's Ethics training program	1. Written program 6. Effective training/disseminate information by roles	2. Ensure training is effective and targeted to employees based on role and risk (7) 5. Multi-media communication of standards (1)	Open Government Committee		KO/ABM	Monitor training evaluations
(e) Evaluate/select the ECO Director	2. Board Oversight. 3. High-level/independent ethics leadership 4. Operating and reporting to board.	1. Ensure ECO has the resources needed to maintain independence (1) 1. Provide feedback for ECO continuous improvement (4) 1. Monitor ECO Program 2. Stay informed of key risk areas (4)	Chair/Commission			Annual evaluation completed
(charter) Recommend changes to legislation in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying	1. Organization must have written standards to prevent issues 9. After criminal conduct detected, respond appropriately with new rules	3. Ensure policies and code are clear and include consequences (4) 5. Respond to key cases (4) 5. Have plan for acknowledging serious misconduct by senior officials (5)	Legislative Committee		CMIKO	# new laws # edits # policies % issues result in policy/law

IDENTIFYING WHY & PREPARING FOR THE FUTURE

INTRODUCTION: PROGRAM STATUS REPORT & REFLECTIONS ON JEA

SIMON SINEK - GOLDEN CIRCLES - WHY AND WHAT WILL IT TAKE

INDIVIDUAL REFLECTION: WHAT IS YOUR PERSONAL MOTIVATION FOR WORKING IN THE OFFICE?

INDIVIDUAL REFLECTION: WHAT IS YOUR WHY FOR THE PROGRAM?

BUILDING SHARED VISION: WHAT DO OUR PERSONAL REFLECTIONS HAVE IN COMMON?

WHAT ARE THE STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS?

- WHAT IS ALREADY IN PLACE THAT WOULD FACILITATE ACHIEVING THAT PROGRAM?
 - WHAT IS IN THE WAY OF ACHIEVING THAT PROGRAM?
 - WHAT RESOURCES ARE LACKING/AVAILABLE TO MAKE IT HAPPEN?
 - WHAT ACTIONS COULD WE SHOULD WE TAKE TO MAKE IT HAPPEN?
- IS JUST DOING WHAT IS REQUIRED IN THE CODE SUFFICIENT? DOES THE CODE NEED A RE-WRITE?
 - BUILD COLLABORATIVE PARTNERSHIPS/STREAMLINE ACTIVITIES AND/OR OTHER?

INDIVIDUAL REFLECTION: WHAT CAN I CONTRIBUTE TO THE SHARED VISION?

WHAT IS MOST SATISFYING/LEAST SATISFYING ABOUT JOB?

WHAT ARE MY STRENGTHS AND WHERE CAN I (WHERE DO I WANT TO) GROW?

INDIVIDUAL REFLECTION: WHAT ARE OUR VALUES?

2021 Ethics Commission committee assignments

Complaints Committee:

- Darcy Galnor, Chair
- J. J. Dixon, Vice-Chair
- Joseph Rogan
- LaTonya Lipscomb Smith

Legislative Committee:

- Imani Boykin, Chair
- LaTonya Lipscomb Smith, Vice-Chair
- Carlton DeVooght
- Erich Freiburger

Internal Operations Committee:

- Carlton DeVooght, Chair
- Mary Bland Love, Vice-Chair
- Erich Freiburger
- Joseph Rogan

Open Government Committee:

- J. J. Dixon, Chair
- Imani Boykin, Vice-Chair
- Mary Bland Love
- Darcy Galnor

Nominating Committee: (ad hoc)

Section 602.402(d) Committee: (ad hoc)

CITY OF JACKSONVILLE

JOSEPH ROGAN
CHAIR

IMANI A. BOYKIN
GEORGE CANDLER
CARLTON DEVOOGHT
J.J. DIXON



ELLEN SCHMITT
VICE CHAIR

DARCY GALNOR
LATONYA LIPSCOMB SMITH
MARY BLAND LOVE

ETHICS COMMISSION

Ethics Commission Annual Report 2020

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2020. This report summarizes the activities and successes of the Ethics Commission in effectuating its duties and obligations as stated in the City of Jacksonville Charter and Jacksonville Ordinance Code.

I. Ethics Commission Membership and Support Staff:

During 2020, all nine positions on the Ethics Commission were filled with no turnover. The following nine members served on the Ethics Commission in 2020.

MEMBER NAME	POSITION	APPOINTING ORGANIZATION
1. Imani A. Boykin	Member & Legislative Committee Chair	Ethics Commission
2. Dr. George Candler	Member	City Council President
3. Carlton DeVooght	Member	Mayor
4. J.J. Dixon	Member	Sheriff
5. Darcy Galnor	Member	State Attorney
6. LaTonya Lipscomb Smith	Member & Open Government Committee Chair	Ethics Commission
7. Mary Bland Love	Member & Internal Operations Committee Chair	Public Defender
8. Joseph Rogan	Member & Ethics Commission Chair	Chief Judge
9. Ellen Schmitt	Member, Ethics Commission Vice Chair and Complaints Committee Chair	Ethics Commission

In addition to the Ethics Commission, the members also served on one or more of the Ethics Commission's committees: (1) Complaints; (2) Internal Operations; (3) Legislative; and (4) Open Government. Please see attached list of specific committee assignments.

In accordance with the Charter, the Ethics Commission regularly was supported by the following City employees: (1) Carla Miller, Director, Office of Ethics, Compliance and Oversight; (2) Kirby Oberdorfer, Deputy Director, Office of Ethics, Compliance and Oversight; and (3) Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel.

II. Summary of Ethics Commission and Committee Meetings

During 2020, the Ethics Commission met as a body during seven separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of six meetings to complete assigned tasks.

