

# Ethics Training



## Boards and Commissions Module

City of Jacksonville, Florida

Office of Ethics, Compliance and Oversight

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# CITY OF JACKSONVILLE GOVERNMENT ETHICS BOARDS AND COMMISSIONS MANUAL



## Most Common Danger Areas



**ACCEPTING GIFTS  
FROM VENDORS/LOBBYISTS**



**CAMPAIGNING AT  
PUBLIC MEETINGS**



**MISSING REQUIRED  
ETHICS TRAINING**



**NOT ALLOWING  
PUBLIC COMMENT**



**CONFLICTS OF  
INTEREST**



**MISUSE OF  
POSITION**



**SUNSHINE  
VIOLATIONS**



**VOTING  
CONFLICTS**



**DESTROYING PUBLIC  
RECORDS**

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# Training Agenda



1. Government Ethics Overview
2. Most Common Ethics Topics

# Government Ethics Overview



# Warmup Activity

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What is your purpose in serving on a City Board/Commission?

# Purpose of Government Ethics Laws

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1. Protect Public Resources
2. Protect Public Officials
3. Promote Transparency & Public Trust

# Nation's First Ethics Laws

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# Nation's First Ethics Laws

## The Founding Fathers Feared Foreign Influence—And Devised Protections Against It

The Founding Fathers had just broken free from one empire, and the idea that foreign power could influence their young democracy was a prominent source of anxiety.

BY: [DAVE ROOS](#)

PUBLISHED: DECEMBER 5, 2019

[copy page link](#)

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# Florida's Ethics Laws



SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

- (g) there shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees.
- (h)(1) A code of ethics for all state employees and officers prohibiting conflict between public duty and private interests shall be prescribed by law.



FLORIDA

## Did official use state employees to clear storm debris at her house?

Florida Dept. of Highway Safety, Motor Vehicles director under investigation

By Tarik Minor - Anchor, I-TEAM reporter

Posted: 6:03 PM, November 01, 2018



## COLUMNISTS

JAX DAILY RECORD

MONDAY, OCT. 10, 2016 12:00 PM EST

## 50 years ago: Senior county judge defends making personal profit on sales of marriage certificates

SHARE



COMMENTS

0

Davis said selling the certificates was “entirely handled for the convenience and benefit of the people.”

He contended it was not part of office operations, even though the certificates were sold by county employees during courthouse business hours.

Asked if he saw anything wrong, questionable or illegal about using county employees in an operation that amounted to a private and personal business, Davis said he did not.

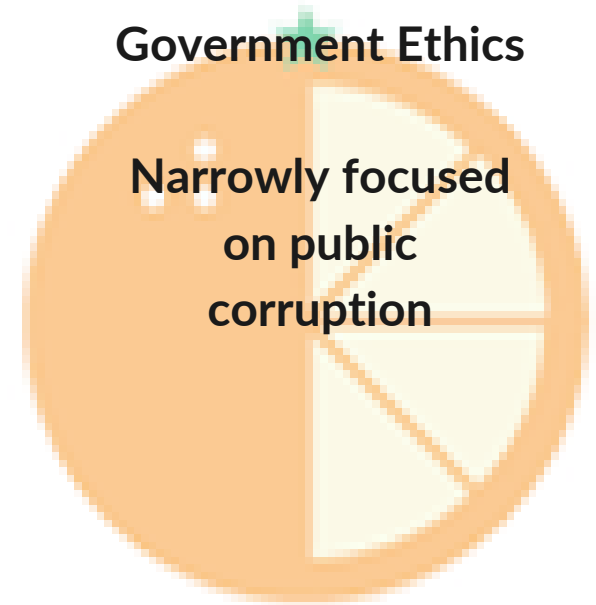
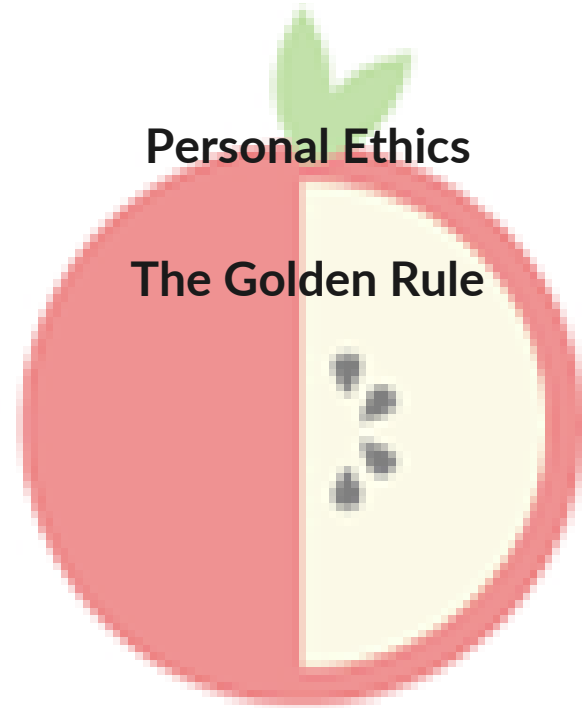
“You can be assured that if I saw anything wrong, I would not be doing it and my employees would not be doing it if they thought that anything was wrong with it,” he said.

