

L. E. HUTTON
CHAIR

YWANA ALLEN
GEORGE CANDLER
LESLIE JEAN-BART
JAMES YOUNG

CITY OF JACKSONVILLE



JOE JACQUOT
VICE CHAIR

TOM PAUL
ALAN M. PICKERT
LARRY PRITCHARD

ETHICS COMMISSION

**Annual Report
2014**

I am pleased to submit the Jacksonville Ethics Commission Annual Report for Calendar Year 2014. The City of Jacksonville outlined eight goals for the ethics program which are found in Chapter 602, Section 602.101. The purpose of this report is to inform all those interested with a summary of the Ethics Commission's activities and successes in carrying out its duties and responsibilities in support of those goals. In accordance with Ethics Commission Internal Operating Procedures, paragraph VII, adopted August 25, 2010, this summary of the Ethics Commission's activities for 2014 is hereby filed.

Our members (designated by their appointing organization) included: L. E. Hutton, Chair, (State Attorney – second term expired December 2014); Joe Jacquot, Vice Chair (Public Defender); James Young (Ethics Commission); Ywana Allen (Ethics Commission); Leslie Jean-Bart (Chief Judge); Dr. George Candler (City Council – first term expired December 2014; reappointed); Thomas Paul (Ethics Commission – first term expired December 2014; reappointed); Alan Pickert (Mayor); and Larry Pritchard (Sheriff's Office). Their participation in specific Ethics Commission (EC) subcommittees is shown on Enclosure 1. The Ethics Commission was supported by Carla Miller, Director of the Office of Ethics, Compliance and Oversight (OECO); Cherry Shaw as Ethics Counsel from the Office of the General Counsel (OGC); and Allan Childers, OECO Ethics Coordinator.

The Commission operated in two formats. The entire Commission met as a "full Commission" 10 times this year to discuss issues raised before the Commission. Commissioners were also individually assigned to at least three of the six subcommittees. These subcommittees met 11 times this year to address specific issues and bring recommendations to the full Commission. See Enclosure 1 for subcommittee membership.

Major Areas of Focus

In 2014, the Ethics Commission focused on five key areas of importance relative to the commission's purpose, duties, and powers outlined in Chapter 602, Part 9 "Jacksonville Ethics Commission."

- **Receive, investigate, and issue findings for any sworn written complaint alleging a violation of Chapter 602.**

Throughout the year, the EC promoted transparency and openness at meetings except where discussion of on-going investigations required information to remain confidential. The

Commissioners met privately, “in the shade”, five times where public participation was excluded due to ongoing investigations. In a couple of instances, cases were dismissed because the complaint did not meet the necessary criteria to support an ethics violation or the statute of limitations timelines were exceeded. Several other cases were referred back to the complainant to file with the State of Florida Commission on Ethics based on the State Commission having jurisdiction over the complaint. One case was referred to the State Ethics Commission as it concerned the application of state law to a local official who files state financial disclosure. The State EC did an investigation and did not find probable cause to charge in the case. The case will be used in future ethics trainings.

- **Establish a strategic plan with updated goals and related programs.**

In January, Mr. Paul introduced a strategic planning spreadsheet that was vetted by all of the subcommittees and the full EC who developed and revised their activities as they related to the EC’s goals and responsibilities. The full EC readdressed the plan in September — October and updated it for the next year.

- **Increase engagement with the community.**

Our emphasis was on increasing community knowledge, participation and input for our current Ethics Code. The full EC ensured that the Ethics Commission web page was updated and maintained as current, including making sure that notices, agendas and minutes of the meetings for both the full EC and subcommittees were placed on line in a timely manner. The Chair and other commissioners also supported joining the Ethics Director when she performed ethics education at numerous community organizations. More than 20 organizations and 600 persons received ethics education briefings.

Through the Education Subcommittee, the full EC produced and distributed to Jacksonville governmental locations, hundreds of locally-produced handouts about the Commission and the Ethics Hotline. The subcommittee also proposed changes to ethics training located on the coj.net ethics web page that were embraced by the Ethics Director. The subcommittee also worked with the OECO to develop a comprehensive collection of frequently asked questions which were integrated into appropriate OECO web pages.

