

CITY OF JACKSONVILLE

BRIAN AULL
CHAIR

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



JOHN HARTLEY
VICE CHAIR

JOSEPH ROGAN
DAVID RYBAK
ELLEN SCHMITT

ETHICS COMMISSION

Ethics Commission Annual Report 2018

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2018. This report summarizes the activities and successes of the Ethics Commission in effectuating its duties and obligations delineated in the City of Jacksonville Charter and Jacksonville Ordinance Code.

I. Ethics Commission Membership and Support Staff:

During 2018, all nine (9) positions on the Ethics Commission were filled. The Ethics Commission was comprised of the following nine (9) members.

MEMBER NAME	POSITION	APPOINTING ORGANIZATION
1. Ywana Allen (replaced by Imani A. Boykin)	Member & Open Government/Outreach Committee Chair through October 2018	Ethics Commission
2. Brian Aull	Ethics Commission Chair	State Attorney
3. Michelle Bedoya Barnett	Member	Mayor
4. Dr. George Candler	Member	City Council
5. John Hartley	Ethics Commission Vice-Chair	Sheriff
6. Mary Bland Love	Member & Legislative Committee Chair	Public Defender
7. Joseph Rogan	Member & Complaints Committee Chair	Chief Judge
8. David Rybak	Member & Internal Operations Committee Chair	Ethics Commission
9. Ellen Schmitt	Member and Nominating Committee Chair	Ethics Commission

In addition to serving on the Ethics Commission, the members actively participated in one (1) or two (2) of the Commission's five committees: (1) Complaints; (2) Internal Operations; (3) Legislative; (4) Nominating; and (5) Open Government. Please see Enclosure 1 for a list of specific committee assignments for each committee.

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

II. Summary of Ethics Commission and Committee Meetings

During 2018, the Ethics Commission met as a body during seven (7) separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of fifteen (15) meetings to complete assigned tasks and make recommendations to the full Ethics Commission.

The notices, agendas, minutes and audio recordings of the Ethics Commission and committee meetings are posted on the Ethics Commission webpage and may be accessed via the following link: [http://www.coj.net/departments/ethics-commission/notices,-agendas-minutes-\(1\)](http://www.coj.net/departments/ethics-commission/notices,-agendas-minutes-(1)).

III. Major Areas of Focus

In accordance with its duties and obligations in the City of Jacksonville Charter and the Jacksonville Ordinance Code, the Ethics Commission focused its 2018 work in the following areas. Please see Enclosure 2 for a summary of the duties and obligations of the Ethics Commission as set forth in the Charter and the Ordinance Code.

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

The Ethics Commission received fourteen (14) complaints in 2018 alleging potential violations of various provisions in Chapter 602, the Jacksonville Ethics Code. This was the most complaints received by the Ethics Commission in one year in its recorded history. In accordance with Florida Statutes section 112.324 and the Jacksonville Ordinance Code, the Ethics Commission and/or Complaints Committee met in nine (9) 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 eleven (11) complaints, eight (8) of which were filed in 2018 and three (3) of which were filed in 2017. Grounds for dismissal of the complaints included five (5) dismissed as legally insufficient to allege a violation of Chapter 602 and six (6) dismissed

pursuant to Section 602.934 of the Jacksonville Ordinance Code and Rule 17 of the Ethics Commission Complaint Procedures, upon a finding that the public interest would not be served with the prosecution of the complaint and/or the issuance of a letter of instruction to the Respondent. Nine (9) complaints remained pending at the conclusion of 2018, of which all nine (9) are stayed as a result of referral to another government agency.

The Ethics Commission issued substantive letters of instruction disposing of two sworn complaints against members of the City Council. The Ethics Commission decided those complaints with the assistance of the first Special Ethics Counsel and Investigator ever appointed by the Ethics Commission, Michael R. Freed.

