

**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**

**MEETING AGENDA**

Monday, October 26, 2020 at 4:00 p.m.  
**VIA ZOOM – NO PHYSICAL LOCATION**

1. Call to Order
  - Pledge
  - Ethics Thought
2. Minutes Approval
3. Discussion of Committee/Staff Reports and Work of Ethics Commission
4. New Business
  - a. Review of potential legislation on travel and gifts
  - b. Discuss future of Zoom meetings and Sunshine Law
  - c. Election of Vice Chair for 2021
  - d. 2021 strategic planning
  - e. 2021 committee preferences
5. Public Comments
6. Announcements and Scheduling of Future Meetings
7. Adjourn

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

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### **ETHICS COMMISSION MEETING MINUTES**

Wednesday, September 30, 2020

Zoom

No Physical Location

The meeting was called to order by Joseph Rogan, Chair of the Ethics Commission, at 4:02 p.m. A quorum was present.

Commission Attendees: Joseph Rogan, LaTonya Lipscomb Smith, Mary Bland Love, Ellen Schmitt, Dr. George Candler, Carlton DeVooght, Darcy Galnor, J.J. Dixon (arrived at 4:07 p.m.) and Imani A. Boykin (arrived at 4:12 p.m.). 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: None.

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

#### Minutes Approval:

January 22, 2020 Ethics Commission Meeting minutes: Mr. DeVooght made a motion to approve the minutes. Ms. Schmitt seconded the motion. There being no discussion, the motion to approve the minutes passed unanimously with a vote of 7-0.

February 10, 2020 Ethics Commission Open Government Committee Meeting minutes: Ms. Smith made a motion to approve the minutes. Ms. Galnor seconded the motion. There being no discussion, the motion to approve the minutes passed unanimously with a vote of 7-0.

February 25, 2020 Ethics Commission Legislative Committee Meeting minutes: Ms. Love made a motion to approve the minutes. Ms. Schmitt 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 reported that OECO has been busy and she will send a written staff report to the Ethics Commission. The OECO staff is in the process of conducting ethics training for 200 JEA middle management personnel. The OECO staff trained the JTA Board of Directors as well as conducting other ethics training citywide by Zoom. There is 100% compliance with financial disclosures. Ms. Oberdorfer attended a Harvard leadership webinar and summarized the program. Dr. Candler and Ms. Miller briefly discussed leadership programs. Ms. Miller complimented Ms. Oberdorfer on the conflict opinions she has been working on.

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OGC: Ms. Pollock reported that OGC remains busy.

Committee Report:

Complaints Committee Report: Ms. Schmitt reported the Complaints Committee considered 14 complaints since the Ethics Commission's last meeting. 8 complaints were dismissed, 4 complaints are open, 1 was returned and 1 was referred to another agency.

New Business:

City Council Action on Ethics Commission Budget: Ms. Miller reported the budget process went smoothly, The Ethics Office budget was increased roughly \$30,000 and members of the Budget Committee stated the Ethics Office is the best return on investment in the City. Andrea Myers's position was changed from part-time to full-time. Ms. Miller thanked the administration for supporting the budget increase. Mr. Rogan and Ms. Miller discussed Ms. Myers' position. Mr. Rogan relayed his appreciation that OECO worked for this increase.

Extension of Ethics Director Contract: Ms. Miller's contract expires December 6, 2020 and she is willing to serve another term. The Ethics Commission members and Ms. Miller discussed succession planning. Ms. Miller stated that the Ethics Commission could reappoint her by resolution rather than written contract based on Ms. Miller's discussions with Ms. Pollock and Lawsikia Hodges at OGC and with Employee Services. Ms. Miller referred the Ethics Commission members to the requirement that the Ethics Commission review the ethics director's pay rate annually. Ms. Miller then referred the Ethics Commission members to an email she sent outlining three actions the Ethics Commission may take on this topic. Mr. Rogan spoke in support of reappointing Ms. Miller and noted Ms. Miller's progress on the two suggestions for improvement in his last performance review of Ms. Miller. The Ethics Commission members and Ms. Miller discussed the potential use of a contract for the ethics director's position and continued to discuss succession planning.

Dr. Candler made a motion to approve Ms. Miller's rate of pay of \$93 per hour for the next fiscal year. Ms. Schmitt seconded the motion. No public was present for public participation. There being no further discussion, the motion passed unanimously with a vote of 9-0.

Ms. Miller referred to the draft resolution shown on the screen and circulated by email, which would reappoint Ms. Miller for 3 years. Ms. Miller stated that Ms. Hodges at OGC reviewed the draft resolution. Ms. Pollock suggested a correction to the date in paragraph 4. Mr. DeVooght made a motion to adopt the draft resolution with Ms. Pollock's suggested correction. Dr. Candler seconded the motion. No public was present for public participation. There being no further discussion, the motion passed unanimously with a vote of 9-0.

