

**Public Nuisance Abatement Board
Organizational Meeting
Thursday, December 2, 2021, 3:00 PM
MEETING MINUTES**

Proceedings before the City of Jacksonville's Public Nuisance Abatement Board taken on
Thursday, December 2, 2021
Ed Ball Building, 214 N Hogan Street, 1st Floor, Jacksonville, FL 32202
Jacksonville, Duval County, Florida, commencing at approximately 3:05 PM

Board Members

Bryan Mosier, Chair
Josh Cockrell, Vice Chair
Mansel Carter, Board Member
Adam Edgecombe, Board Member
Assistant Chief Paul Restivo, Board Member
Assistant Chief Richard A. Reichard, Board Member - **Excused**
Paul Thomas, Board Member
Scott Turner, Board Member

City of Jacksonville Staff:

Robin Lumb, Director of Policy
Andrea Myers, Office of Ethics, Compliance and Oversight
Kirby Oberdorfer, Office of Ethics, Compliance and Oversight
Julie Ann Rivera, Board Clerk
Jason Teal, OGC
Kealey West, OGC

City Council:

Sherri Webber, City Council ECA
Debbi Pataky, City Council ECA

Guests Present:

Donna Troup
David Garfunkel, Lift Jax

City of Jacksonville's Public Nuisance Abatement Board
MEETING MINUTES

I. Call Meeting to Order, Welcome and Introductions

Kealey West called meeting to order at 3:05PM.

II. Election of Officers

Bryan Mosier nominated himself as Chair. All were in favor of Mr. Mosier being designated the Chair of the Public Nuisance Abatement Board.

Josh Cockrell nominated himself as Vice Chair. All were in favor of Mr. Cockrell being designated the Vice Chair of the Public Nuisance Abatement Board.

III. Roll Call and Introductions

Board Members briefly introduced themselves and stated their primary functions and history. Ms. Kealey West, Office of General Counsel staff member assigned to the Public Nuisance Abatement Board (PNAB), also introduced herself.

IV. Designation of Clerk

Per Ordinance 672, the Neighborhoods Department will support the Board by providing a Board Clerk. Ms. Julie Ann Rivera introduced herself and was designated the Board Clerk.

Chair Mosier informed the Board Members they have a Board Binder containing a copy of the ordinance code, an Ethics Boards and Commissions section, Roberts Rules of Order section, amongst other items.

V. Ethics / Sunshine Law

Ms. Kirby Oberdorfer, Executive Director, introduced herself and explained the primary functions of the Ethics Oversight and Compliance Office. Ms. Oberdorfer presented to the Board on the differences between Personal Ethics versus Government Ethics, the Sunshine Law, Public Records and Financial/Gift Disclosures and how these apply to PNAB.

Board Members received from Ms. Oberdorfer a copy of the Financial and Gift Disclosure Forms. Form 1, Statement of Financial Interests, is required to be filed by state ethics laws every year by July 1st and within 30 days of their appointment. Form 9, Quarterly Gift Disclosure, is required to be filed quarterly when a board member has received any gifts valued at over \$100.

Ms. Oberdorfer shared various scenarios with the Board to ensure questions and doubts were answered.

VI. Parliamentary Procedures

Ms. Kealy West, Assistant General Counsel, presented to the Board Parliamentary Procedure of Robert's Rules of Order. These set of rules are used for conducting business at meetings allowing everyone to be heard and the board to make decisions. PNAB is a hearing board, not a traditional committee, and these rules can be adjusted to fit accordingly.

Ms. West emphasized the importance of stating clearly, for the record, all acts to ensure there is a clear record. The meetings will be recorded in case there is an appeal to any decisions taken by the Board.

VII. Complaint Procedures

Ms. West explained PNAB was created by the City of Jacksonville's (COJ) City Council to address and reduce nuisance activities and/or nuisance conditions. The Board is charged with conducting hearings to determine whether an unlawful public nuisance exist and, if it does exist, an appropriate remedy to abate and address the nuisance. The Board requires the members be present and voting and an affirmative vote of the majority.

Ms. West emphasized:

- The importance of Board Members advising of their attendance or absence; the Board meets only as needed. Meetings can be re-scheduled and should be conducted with the majority present.
- It is the responsibility of Board Members with a conflict of interest to declare the conflict on record, complete a conflict form, and not vote or participate in the deliberation. The two Community Advocates Board Members are prohibited from participating on items within their community.

Key points of Ordinance Code 672.