# Two Things to Watch Out For

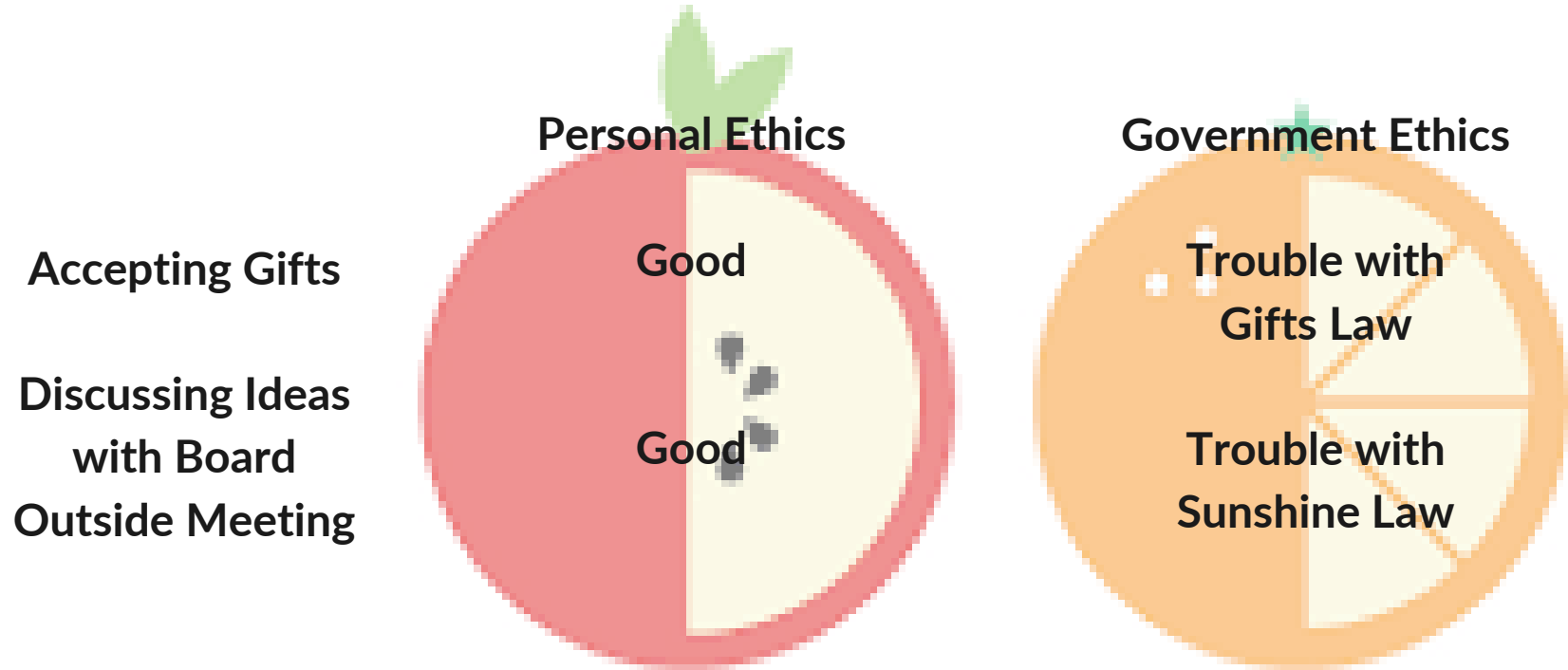


1. Government Ethics Isn't Always Intuitive
2. Easy to Rationalize Behavior in the Moment

# Personal Ethics is NOT Same as Government Ethics



# Personal Ethics is NOT Same as Government Ethics



# Biggest Challenge to Purpose: Self-Interest Bias



# Most Common Ethics Topics

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# Ethical Decision Guide



## ASK FIRST, ACT SECOND:

1. **Is it legal -- does it violate state law or City ordinance?** *If you're not sure, consult with the Ethics Office.*
2. **Could this create a problem for the City or the citizens you serve?** *Even legal actions in the "gray area" can destroy public trust and ultimately hurt your Board/Commission.*