Ms. Miller explained the potential need for Mr. Rogan to have authority to execute agreements or technical amendments to effect the adopted resolution reappointing Ms. Miller. Dr. Candler made a motion to authorize the Chair to execute any agreements or technical amendments to the resolution needed to effect the resolution. Ms. Smith seconded the motion. No public was present for public participation. There being no further discussion, the motion passed unanimously with a vote of 9-0.

Terms of Members:

Ms. Miller notified the Ethics Commission members that Dr. Candler's term expires at the end of 2020 and he is term limited. City Council President Tommy Hazouri appointed Attorney Kirsten Doolittle.

Ms. Galnor's first term expires at the end of 2020 and she is interested in serving another term. The State Attorney is considering her reappointment.

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Ms. Schmitt's first full term expires at the end of 2020 and she is interested in serving another term. Ms. Miller stated the Ethics Commission can waive the internal operating procedures rule requiring a reappointment to go through the Nominating Committee. Dr. Candler made a motion to waive Internal Operating Rule 7. Ms. Boykin seconded the motion. No public was present for public participation. There being no further discussion, the motion passed unanimously with a vote of 9-0.

The Ethics Commission members discussed their desire to reappoint Ms. Schmitt. Ms. Boykin made a motion to reappoint Ms. Schmitt to a second full term beginning January 1, 2021. Ms. Smith seconded the motion. No public was present for public participation. There being no further discussion, the motion passed unanimously with a vote of 9-0. Mr. Rogan asked Ms. Pollock to prepare legislation.

Election of Officers: Ms. Miller stated she asked all Ethics Commission members whether they were interested in serving as Chair. Ms. Schmitt expressed interest in the Chair position. Mr. Rogan asked if any other Ethics Commission members were interested in the position of Chair. None expressed interest. Ms. Galnor made a motion to elect Ms. Schmitt as Chair for 2021. Ms. Boykin seconded the motion. No public was present for public participation. There being no discussion, the motion passed unanimously with a vote of 9-0.

Ms. Miller said she believes a couple Ethics Commission members might have interest in the Vice Chair position. Mr. Rogan asked if any Ethics Commission members were interested in serving as Vice Chair. Ms. Galnor is considering it. Mr. Rogan asked any members interested in the Vice Chair position to contact Ms. Miller.

Schedule of Ethics Commission Meetings: The Ethics Commission members and staff discussed in detail whether and how to schedule future 2020 Ethics Commission and committee meetings and logistics of meeting in light of COVID-19. Mr. Rogan reminded the members that the Ethics Commission is required to meet quarterly and the Ethics Commission members and staff discussed compliance with that requirement. No future meeting was set during the meeting.

Public Comment:

Mr. Rogan requested public comment. None was given.

Announcements: None.

Adjourn: There being no further business to discuss, the meeting was adjourned at 5:16 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 \_\_\_\_:  
2  
3

4 **ORDINANCE 2020-**

5 AN ORDINANCE AMENDING SECTION 106.703 (AUTHORITY  
6 FOR REIMBURSEMENT FOR TRAVEL EXPENSES), CHAPTER  
7 106 (BUDGET AND ACCOUNTING CODE), *ORDINANCE*  
8 *CODE*, TO REQUIRE DISCLOSURE BY APPOINTED OR  
9 ELECTED OFFICIALS OF DETAILS CONCERNING  
10 EXPENDITURE OF POLITICAL COMMITTEE FUNDS FOR  
11 TRAVEL MADE TO, OR FOR THE BENEFIT OF THE  
12 APPOINTED OR ELECTED OFFICIAL; PROVIDING AN  
13 EFFECTIVE DATE.  
14

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

16 **Section 1. Amending Section 106.703 (Authority for**  
17 **reimbursement for travel expenses), Ordinance Code.** Section 106.703  
18 (Authority for reimbursement for travel expenses), Part 7 (Travel  
19 Expense Reimbursement), Chapter 106 (Budget and Accounting Code),  
20 *Ordinance Code*, is hereby amended to read as follows:

21 **CHAPTER 106. BUDGET AND ACCOUNTING CODE**

22 \*\*\*

23 **PART 7. TRAVEL EXPENSE REIMBURSEMENT**

24 \*\*\*

25 **Sec. 106.703. - Authority for reimbursement for travel expenses.**

26 (a) No traveler may be reimbursed for travel expenses pursuant to  
27 this part unless he has obtained, in advance of performing  
28 the travel, written approval to travel from the approving  
29 authority. Reimbursement shall be made only to travelers and  
30 shall be made only for those expenses necessarily incurred by  
31 them in the performance of a public purpose authorized by law

1 to be performed by the agency whose funds are involved.

