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ETHICS COMMISSION LEGISLATIVE COMMITTEE MEETING MINUTES

City Hall, Mezzanine Level, Exam Room 3
Tuesday, July 25, 2023

The meeting was called to order at 4:41 p.m. by Ms. Galnor. Ethics Commission attendees: Chair Darcy Galnor, Judge Linda McCallum, Dr. Erich Freiberger, and William Maule.

Others in attendance: Kirby Oberdorfer, Director of the Office of Ethics, Compliance and Oversight (OECO); Paige Johnston, Ethics Attorney (OECO); Andrea Myers, Program and Training Manager (OECO); Carla Miller, Senior Ethics Advisor (OECO); Sandy Homrighouse, Executive Assistant (OECO) and Cherry Shaw Pollock, Office of General Counsel (OGC).

Public In Attendance: OGC Interns Danielle Arnwine, Ethan Katz and Richie Mullaney.

Confirmation of Quorum:

A quorum was established with (4) Legislative Committee members present in-person. The Legislative Committee members and staff introduced themselves for the record.

New Business:

(1) Recommend Legislation to Delete Jacksonville Ordinance Code Section 602.921(c): Ms. Oberdorfer gave the background regarding a referral from the City Council Special Investigatory Committee on JEA Matters and possible legislative changes in Section 602.921(c), Jacksonville Ordinance Code. Ms. Miller reviewed the general legislative process and timeframe. A discussion occurred regarding Section 602.921(c) and whether to delete it or modify it. Judge McCallum made a motion to take the language in Section 1.202(d) of the Charter and place it in Section 602.921(c) to read, "The Commission may recommend changes..." and then include the language in Section 1.202(d) of the Charter while removing the current language in Section 602.921(c). A discussion followed on the language in the motion. Judge McCallum restated her motion. The new language for Section 602.921(c) would delete current subsection (c), and in place of it, include the language in Charter Section 1.202 (d) that the Commission may recommend changes in legislation to City Council in the areas of ethics law and administration, conflicts of interest, hotline policies, ethics education, ethics and procurement, campaign ethics and lobbying. Dr. Freiberger seconded

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

the motion then asked for clarification on the motion on whether it would affect the ability of the Commission to recommend self-initiation of complaints. Ms. Oberdorfer directed the Committee to Section 602.921(a), which provides for self-initiation by the Commission. A discussion occurred regarding the motion. There was no public in attendance (other than the OGC interns) and no public comment. There being no discussion, the motion passed unanimously with a vote of 4-0.

(2) Propose a Clear Time Limit on Filing Complaints During an Election Cycle: Ms. Oberdorfer referred to Florida Statutes Section 112.324(2)(f) and Rule 5(f) of the Complaints Procedures and gave background between state and local provisions. The current local provision mirrors state law except that Section 112.324 includes that no intention of filing a complaint can occur within 30 days of an election. A discussion occurred as to whether the timeframe should be extended from 30 days to 60 days and whether any change to Rule 5(f) should be included in an Ordinance Code change as well. Judge McCallum made a motion to “amend the Complaints Procedures Rule 5(f) to not allow any person to declare an intention of filing a complaint nor filing of complaints against a candidate sixty days preceding any election.” A discussion followed. Judge McCallum restated the motion to change Rule 5(f) to state that (1) complaints within sixty days of elections are prohibited; (2) any complaint against a candidate in a general, special or primary election that is received within the sixty days immediately preceding the date of that election will not be accepted by the Ethics Commission; and (3) a complaint or referral under this part against a candidate in any general, special, or primary election may not be filed nor may any intention of a filing such complaint or referral be disclosed on the day of any such election or within the sixty days immediately preceding the date of the election. Dr. Freiburger seconded the motion. A discussion occurred as to whether a complaint filed within that timeframe would be returned. Ms. Oberdorfer asked for clarification as to whether the last line of Rule 5(f) would stay or be deleted. Judge McCallum said that it should be deleted. Upon further discussion by the Committee regarding the statute of limitations and practical matters related to return of a complaint, it was decided to keep the last line in current Rule 5(f).

Judge McCallum stated that based on the discussion, the only language that should change in Rule 5(f) is from 30 to 60 days and add Section 2(f) language from Section 112.324, Florida Statutes, at the end of Rule 5(f), except for the last line in Section 112.324 that begins with “Unless.” Judge McCallum withdrew her original motion. Dr. Freiburger made a motion to adopt Judge McCallum’s most recent statement of the motion. Judge McCallum seconded the motion. There was no public in attendance and no public comment. There being no discussion, the motion passed unanimously with a vote of 4-0.

Other Legislative Items: Ms. Oberdorfer reviewed the pending Legislative Committee items from the past years. Judge McCallum stated she would like to work on PAC (Political Action Committee) legislation. Ms. Miller discussed and passed out a post-employment conflict document that could be considered as legislation to make amendments to provisions in Chapter 602, Part 4, Jacksonville Ordinance Code, easier to digest and more user-friendly. Judge McCallum asked the staff to send out the first responders documents.

Public Comments:

Ms. Galnor asked for public comment. None was given.

Announcements:

None

Ms. Oberdorfer stated OECO will draft the language for Section 602.921(c) and Rule 5(f) changes and bring it to the Ethics Commission on Thursday.

The meeting was adjourned at 5:42 p.m.

Sandy Homrighouse

10-30-23

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>.