2. Recommendations for Changes in Legislation to City Council in Areas of Ethics

The Ethics Commission made various recommendations to City Council for changes in the conflicts of interest and gift law provisions in the Jacksonville Ethics Code through filed legislation and the issuance of a resolution, as follows:

- Creation and filing of Ordinance 2018-822 relating to changes to the conflict of interest laws in Part 4 of the Jacksonville Ethics Code. Ordinance 2018-822 strengthened the conflict of interest laws by prohibiting City officers, employees and advisory board members from misusing their City position, information, or resources for personal benefit or campaigning. Ordinance 2018-822 also clarified prohibited activities by City officials, employees and boards/commissions members in matters against the City. The Ethics Commission sought and implemented comments from numerous City agencies before proposing the ordinance, including the Office of Ethics, Compliance and Oversight, multiple departments within the Office of General Counsel, Employee Services, the Office of Inspector General, and departmental ethics officers. The City Council passed amended Ordinance 2018-822 on December 11, 2018.
- Approval of a resolution to City Council supporting passage of Ordinance 2018-710 incorporating changes to the gift laws in Part 7 of the Jacksonville Ethics Code. Ordinance 2018-710 simplified and clarified the gift laws in Part 7 by requiring departments and agencies of the City of Jacksonville to create policies regarding acceptance or prohibition of gifts based upon identified risks of each respective department or agency. The City Council passed substitute Ordinance 2018-710 on January 8, 2019.

3. Evaluation and Revision of Ethics Commission Complaint Procedures

The Ethics Commission Complaints Committee reviewed the Ethics Commission Complaint Procedures in December 2018 and recommended several revisions for

consideration by the Ethics Commission at its first meeting in 2019. A copy of the current Complaint Procedures may be accessed via the following link: <http://www.coj.net/departments/boards-and-commissions/ethics-commission/complaint-form.aspx>

4. Extensive Review of Current Jacksonville Ethics Code Conflict of Interest and Lobbying Laws

The Ethics Commission Legislative Committee engaged in extensive review and detailed analysis of all of the provisions in Parts 4 and 8 of the Jacksonville Ethics Code governing conflicts of interest and lobbying activities, respectively. Upon completion of the analysis, the Legislative Committee determined the specific provisions in Part 4 that it recommended to be revised and submitted to City Council in future legislation.

5. Promotion of Public Confidence in the Ethical Operation of City of Jacksonville Government

Some examples of the Ethics Commission activities in 2018 that promoted public confidence in City government include:

- The Ethics Commission actively participated in the Inspector General Selection and Retention Committee throughout 2018, including the selection of new Inspector General Lisa Green and reviewing changes to the Jacksonville Ordinance Code provisions relating to the Office of Inspector General.
- The Ethics Commission also engaged in outreach to City employees and citizens to increase awareness of the City's ethics program and top ethics danger areas through the distribution of a colorful poster throughout City government. The ethics poster has been shared in e-mail and print over 2,000 times.

6. Appointment of Ethics Commission Members

Pursuant to Jacksonville Ordinance Code section 602.912, the Ethics Commission appoints three of its nine members. In 2018, the Ethics Commission experienced vacancies in two of those three positions when Mr. Rybak informed the Ethics Commission he would not seek another term and Ms. Allen resigned in October 2018. The Ethics Commission promptly advertised the vacancies, solicited applications, interviewed all applicants, and—in November 2018—appointed two new Ethics Commission members, Imani A. Boykin and LaTonya Lipscomb Smith, to fill those vacancies. The City Council confirmed both appointments on December 11, 2018.

ENCLOSURE 1

Ethics Commission 2018 Committee Assignments

Complaints

- | | |
|------------------|-------|
| 1. Joseph Rogan | CHAIR |
| 2. John Hartley | |
| 3. Ellen Schmitt | |

Internal Operations

- | | |
|----------------------------|-------|
| 1. Dave Rybak | CHAIR |
| 2. Michelle Bedoya Barnett | |
| 3. Ellen Schmitt | |

Legislative

- | | |
|----------------------------|-------|
| 1. Mary Bland Love | CHAIR |
| 2. Joseph Rogan | |
| 3. Michelle Bedoya Barnett | |

Open Government/Outreach

- | | |
|-----------------------|-------|
| 1. Ywana Allen | CHAIR |
| 2. Mary Bland Love | |
| 3. Dr. George Candler | |

Nominating (as needed)

- | | |
|--------------------|-------|
| 1. Ellen Schmitt | CHAIR |
| 2. Joseph Rogan | |
| 3. Mary Bland Love | |

ENCLOSURE 2

SUMMARY OF CITY OF JACKSONVILLE CHARTER & ORDINANCE CODE PROVISIONS REGARDING JACKSONVILLE ETHICS COMMISSION

Article 1, section 1.202 of the City of Jacksonville Charter and Chapter 602, Part 9 of the Jacksonville Ordinance Code govern the Ethics Commission. Below is a summary of the most relevant portions of the various Charter and Ordinance Code provisions.