2 (b) No traveler shall be allowed to receive funds or be reimbursed  
3 for travel as a gift to an individual from any prohibited  
4 party as such party is identified in Section 602.701,  
5 *Ordinance Code*, and, F.S. § 112.3148.

6 (c) Any receipt of funds or reimbursement for travel as a gift to  
7 an individual from any ~~ether~~ non-prohibited party for City  
8 business may only be done upon prior written approval from  
9 the Ethics, Compliance and Oversight Office and the Office of  
10 the General Counsel. Disclosure and/or reporting of such  
11 gifts shall be in accordance with all applicable Federal,  
12 State and local law.

13 (d) For any expenditure of political committee funds, made to, or  
14 for the benefit of, any appointed or elected City official,  
15 the official shall file notification of such travel on a form  
16 created by the Office of Ethics, Compliance and Oversight,  
17 within five (5) calendar days of termination of travel. The  
18 notification shall include: (1) the form of travel; (2) the  
19 amount of expenditure; (3) the name of the political committee  
20 that paid for the travel; (4) the payee of the expenditure;  
21 and (5) the destination(s) of travel.

22 **Section 2. Effective Date.** This Ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25 Form Approved:

26  
27  
28 \_\_\_\_\_  
Office of General Counsel

29 Legislation Prepared By: Margaret M. Sidman

30 Amending\_106\_703\_(Reimbursement\_for\_Travel).docx

## ETHICS COMMISSION

### STRATEGIC GOALS—2017-2018Update

#### Update Procedures:

1. Eliminate outdated goals, add new goals
2. Prioritize updated list, by committee
3. Establish timing of each goal (current year, next year, following year)
4. Review annual calendar
5. IO or committees to determine how to integrate annual calendar and current year goals
6. Committees to review/validate
7. Performance against goals to be included in Commission evaluation

#### Prior goals:

#### Overall Goals of the Commission:

1. Enhance and strengthen the ethics and compliance culture of the City and its agencies.
2. Build public trust.
3. Stay apprised of ethics and compliance best practices and research, especially in local governments.

#### OECO/ETHICS COMMISSION

1. Accomplish Section 602.921 Duties (complaints/advice/hire, support, review ethics director)
2. Director and Chair meet in beginning of the year to establish a community education plan regarding citizen outreach, including speaking to citizen groups
3. Ethics Director and Inspector General report on OECO and IG hotline and other intakes (ones that don't become EC cases) two times a year to Chair of EC or Hotline Chair
4. Internal Operating Procedures updated with new EC committees (to revisit in early 2017)
5. Review yearly update of Strategic Plan (Internal Ops Chair and Director) by October each year (to be reviewed by full Ethics Commission in November or December)

#### OPEN GOVERNMENT COMMITTEE

Goal: Promote transparency; support and enhance City education (employees and officials) and citizen education/interaction.

1. Define role, responsibilities and goals of Open Government Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in April 2017)
2. Develop a plan to educate citizens on City Council procedures and City ethics laws:
  - Recommended tasks: Review “It’s our Government Course”—produce basic course for citizens to complete online to educate them on ethics and City Council procedures. (use Council Member Lori Boyer’s modules too. Work with League of Women Voters.) Create a “green room orientation” for citizens that EC members can deliver. Have course be online—Supervisor of Elections has agreed to get out info on it to registered voters.
3. Review role of EC regarding ethics training of City employees and officials and update Ethics Code. Review evaluations of OECO trainings completed by training attendees and observe various trainings presented by OECO to evaluate trainings and provide input (recurring)
4. Develop an EC resolution to support the implementation of changes to the posting of sole source contracts online to make information accessible and user friendly. Incorporate recommendations of OECO to Procurement Division Chief
5. Monitor and comment on State of Florida legislation pertaining to ethics and transparency (recurring)

**LEGISLATIVE COMMITTEE** Goal: Enhance ethical culture and citizen trust through legislation and legislative enhancements

1. Define role, responsibilities and goals of Legislative Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in April 2017)
2. Identify local ethics laws that need to be changed/added (recurring)
3. Rewrite sections 602.401 and 602.402 of the Jacksonville Ethics Code on Conflicts of Interest and review and approve proposed revisions of OECO and Office of General Counsel to sections 602.403-602.412, including “right to recuse” language in future employment provision (2017-2018 goal)
4. Consider whether Ethics Code should have potential campaign ethics violations. (move Chapter 350 back to Ethics Code?) (Fall 2017)
5. Revise Lobbying section of Ethics Code. Decriminalize lobbying violations (make civil penalty) (Spring 2018)
6. Monitor and comment on State of Florida legislation pertaining to ethics (recurring)