- Section 672.04 Declaration of Public Nuisance – details the finite number of activities the board will consider in determining whether to declare a property a public nuisance.
- Section 672.06 Procedures – details the procedures for bringing matters before the Board. A flow chart was distributed to explain the procedures process.
 - All complaints are processed thru the Jacksonville Sheriff's Office (JSO) in consultation with the Office of General Counsel (OGC).
 - The Board does not take action unless the request comes from JSO, based on criteria as stated in the Ordinance Code.
 - The Board Clerk will schedule a hearing and issue all necessary Hearing Notices.

VIII. PNAB Hearing Process

Ms. West explained the role of the Board begins when JSO requests a hearing. The Board will hold a hearing on the complaint and receive testimony and evidence pertaining to the conduct described in the complaint. OGC serves as the legal advisor, guides, and advises on the applicable laws and necessary factual findings. COJ has the burden of proof to demonstrate, by the greater weight of the evidence, that the property is an unlawful public nuisance. During the hearing process there will be opportunities for cross examination and rebuttals.

Once the evidence is presented, the Board will deliberate and make a decision of whether the city has proven the allegations and an unlawful public nuisance exists. If not proven, the complaint is dismissed. If proven, the Board will declare the property an unlawful public nuisance and determine an appropriate remedy according to Ordinance Code Section 672.08 (b) and 672.08 (c).

Board Member Mansel Carter inquired on how the activities and conditions would be presented to the board. Ms. West indicated the activities were identified in the Ordinance Code Section 672.04 – declaration of public nuisance.

Mr. Jason Teal, General Counsel, explained the process was established from State Statute Florida Legislation which authorizes local government to institute the board. The role of the Board is to achieve compliance and is intended to be a partnership between the Board, JSO and the property owner. The Board is an additional tool the city has to address public nuisance properties and assist JSO in addressing criminal activities occurring on a property.

Vice Chair Josh Cockrell inquired on the timeline from the start of filing a complaint and it being presented to the Board. Mr. Teal indicated there is no established timeframe in the Ordinance and the Board will meet once JSO and OGC determine there is enough to justify the finding of a public nuisance.

Vice Chair Cockrell inquired if there was a list of identified properties ready to present to the Board. Mr. Teal indicated OGC has not been approached by JSO regarding properties.

Board Member Adam Edgecombe inquired on the boards job and Mr. Teal explained the board was established from State Statute (893.138).

Mr. Teal indicated, as established by Sunshine Law, the Board will have a Public Comments section. Due to Ordinance Code Section 672.07 (c), the Board's Public Comment time will be held at the end of the meeting and can't be on items before the Board. Public may comment on items occurring in their neighborhood and the City can offer the contact information for the proper authorities to report these to.

Board Member Assistant Chief Paul Restivo stated due to JSO's heavy involvement and to avoid a conflict of interest he would need to stay out of JSO's collection of evidence. Ms. Gaby Young, OGC Attorney IV, informed that JSO's Blight Abatement Team will be assigned as the contact for these items. Chair Mosier stated once there is a set point of contact, the city will distribute the information to citizens.

Board Member Paul Thomas inquired as to the qualifications for the property owner representative present at the hearing. Mr. Teal indicated a property owner can send anyone to attend the hearing. The Board's goal should be that the person at the Hearing have the ability and authority to take care of the problem. Chair Mosier mentioned the Board can entertain the authority to subpoena the property owner to attend the hearing.

Chair Mosier informed the Board the Neighborhoods Department has reserved conference room # 1002 the third and fourth Thursday of the month from 3PM onward. Board Members were encouraged to block off the date and time to ensure attendance to future hearings.

Board Member Edgecombe mentioned a possible conflict on items that may come before the Board. OGC indicated conflicts or perceived conflicts will be placed on the record.

IX. Public Comments

Chair Mosier indicated public comments will be held at the end of each meeting, as time permits. These comments are not to be directed to any particular board member but are to be directed to the board as a whole. It is not a time for debate and each constituent will have a maximum of three minutes. Comments will be on general issues and cannot be on any items on the hearing.

No public comment cards.

X. Meeting Adjourned

The meeting was adjourned at 4:24PM.

CERTIFICATION

Recorded and transcribed by:

Julie Ann Rivera – April 28, 2022
Julie Ann Rivera, Board Clerk
Public Nuisance Abatement Board Support

Approved by:

Bryan D. Mosier – April 28, 2022
Bryan D. Mosier, Chair
Public Nuisance Abatement Board