

CITY OF JACKSONVILLE



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MARY BLAND LOVE

**ETHICS COMMISSION  
MEETING MINUTES**

Thursday, June 20, 2019  
Don Davis Room  
City Hall – First Floor

The meeting was called to order by Joseph Rogan, Chair of the Ethics Commission, at 5:01 p.m. A quorum was present.

Commission Attendees: Joseph Rogan, JJ Dixon, Carlton DeVooght, Imani A. Boykin, Latonya Lipscomb Smith, Dr. George Candler, Ellen Schmitt, and Darcy Galnor. Excused: Mary Bland Love. 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”).

Public in Attendance:

Perry Waag, Jose Torres and Terry Mills from Unite America, and other members of the public who did not sign in.

The meeting began with introductions of the Ethics Commission members and staff. Mr. Rogan led the attendees in the Pledge of Allegiance and then Ms. Miller shared the Ethics Thought.

Minutes Approval:

May 23, 2019 Ethics Commission Meeting minutes: Ms. Galnor made a motion to approve the minutes. Ms. Boykin seconded the motion. There being no discussion, the motion to approve the minutes passed unanimously with a vote of 8-0.

Office of Inspector General (“OIG”) Presentation:

Mr. Rogan introduced Ms. Lisa Green, Inspector General for the City of Jacksonville, and noted that Ms. Green is the longest serving Inspector General in the history of the City. He commended her work as IG and thanked her for attending the meeting.

Ms. Green distributed printed materials, including the OIG Annual Report, and introduced her Director of Investigations, Jonathan Parrish. She summarized her background and the history and purpose of OIG. Ms. Green then provided an explanation and summary of the activities of OIG. She also provided a breakdown of the structure of OIG, including the duties of each section. OIG focuses on allegations of misconduct, fraud, waste and abuse and is the designated whistleblower agency for the City. The issues OIG addresses can broadly be placed in two categories: employee misconduct and contract oversight. OIG

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encourages employees and citizens to report any suspected misconduct. However, OIG does not create policy, conduct criminal investigations, handle criminal actions nor make disciplinary decisions.

Ms. Green subsequently responded to questions by Ms. Miller and Ethics Commission members regarding accreditation of OIG, auditing, and sources of complaints.

Staff Reports:

OECO: Ms. Miller thanked the Ethics Commission members who attended the ethics training for elected officials on June 5, and explained that questions to OECO have increased since the training. She mentioned the Sunshine Law issues that have been recently covered in the press. Mr. Rogan commended OECO and OGC on the elected officials' ethics training.

OGC: Ms. Pollock did not have a report for OGC.

Committee Reports:

Complaints Committee: No report

Legislative Committee: Mr. Rogan deferred the Legislative Committee report until the new business that involves the Legislative Committee

Internal Operations Committee: No report

Open Government Committee: No report

New Business:

Mr. Rogan opened the floor to Perry Waag, National Volunteer Coordinator for Unite America. Mr. Waag described the organization as a nationwide, non-profit, non-partisan organization that works with other national non-partisan organizations to advocate for election reforms and anti-corruption laws nationwide.

Mr. Waag advised that Unite America is requesting assistance from the Ethics Commission with proposals to City Council to (1) move local elections to November during the regular election cycle and (2) institute rank choice voting for municipal elections. He cited provisions of the local code that Mr. Waag believes permits the Ethics Commission to get involved in these issues. Mr. Waag stated that Unite America's goal is to increase voter turnout in municipal elections. He then provided an explanation of rank choice voting.

Mr. Rogan, Ms. Boykin, and Ms. Dixon asked questions of Mr. Waag regarding rank choice voting and Dr. Candler offered comments regarding the presentation and rank choice voting.

Ms. Miller commented regarding the use of rank choice voting in Australia, advised that the Ethics Commission has the authority under the City of Jacksonville Charter to address campaign and election ethics, and offered any research support the Ethics Commission needs to consider the issue further.

Mr. Rogan referred Mr. Waag's suggestions to the Open Government Committee to conduct fact-gathering and to determine whether the Committee believes the Ethics Commission should take action regarding Mr. Waag's suggestions.

Old Business:

2019-393: Ms. Miller provided a summary of the proposed ordinance that would extend the state law two-year prohibition against lobbying former agency to members of City boards and commissions that file Form 1 Financial Disclosure statements. The Ethics Commission issued a resolution in support of 2019-393 at its last meeting. 2019-393 was subsequently defeated at the City Council Rules Committee by 6-1 vote. Ms. Miller spoke with Council Member Crescimbeni and he agreed to withdraw 2019-393. Ms. Miller suggested the Legislative Committee research this topic and consider whether to recommend the Ethics Commission file legislation in City Council. A brief discussion among Ethics Commission members, Ms. Miller, and Ms. Pollock followed.