Most Relevant Area #1

# **SUNSHINE MEETINGS**



# Sunshine Law—General

What is covered by the Sunshine Law?

- **Any** communication
- Between two or more members of the same board
- On a matter that could possibly come before your board in the future
- Has to be in a “noticed meeting” **able to be heard by the public**



# Sunshine Law—Requirements

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Meeting requirements:

- Must be open and accessible to the public; quorum must be present in person
- Must properly notify the public in advance (best: 7 days prior)
- Must take written minutes
- Always Include Opportunity for Public Comment (Preferably before major votes)

# Sunshine Law—Meetings Accessibility



Meetings have to be accessible to all citizens, including persons with disabilities

- If you are handing out materials, work with Disabled Services division to ensure they are available to people with different needs.
- Meeting rooms should be set up so anyone can enter the room.



# Sunshine Law—Application

## All Meetings are Covered by Sunshine Law

- Committees and Subcommittees
- Workshops
- Two or more board members in a planning meeting

# Activities and Communications Prohibited by Sunshine Law



- Phone, email, texting
- Social Media
- Tours
- Using liaison or staff as go-between



# Matters That Could Come Before Your Board

Determined by:

- Jacksonville Ordinance Code or
- Executive Order(s)

But NOT:

- By-laws/Rules
- Legislation

## Scenario

You are on Facebook and see that a fellow Board member has posted a great idea for a project your Board can work on. You like the idea. Can you comment or “like” the post? Yes or No? Why?







# Sunshine Law—Hybrid Meetings

Boards can host hybrid in-person & virtual meetings if some board members cannot attend due to “extraordinary” circumstances:

- Must have quorum physically present in City building
- Board votes to determine if the excuse is an extraordinary circumstances
- Persons attending in-person meeting must be able to hear and understand board members/public attending virtually
- Must provide public comment, regardless of in-person or virtual



# Sample Extraordinary Circumstances

Extraordinary Circumstances may include but are not limited to:

- The COVID-19 pandemic;
- Other health related issues;
- Military duty or deployment;
- Extraordinary family obligation;
- Unforeseen mandatory business obligation; or
- Previously scheduled unavoidable conflicts.



# Sunshine Law—Public Comment

## Legally

- Required to provide opportunity for public to speak on specific issues BEFORE official action is taken.

## Public Opinion

- Best to allow comment immediately before the vote on a controversial issue.
- Best to allow general public comment during your meeting.


# Sunshine Law—Activities and Communications Allowed



- You **CAN** send articles or information to board members if no response
- **Best Practice: Send through staff to avoid accidental response**
- You **CAN** talk about board business any time with staff or members of other agencies
- You **CAN** talk to board members about topics that NEVER could come up before your board (sports, the weekend, your family, television ...)



# Knowledge Check Question #2



**PAGE 11:** You have just been appointed to a City board and the chair invites you to lunch “to get to know each other better.”

**Can you go? If you go, are there any restrictions on topics you can discuss with the chair?**



## Scenario

Several members of your Board have been invited by a local organization to participate in a panel conversation.

Can multiple members of your Board participate in the panel conversation?



## Scenario

Your Board is voting on a hotly contested election of officers and a member requests to vote by secret ballot.

Can you vote by secret ballot?





Most Relevant Area #2

# **PUBLIC RECORDS**





# **Knowledge Check Question #3**

**Page 12: How will you preserve the documents you generate and receive related to your Board's business?**



# Public Records

EVERY document connected to public business is to be preserved and made available upon request for inspection and copying.



# Public Records

Personal laptop/phone

Emails

Text messages

Social Media

Handwritten Notes



## Public Records Hot Tip

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Your Board roster, including email addresses and phone numbers, is considered a public record that must be turned over if requested unless your information is exempt.