The notices, agendas, minutes and audio recordings of the Ethics Commission and committee meetings are posted on the Ethics Office webpage and may be accessed via the following link: <https://www.coj.net/departments/ethics-office/notices,-agendas-minutes> .

III. Major Areas of Focus

In accordance with its duties and obligations in the City of Jacksonville Charter and the Ordinance Code, the Ethics Commission focused its 2020 work in the following areas.

1. Investigation and Disposition of Complaints Alleging Violation(s) of Chapter 602

The Ethics Commission received fourteen complaints in 2020 alleging potential violations of various provisions in Chapter 602, the Jacksonville Ethics Code. In accordance with Florida Statutes section 112.324 and the Jacksonville Ordinance Code, the Ethics Commission and/or Complaints Committee met in eight separate executive session “shade” meetings to address the allegations in the various complaints.

Through its work and the executive session “shade” meetings, the Ethics Commission disposed of fourteen complaints, one of which was filed in 2019. Five cases were dismissed under Rule 6 of the Ethics Commission Complaint Procedures, three due to legal insufficiency and one with a referral to another governmental agency. Six cases were dismissed pursuant to Rule 17 of the Complaint Procedures either upon a finding that the public interest would not be served with the prosecution of the complaint or the entry of a settlement agreement. One case was disposed of under Rule 9 by no further proceedings. Two cases were dismissed under Rule 8 following a determination of no violation of the Ethics Code.

The Ethics Commission considered six complaints against City lobbyists and officials for the alleged offering and receipt of improper gifts arising from a trip to Atlanta in 2019 for a playoff baseball game. As a result of its investigation and questioning of the various City officials and lobbyists, the Ethics Commission determined: (1) two cases should be

dismissed because full payment of the trip expenses was made and therefore no violation of the Ethics Code occurred and (2) additional payment should be made in the remaining four cases due to a miscalculation of the value of the trip expenses. The Ethics Commission entered into a settlement agreement with the City lobbyists by which the lobbyists agreed to pay a local charity and to work with the Ethics Commission on developing revisions to the Jacksonville Ethics Code to clarify responsibilities of lobbyists and officials related to gifts of travel and events.

Twelve complaints remained pending at the conclusion of 2020, almost all of which were stayed as a result of referrals to another government agency.

2. Recommendation to City Council for Changes in Legislation Relating to Jacksonville Ethics Code Sections 602.621 & 602.1205

In response to lessons learned in connection with the JEA ITN process, the Ethics Commission proposed two changes to the Jacksonville Ethics Code:

The Ethics Commission proposed changes to Jacksonville Ethics Code section 602.621 to clarify and broaden the Office of Ethics, Compliance and Oversight's full and unrestricted access to records. The City Council approved Ordinance 2020-103-E on April 28, 2020 incorporating this change, and the Mayor signed it into law.

The Ethics Commission also proposed changes to Jacksonville Ethics Code section 602.1205 regarding cooperation in official investigations by City officials and employees. The change expanded those who must cooperate with official investigations to include all officers, non-appointed employees and independent contractors. The City Council approved Ordinance 2020-104-E on April 28, 2020, and the Mayor signed it into law.

3. Reappointment of Ethics Director

The Ethics Commission passed a resolution unanimously reappointing Carla Miller as the Director of the Office of Ethics, Compliance and Oversight for an additional term. The City Council confirmed Ms. Miller's reappointment in Ordinance 2020-621 on November 24, 2020.

4. Review of Ethics Commission Complaint Procedures

The Ethics Commission is in the process of reviewing its Complaint Procedures to further the efficient administration and conclusion of complaints filed with the Ethics Commission.

5. Appointment of Ethics Commission Member

Pursuant to Jacksonville Ordinance Code section 602.912, the Ethics Commission appoints three of its nine members. Ms. Schmitt's first full term expired at the end of 2020. After discussion, the Ethics Commission reappointed Ms. Schmitt for a second full term expiring December 31, 2023. The City Council confirmed Ms. Schmitt's reappointment on November 24, 2020.

6. Recommendation to City Council for Changes in Legislation Relating to Disclosure of Paid Travel

The Ethics Commission discussed proposed changes to Jacksonville Ordinance Code section 106.703 to require that City officials disclose information about travel paid for by political committees or others. The Ethics Commission plans to finalize the language and propose the changes in early 2021.

ATTACHMENT

Ethics Commission 2020 Committee Assignments

Complaints

- | | |
|--------------------|-------|
| 1. Ellen Schmitt | CHAIR |
| 2. Mary Bland Love | |
| 3. Imani Boykin | |
| 4. J.J. Dixon | |

Internal Operations

- | | |
|---------------------|-------|
| 1. Mary Bland Love | CHAIR |
| 2. Carlton DeVooght | |
| 3. George Candler | |
| 4. Darcy Galnor | |

Legislative

- | | |
|---------------------------|-------|
| 1. Imani Boykin | CHAIR |
| 2. Ellen Schmitt | |
| 3. Darcy Galnor | |
| 4. LaTonya Lipscomb Smith | |

Open Government

- | | |
|---------------------------|-------|
| 1. LaTonya Lipscomb Smith | CHAIR |
| 2. J.J. Dixon | |
| 3. George Candler | |
| 4. Carlton DeVooght | |

FORM 1

**STATEMENT OF
FINANCIAL INTERESTS**

2020

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

****** THIS SECTION MUST BE COMPLETED ******

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2020.

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one).

COMPARATIVE (PERCENTAGE) THRESHOLDS OR **DOLLAR VALUE THRESHOLDS**

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
 (If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING For elected municipal officers, appointed school superintendents, and commissioners of a community redevelopment agency created under Part III, Chapter 163 required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE OF FILER:

Signature: _____

Date Signed: _____

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2020.