

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 2019

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2019. 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 2019, all nine positions on the Ethics Commission were filled with no turnover. The following nine members served on the Ethics Commission in 2019.

MEMBER NAME	POSITION	APPOINTING ORGANIZATION
1. Imani A. Boykin	Member	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 & Legislative Committee Chair	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 serving on the Ethics Commission, the members actively participated in one or more of the Ethics Commission's six committees: (1) Complaints; (2) Internal Operations; (3) Legislative; (4) Nominating (ad hoc); (5) Open Government; and (6) *ad hoc* committee to

consider petitioners for exemption from section 602.402. The nominating committee did not meet in 2019 because the Ethics Commission had no turnover. Please see the enclosure for a list of specific committee assignments for each committee.

In accordance with the Charter, the Ethics Commission regularly 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 2019, the Ethics Commission met as a body during nine separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of nine meetings to complete assigned tasks.

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 2019 work in the following areas.

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

The Ethics Commission received fourteen complaints in 2019 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 five 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 ten complaints, seven of which were filed in 2019 and three of which were filed in 2018. Three cases were dismissed under Rule 6 of the Ethics Commission Complaint Procedures and seven were dismissed pursuant to Jacksonville Ordinance Code section 602.934 and Rule 17 of the 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.

The Ethics Commission considered two complaints against City employees for misusing City resources for political campaigns. One employee of the Property Appraiser's Office allegedly used City equipment and time to campaign for Property Appraiser Jerry Holland. The Inspector General found the allegation substantiated in part and unsubstantiated in part. The Inspector General found the violation was inadvertent. One employee of JEA allegedly used City time to campaign for Circuit Judge Maureen Horkin. The Inspector General found the allegation substantiated, and JEA issued a formal letter of counseling to the employee. The Ethics Commission issued substantive letters of instruction to both City employees educating them about the new City laws governing misuse of City resources.

The Ethics Commission addressed complaints related to the use of uniformed employees and city vehicles and equipment in campaign ads. The day before the Ethics Commission's meeting to discuss the complaints, the General Counsel issued Binding Opinion 19-02, without a request from the Ethics Commission, finding the activities in the complaints did not violate the Ethics Code. Because the General Counsel's opinion binds the Ethics Commission, the Ethics Commission dismissed the complaint and issued a letter to Sheriff Williams requesting he work with the Ethics Commission to adopt best practices to prevent the use of City resources and uniforms for political purposes.

Thirteen complaints remained pending at the conclusion of 2019, most of which were stayed as a result of referrals to another government agency.

2. Recommendations to City Council about Changes to the Appointment Procedure for Members of the Ethics Commission

In January, a council member introduced proposed Ordinance No. 2019-54, which would have changed the process for appointing members of the Ethics Commission. The Ethics Commission passed a resolution unanimously recommending that the City Council withdraw or deny Ordinance No. 2019-54. The Ethics Commission believed the ordinance would have impeded the administration of the Ethics Commission's duties in its various committees, threatened to erode the independence of the Ethics Commission, and opened the door to political manipulation of the process by which the Ethics Commission handles ethics complaints against City officials. The City Council withdrew the proposed ordinance unanimously.

3. Recommendations to City Council for Changes in Legislation Relating to Jacksonville Ethics Code Sections 602.401 and 602.411

The Ethics Commission proposed substantial changes to Jacksonville Ethics Code section 602.401 expanding misuse of position laws to independent contractors and section 602.411 requiring a committee evaluate requests for waivers of post-employment restrictions for City officers and employees. The City Council approved the ordinance on

December 10, 2019, with all nineteen City Council members signing on as co-sponsors, and the Mayor signed it into law.

4. Approval of Exemption Request Under Jacksonville Ethics Code Section 602.402(d)

An *ad hoc* committee of the Ethics Commission reviewed and granted a petition for exemption requesting relief from the prohibition in Jacksonville Ethics Code section 602.402 that prevents certain public officials from representing others before the official's City board or commission. The Ethics Commission proposed the process for such a petition in 2018, which the City Council adopted. Since then, this was the first such petition submitted. The Ethics Commission's decision allowed a professional member of the Tree Commission to present to the Tree Commission consistent with precedent from the Florida Commission on Ethics.

5. Recommendation of Increase to Salary of Ethics Director

The Ethics Commission passed a resolution unanimously recommending an increase to the salary for the Director of the Office of Ethics, Compliance and Oversight, the first increase to the Director's salary in twelve years.

6. Recommendations to City Council for Two-Year Lobbying Prohibition on Form 1 Filers

The Ethics Commission passed a resolution unanimously supporting a proposed ordinance that would prohibit certain public officials from lobbying their own governmental body immediately after leaving office. Although the City Council withdrew the proposed ordinance at the sponsor's request in 2019, the City Council considered and enacted a similar ordinance in 2020.

7. Approval of Online Posting of Written Dispositions of Complaints and Resolutions

To increase transparency and public trust, the Ethics Commission voted to post all written dispositions of complaints and resolutions on the Ethics Commission's website. Those documents previously were available upon request from the Office of Ethics, Compliance and Oversight, but not consistently posted online.

8. Request for Attorney General Opinion on Sunshine Law and Public Records Law

The Ethics Commission voted unanimously to request an opinion from the Florida Attorney General regarding whether the Ethics Commission could consider matters involving the Sunshine Law and Public Records Law based on language in the Ethics Code. The Attorney General deferred to the Office of General Counsel's determination that the Ethics Commission lacks jurisdiction to handle those matters. The City Council then enacted an ordinance removing confusing language that referenced those state laws from the Ethics Code in light of the General Counsel's determination.

9. Revisions to Ethics Commission Internal Operating Procedures

The Ethics Commission adopted proposed revisions to the Ethics Commission's Internal Operating Procedures recommended by the Internal Operations Committee, the first revisions to the Internal Operating Procedures since 2015.

10. Review and Revitalization of Citizens Education Course

The Open Government Committee began to review and enhance an existing online education course titled "It's Your Government" to educate Jacksonville citizens on accessing local government and fulfilling civic responsibilities.

11. Resolution Supporting Florida Commission on Ethics's Implementation of Constitutional Amendment 12

The Ethics Commission passed a resolution unanimously supporting the Florida Commission on Ethics's work on a proposed rule implementing the recently passed Amendment 12 to the Florida Constitution, but encouraging changes to one subpart of the proposed rule to "provide more concrete guidance to those subject to the proposed rule."

ENCLOSURE

Ethics Commission 2019 Committee Assignments

Complaints

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

Internal Operations

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

Legislative

- | | |
|---------------------------|-------|
| 1. Darcy Galnor | CHAIR |
| 2. Ellen Schmitt | |
| 3. Imani Boykin | |
| 4. Carlton DeVooght | |
| 5. LaTonya Lipscomb Smith | |

Open Government

- | | |
|---------------------------|-------|
| 1. LaTonya Lipscomb Smith | CHAIR |
| 2. J.J. Dixon | |
| 3. Darcy Galnor | |

Nominating (ad hoc): did not meet in 2019

Committee to consider section 602.402 petition (ad hoc)

- | | |
|--------------------|-------|
| 1. Joseph Rogan | CHAIR |
| 2. Mary Bland Love | |
| 3. Imani Boykin | |