**“Circuit Judge James H. Daniel granted summary judgment Aug. 24 to Rayonier after finding the county did not give Rayonier 147 pages of text messages exchanged by county commissioners and county employees”**

Author: Florida Times-Union, David Bauerlein  
Published: 11:48 AM EDT September 5, 2021  
Updated: 11:48 AM EDT September 5, 2021

NASSAU COUNTY, Fla. — Nassau County  
when they...



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## Nassau's county attorney resigns after State Attorney's Office findings that he 'committed criminal acts'



**Dan Scanlan**  
Florida Times-Union

Published 4:30 p.m. ET March 15, 2022 | Updated 2:56 p.m. ET March 16, 2022

[View Comments](#)



Nassau County Attorney Michael Mullin has agreed to officially resign after a State Attorney's Office investigation strongly suggests he "committed criminal acts" by deleting text messages sought by a developer in a long-running battle over the Wildlight residential development.

Wildlight is part of the 23,600-acre East Nassau Stewardship District under development by Rayonier, and Mullin represented the developer as a private-sector attorney from 2007 to 2015 when he became county attorney.

In a letter to Nassau County commissioners, Mullin officially



Mullin Nassau County

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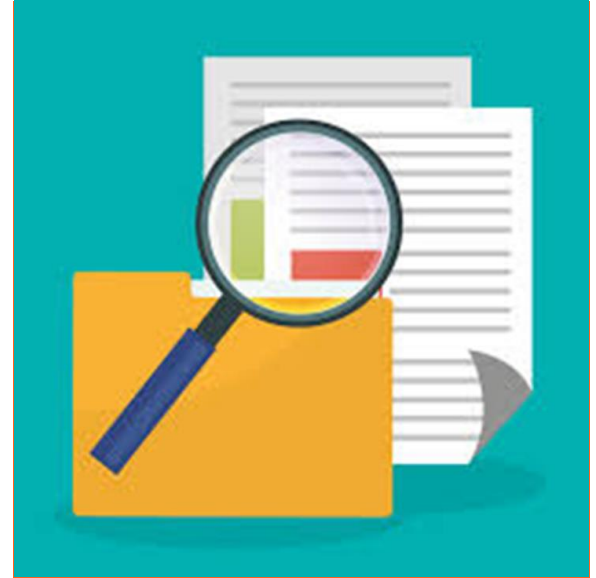


## Scenario

You get an email from a citizen on your personal email about your Board business.

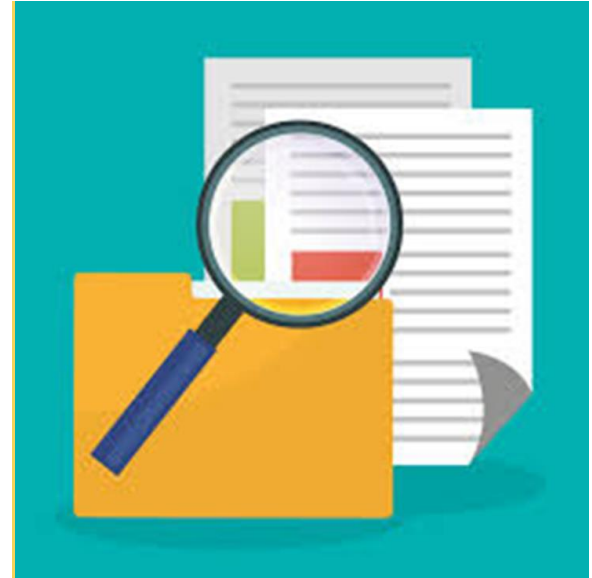
Is that a public record? Yes or No?

What should you do?



## Scenario

You take a lot of handwritten notes during Board meetings...  
Do those notes need to be saved  
as public records? Yes or No?  
Why?







**Most Relevant Area #3**

**GIFTS**

# Buying Someone A Gift Is The Simplest Way To Make Them Feel Indebted To You

Max Nisen Dec 11, 2012, 5:39 PM



Gifts are frequently given as part of a effort to influence somebody, often at the expense of a third party. It's unfortunate, but true, especially when it comes to business gifts from firms and lobbyists.