**COMPLAINTS COMMITTEE** Goal: Handle complaints, enhance comfort in speaking up

1. Define role, responsibilities and goals of Complaints Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in April 2017)
2. Handle complaints as they come in
3. Promote a healthy “speak up” culture (a culture of reporting non-optimal situations without fear of retaliation) through collaboration with the Mayor and Council President to develop an effective process for encouraging employees to raise issues to respective managers and Ethics Office (end of 2017)
4. Determine how to measure employees’ awareness and comfort reporting even non-optimal situations. Establish plan to evaluate regularly
5. Review and revise Ethics Commission Complaint Procedures (end of 2017)

**NOMINATING SUBCOMMITTEE** (ad-hoc committee formed when needed) Goal: \_\_\_\_\_

1. Handle vacancies in Ethics Commission (succession planning)
2. Coordinate and manage nominations for Chair/Vice Chair, as needed

**INTERNAL OPS (formerly RULES AND PLANNING)** Goal: \_\_\_\_\_

1. Define role, responsibilities and goals of Internal Ops Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in April 2017)
2. Update Strategic Plan and annual planning calendar once a year
3. Every 3 years, plan for the entire EC to do a strategic planning session
4. Ensure Chair evaluates performance of EC and Director annually
5. Define Commission success and set measures; metrics/goals
6. Determine how to evaluate the health of the ethics and compliance program
  - Establish plan to identify gaps and needs to drive the direction of the OECO office and EC. [Carla – We can do this periodically, likely as a lead in to strategic planning, with continuous updates as needed based on events that significantly impact our risk assessment. This should be a feedback loop providing an ongoing risk assessment to drive the work of OECO and EC]
7. Develop metrics to evaluate citizen trust
  - UNF annual survey?
8. Review and revise Ethics Commission Internal Operating Procedures

## Summary of Ethics Commission Committee Potential Work

### Complaints Committee

1. Ensure Complaint Procedures remain up-to-date and are responsive to changes needed
2. Create visual tool to guide members of the public through the Complaint Procedures
3. Process complaints as efficiently and fairly as possible (ongoing/recurring)
4. Provide feedback to the Legislative Committee to address recurring issues raised in complaints (ongoing/recurring)

### Internal Operations Committee

1. Update Ethics Commission Strategic Plan
2. Update committees' individual Strategic Plans at the beginning of each year by creation of list of 2-3 things to accomplish during that year
3. Update the Annual Planning calendar
4. Revise Ethics Commission Internal Operating Procedures

### Legislative Committee

1. Complete review and recommendation of potential revisions to the following sections of Chapter 602 (based upon prior work of Legislative Committee):
  - Part 4 (Conflicts of Interest)
    - i. section 602.403 (secondary employment)
    - ii. section 602.406 (contract disclosure)
    - iii. sections 602.404, 602.405, 602.411, & 602.412 (employment restrictions with former and future employers)
    - iv. section 602.407--obstruction of evidence
  - Part 8 (Lobbying)
  - Part 11 (Civil Penalties)
  - Also consider additional changes to Chapter 602, including (1) whether other provisions should apply to independent contractors and (2) changes to gift provisions in Part 7 to address travel provided by third parties.

2. Review and discuss the report from Task Force on Open Government to determine whether the Ethics Commission should consider addressing any of the topics
  - Invite Mr. Hank Coxe to attend a future Ethics Commission meeting to speak about the Task Force on Open Government report
3. Monitor and review potential changes to state ethics laws proposed by Florida Legislature and State Ethics Commission
4. Review confidentiality of information regarding economic incentives voted on by City Council
  - Additional potential topics include: (1) transparency in City government, (2) PACs, (3) campaign ethics

#### **Open Government Committee**

1. Update and further develop the “It’s Your Government” online course with involvement of community organizations
2. Conduct fact gathering and determine whether the Ethics Commission should take action on request from Unite America to recommend two (2) legislative actions to City Council: (1) move local elections to November during regular election cycle & (2) institute ranked choice voting for municipal elections
3. Develop a new member orientation and mentoring process for new Ethics Commission members
4. Manage and coordinate training through the following mechanisms:
  - working with the Ethics Training Coordinator;
  - evaluation of OECO ethics training sessions and metrics; and
  - DEO involvement with training, including focus groups with the DEOs to obtain input
5. Review recommendations from Task Force on Open Government and Transparency, per Carla
6. Engage in community outreach to various community organizations