Ms. Miller reminded Ethics Commission members to file their Form 1 Limited Financial Disclosure statements, and stated that one member's Form 1 remains outstanding. Mr. Rogan urged the Ethics Commission members to have 100% compliance with filing Form 1.

New Business (cont.):

Inspector General Evaluation: Mr. Rogan inquired whether Ethics Commission members had any comments on the IG Performance Evaluation. No comments were offered. Mr. Rogan advised he would complete the evaluation of the IG at the Inspector General Selection and Retention Committee meeting scheduled for Monday, June 24.

Constitutional Amendment 12/Legislative Committee Report: Ms. Galnor provided a summary of the Legislative Committee recommendation to the Ethics Commission to support the Florida Commission on Ethics' proposed Rule 34-18.001 implementing Amendment 12. There was extended discussion among Ethics Commission members and OECO and OGC staff about the Legislative Committee's recommendation and the Florida Commission on Ethics's proposed Rule 34-18.001. Mr. Rogan explained each section of proposed Rule 34-18.001 drafted by the Florida Commission on Ethics. He then suggested that the Jacksonville Ethics Commission could either recommend adoption of proposed Rule 34-18.001 as it is written, or recommend adoption of paragraphs 2 and 4 of the proposed Rule and further clarification of the factors listed in paragraph 3.

Thereafter, Ms. Boykin made a motion to send a letter of support to the Florida Commission on Ethics stating that it should move ahead and seek input from interested parties on the proposed Rule. Ms. Lipscomb Smith seconded the motion. Ethics Commission members and Ms. Miller discussed potential changes to the motion, and Ms. Pollock subsequently inquired whether Ms. Boykin wanted to incorporate the comments from the discussion into her motion. Ms. Boykin amended her motion to include the comments. Ms. Lipscomb Smith seconded the amended motion. At Ms. Oberdorfer's request, Mr. Rogan restated the motion as follows: the Ethics Commission will send a resolution in support of proposed Rule 34-18.001 that supports the definition and the standard the Florida Commission on Ethics has created and encourages the Florida Commission on Ethics to consider providing concrete guidance on the factors listed in paragraph 3. Ms. Boykin confirmed that Mr. Rogan's restatement accurately reflected her amended motion, and Ms. Lipscomb Smith confirmed her second.

There being no further discussion, Mr. Rogan opened the floor to public comment. Mr. Torres commented in support of proposed Rule 34-18.001 paragraphs (1)–(2) without paragraph (3).

There being no further discussion, the amended motion passed unanimously by vote of 7-0.

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There was a motion by Ms. Boykin and second by Ms. Schmitt to reconsider Ms. Boykin's amended motion regarding proposed Rule 34-18.001 to include authorization for Mr. Rogan to draft the resolution on behalf of the Ethics Commission. There being no discussion, the motion to reconsider the amended motion passed unanimously with a vote of 7-0.

Ms. Boykin made a reconsidered motion to give Mr. Rogan discretion to draft a resolution on behalf of the Ethics Commission in support of the Florida Commission on Ethics's proposed Rule 34-18.001 that supports the definition and the standard and encourages the Florida Commission on Ethics to consider providing concrete guidance on the factors listed in paragraph 3. Ms. Lipscomb Smith seconded the reconsidered motion. There was no further discussion. Mr. Rogan again opened the floor to public comment, but none was offered. The reconsidered motion passed unanimously with a vote of 7-0.

Online Posting of Resolutions and Written Dispositions of Complaints: Mr. Rogan reiterated that the Ethics Commission now will post written dispositions of complaints, but no complaints have received a written disposition since that change. Mr. Rogan asked for feedback about posting resolutions on the Ethics Commission's website. There was discussion among Ethics Commission members, and OECO and OGC staff about posting resolutions on the website and ensuring posted documents are accessible by persons with disabilities to comply with the Americans with Disability Act. Ms. Oberdorfer stated that she was advised by Public Affairs that old materials should be removed from City websites and that new materials should be accessible by reading software. Public Affairs training on this is being offered in July. After additional discussion, Ms. Miller stated that OECO staff will research the process and upload the 2019 resolutions before the next Ethics Commission meeting.

Prior to general public comments, Dr. Candler brought up Mr. Torres's prior public comment, which led to a brief discussion regarding Mr. Torres's prior comment and regarding public comment procedure generally. Ms. Miller stated that public comment does not generally involve back-and-forth discussion and she suggested other ways to raise issues with decision-makers outside public comments. Ms. Oberdorfer echoed similar ideas.

Public Comment:

Mr. Waag provided public comment regarding website accessibility. Ms. Mills provided public comment regarding proposed Rule 34-18.001.

Announcements:

The next Ethics Commission meeting is scheduled for August 14, 2019, at 5:00 p.m. The Legislative Committee will meet in July 2019.

Adjourn:

There being no further business, the meeting was adjourned.

Kirby G. Oberdorfer  
Kirby Oberdorfer  
Deputy Director, OECO

10-07-2019  
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>.

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