[statigr.am/annewaterman](http://statigr.am/annewaterman)

A new paper from Ulrike Malmendier and Klaus M. Schmidt of the



# Prohibited Gifts

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- ❑ Primary gift restriction:
  - ❑ Anything **over \$100 in value, or \$250 in a year**, given by a vendor, lobbyist or someone employing lobbyists
- ❑ Other gift restrictions (No \$ requirement, no grace period)
  - ❑ Anything from any person or entity seeking to influence your decision-making is prohibited (even \$1)
  - ❑ Anything with an agreement to take official action in exchange for the gift/thing of value



# Defintion of Gift

- ❑ Real property or the use of real property
- ❑ Entrance fees and tickets to events
- ❑ Travel paid by someone other than the City
- ❑ A discount or forgiveness of debt
- ❑ Food or beverage
- ❑ Membership Dues
- ❑ Flowers
- ❑ A gift given to someone else with the intent that they give it to YOU

# Gift Does Not Include

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- ☐ Gifts from relatives
- ☐ Gifts from your primary employer
- ☐ Items for which you pay full cost



# Knowledge Check

## Question #4



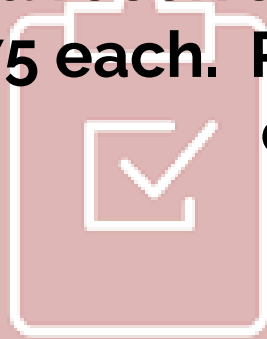
**#1 – What is the value?**

**#2 – Will I be influenced or does this person want something from me?**

**#3 – Is Giver lobbyist or vendor?**

# Knowledge Check Question

**You receive a gift of four concert tickets valued at \$75 each. Please select all those from whom you can legally accept that gift:**



- ☐ Staff to City Board
- ☐ A paid lobbyist with business before your board
- ☐ A neighbor that is not a lobbyist or vendor
- ☐ Your adult child who is a paid lobbyist



Most Relevant Area #4

# ASKING FOR THINGS



# Asking for Things

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You shouldn't ASK FOR anything of value from someone for you, your family, your business associates or your friends.





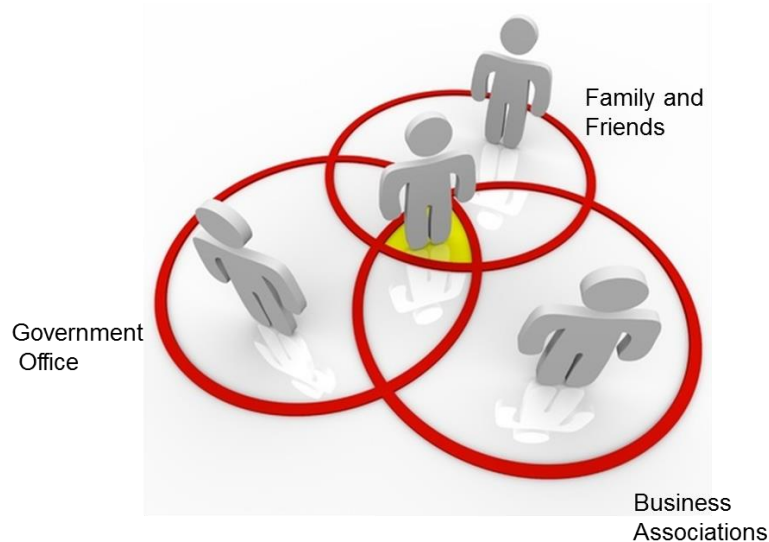
Most Relevant Area #5

# CONFLICTS OF INTEREST



# General Definition for Conflicts of Interest

Overlap between personal interests and governmental duties



# CONFLICTS OF INTEREST IN JACKSONVILLE



You will likely have  
conflicts

It is how you deal  
with them that is  
important

# Former US prosecutor sentenced to probation for ethics violation in Florida

By Mike Scarcella

July 26, 2023 3:41 PM EDT · Updated 2 days ago





# **Knowledge Check Questions**

**What is a voting conflict?  
What is a prohibitive conflict?  
How can they be fixed?**

# LITTLE CONFLICTS vs. BIG CONFLICTS



Voting Conflicts (Little): You can abstain from voting

Prohibitive Conflicts (Big): You either have to end private interest or cannot serve on your City board/commission



# General Rule for Voting Conflicts

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- You vote on any matter from which you, your family, employer, clients or your business associates might economically benefit or lose.