Purpose

Jacksonville Ordinance Code section 602.911. - Jacksonville Ethics Commission; Creation

The purpose of the Jacksonville Ethics Commission is to “provide a local forum for consideration and investigation” of ethics issues.

Duties and Responsibilities

City of Jacksonville Charter section 1.202. - Ethics code, ethics commission, inspector general

Per the duties enumerated in the Charter, the Ethics Commission shall:

- (a) manage a citywide ethics hotline for intakes of allegations of violations of the ethics code;
- (b) manage and coordinate the training and education of local officers and employees in state and local ethics;
- (c) have the authority to refer ethics matters to appropriate enforcement agencies;
- (d) recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying;
- (e) have jurisdiction to levy civil fines or penalties authorized by the City Council for violations of the City's ethics code; and
- (f) act as the hiring committee for the administrative staff of the Office of Ethics, Compliance & Oversight.

Jacksonville Ordinance Code section 602.921. - Duties and powers

The Ethics Commission has the authority to review, interpret, and enforce Chapter 602 of the Ordinance Code (also known as the Jacksonville Ethics Code), and to issue advisory opinions thereon.

The Ethics Commission is also empowered with the following duties:

- (a) to receive, investigate and issue findings regarding any sworn written complaints filed

Office of Ethics, Compliance and Oversight
117 W. Duval Street, Room 450
Jacksonville, FL 32202
Phone: (904) 630-1476 HOTLINE: 630-1015

ENCLOSURE 2

with the Ethics Commission alleging a violation of Chapter 602, or complaints alleging of violation of Chapter 602 that are self-initiated by the Ethics Commission upon the vote of a minimum of six out of nine Ethics Commission members.

- (b) The Ethics Commission may refer matters to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in and action would be more appropriate by these agencies.
- (c) to provide guidance regarding the coordination and implementation of ethics education and training for local officers and employees in state and local ethics, as well as all public records and sunshine law.
- (d) to seek information and gather facts to facilitate review of circumstances or situations that may potentially violate an acceptable standard of ethics conduct for City officers and employees as set forth in Charter section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate;
- (e) to levy civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; &
- (f) to serve as the hiring committee for the executive director of the Ethics Oversight and Compliance Office, subject to confirmation by City Council.

Jacksonville Ordinance Code section 602.931. - Process for the imposition of sanctions and penalties

In accordance with its duties to enforce Chapter 602 and impose sanctions and penalties, the Ethics Commission must establish and post rules and procedures regarding the investigations of citizen, hotline, employee and self-initiated complaints alleging violations of Chapter 602. These rules and procedures must provide for due process in the charging and prosecution of alleged violations of Chapter 602.

Jacksonville Ordinance Code section 602.941. - Review

Any final order of the Ethics Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in accordance with the process established for review of quasi-judicial board decisions.

Membership

Jacksonville Ordinance Code section 602.912. - Membership, terms, appointment

The Ethics Commission is comprised of nine members, all whom must be registered voters in

ENCLOSURE 2

Duval County. Members serve staggered three-year terms and are limited to serving two consecutive full terms (total of six consecutive years).

Six members are appointed by one of the following designated public officials: Mayor, City Council President, Chief Judge of the Fourth Judicial Circuit, Public Defender, Sheriff, and State Attorney. These members must have at least one of the following qualifications: (1) an attorney; (2) a certified public accountant with forensic audit experience; (3) a former elected official; (4) a former judge; (5) a higher education faculty member or former faculty member with experience in ethics; (6) a former law enforcement official with experience in investigating public corruption; (7) a corporate official with a background in human resources or ethics; (8) a former board member of a City of Jacksonville independent authority; or (9) a former government executive with ethics experience.

The other three members are appointed by the six Ethics Commission members enumerated above.

All appointees must be confirmed by City Council and serve as members until City Council confirmation or denial.