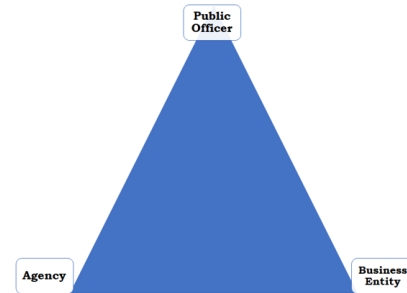


# Types of Prohibitive Conflicts



## Self-Dealing

Regulates public & private sides  
of public-private business deal



## Business Connections

Work with/for entity doing  
Business or Regulated by  
The City

# Prohibitive Conflicts of Interest

Legally:

- You or your family may not do business with the City (some exceptions).
- You may not have an **employment** or **contractual** relationship with a company doing business with your Board.

Public Opinion:

- If allowable, best to have Ethics OK first!



## Scenario

In your private capacity, you want to do business with another City Board or department.

Is this a conflict of interest?  
Yes, No, Maybe, I Don't  
Know?



# Self-Assessment



- Manual Page 17
- If you Answer Yes to any of the questions, reach out to the Ethics Office

## Conflicts of Interest Self-Assessments For Boards and Commissions



Conflicts of interest may arise if there is overlap between your governmental duties and personal interests. The Ethics Office is here to help you protect yourself against the two types of potential conflicts of interest in state ethics laws:

1. **Prohibitive Conflicts or "Big Conflicts":** These arise from contractual or business relationships with the City or your board. These could require you to give up your private interests, your board position, or the business with the City or your board. To identify potential issues, we recommend you list all of your business connections and answer the questions below.
2. **Voting Conflicts or "Little Conflicts":** These arise when you, your relatives, employer, clients or other business associates might have a financial interest or loss in relation to a vote your board is taking. This can be cured by declaring your voting conflict and abstaining from voting.

In either case, the Ethics Office is here to help. If you are not sure what to do, please review the self-assessments below and call the Ethics Office.

**To determine if you may have a prohibitive conflict of interest, please answer the following questions:**

1. Are you (or your spouse/child) employed by, or an officer, partner, or director of an entity either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
2. Do you (or your spouse/child) own a business or have any financial interest or ties to an entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
3. Do you engage in any consulting or contract work with a business that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
4. Are you (or your spouse/child) a board member (voting or non-voting) of any nonprofit or corporate entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?



Most Relevant Area #6

# MISUSE OF POSITION

# **Knowledge Check Question #7**



**Page 16: If you were running late for a Board meeting and got pulled over by a police officer, would it be okay to tell the officer that you are on a City Board? Why or why not?**

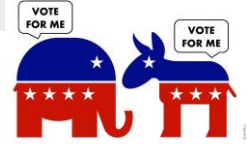


# Misusing Position

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- Using public position for personal gain for you, family, friends or business associates is prohibited
- Follow the same process as for every citizen
- Avoid saying, “Do you know who I am?” or “I work for the City” in order to get special favors.

# Jacksonville Code



Prohibits:

- Using **City time, computers, or internet** for campaigns and/or fundraising
- Wearing **City uniforms while campaigning** (in-person)
- Campaigning, accepting or soliciting **contributions in City buildings**
- Distributing or posting **campaign literature**/ads/signs on City property



## Scenario

You chair a non-profit Board and the non-profit is hosting a festival to raise money. As part of your City Board duties, you have developed a relationship with the Director of the Public Library. Can you ask the Library Director to donate some space to your nonprofit for free?





FLORIDA

## Did official use state employees to clear storm debris at her house?

Florida Dept. of Highway Safety, Motor Vehicles director under investigation

By Tarik Minor - Anchor, I-TEAM reporter

Posted: 6:03 PM, November 01, 2018



com/2022/12/05/us/tampa-police-chief-mary-oconnor-resigns/index.html



US

Crime + Justice

Energy + Environment

Extreme Weather

Space + Science

## Tampa Police Chief Mary O'Connor resigns after flashing badge and asking to be let go from a traffic stop



By Melissa Alonso and Devon M. Sayers, CNN

Updated 10:33 AM EST, Mon December 5, 2022





Most Relevant Area #7

# DUAL OFFICE HOLDING

# Dual-Office Holding



- Serving on more than one government board??
- May be Prohibited
- Some Exceptions
- Call the Ethics Office, we will help figure it out.



**QUESTIONS?**

## Contact



***Finally, if you're ever in doubt, call our office.***

Kirby Oberdorfer, Ethics Director

Andrea B. Myers, Program and Training Manager

Paige Johnston, Ethics Attorney

**904-630-1015**

**E-mail: [ethics@coj.net](mailto:ethics@coj.net)**