Through the Transparency and Open Government Subcommittee (TOGS), the EC responded to a community concern that the public was not being permitted to speak during City Council, board and commissions meetings. The actions taken by the TOGS, which were supported by the full Commission, resulted in a State Attorney General opinion which was in turn shared with Jacksonville government, boards and commissions. These results were also highlighted in the local media.

Through the Legislative Subcommittee, the EC invited all registered lobbyists with the City to participate in Commission discussions on how to improve current Ethics Code language concerning lobbying. The Commission will follow up with improving the code next year.

- **Strive for continuous improvement of EC internal operating procedures.**

The Legislative Subcommittee addressed procedures adopted by the full EC on the reappointment of ethics commissioners. Through subcommittee efforts, the EC cleaned up Chapter 602 with various changes to the document.

The Hotline Subcommittee developed ways to work more closely with the OECO in managing and evaluating Hotline calls and the resolution process. As a result, the Ethics Hotline was elevated in prominence on the Mayor's web page at coj.net and OECO improved its practices for tracking Hotline calls and responses. The EC web page was also updated to more clearly identify when EC meetings occurred.

The Hotline Subcommittee also reviewed and the full EC accepted, OECO-proposed improvements to EC "Rules and Procedures" for streamlined review and action on complaints.

The Nominating Subcommittee updated the EC "Internal Operating Plan" by authoring a clearer process for appointment of commissioners.

- **Increase engagement with City government leaders.**

During the year, the EC heard from the Supervisor of Elections and the Director of Procurement on their processes as they related to ethics. At the March meeting, Mr. Jerry Holland described his responsibility to provide candidates with ethics training and the role that the commission can play in supporting that training. At the April meeting, Mr. Greg Pease described the way the Jacksonville procurement process works and responded to EC questions concerning ethics and contracting.

Legislative Success Through Resolutions

Some of this year's EC successes came as the result of resolutions passed by the commission last year. We successfully ensured the City Council supported an Ethics Education amendment to Chapter 602 through Council Bill 2014-0003. As a result, the Mayor, City Council, and their staffs were required to participate in four hours of ethics training each year which matched Florida State legislator requirements. The EC later requested repeal of the local ethics education ordinance by bill 2014-0456 after the Florida Statute was changed to specifically include local officials. EC resolutions initiated in 2013 also resulted in Council bills 2014-0025 through 2014-0027, that successfully appointed three commissioners to ensure that the Commission was fully staffed, representative of the community, and participative throughout the year.

Resolutions in 2014 continued the successful participation of the EC in local government.

✓ In February, a resolution authorizing Vice Chair Jacquot to request an advisory opinion from the State Attorney General (SAG) to clarify Sunshine Law requirements on the public right to speak at Jacksonville boards and commissions meetings. The SAG provided a response calling for "erring on the side of the public" regarding the public's right to speak, which was distributed across local government including all boards and commissions.

✓ In March, a resolution authorizing the Director, OECO to submit a written request on behalf of the Commission to designate all members of the Police and Fire Pension Fund Board of Trustees, Advisory Committee, and Staff Executive Director—Administrator as a “local officer” and “reporting individual”, which would in turn require compliance with Chapter 112, Sections 112.3145(e) and 112.3148(d) of the Florida Statutes.

✓ Another resolution in March asked the City Council to change Chapter 602, Part 7 “Gifts and Honoraria,” to include a timeline on when gifts must be disclosed by City officials. This resolution resulted in Council Bill 2014-0233 being enacted and a change to Chapter 602.

✓ In April, a resolution supporting City Council to revise Chapter 602 Part 11 from “Reserved” to “Civil Fines” and that the Ethics Director provide accompanying language. The initial City Council ordinance was withdrawn, but bill 2014-0457 was enacted to change the way ethics violators were penalized through a new Part 11 and other changes to the Ethics Code.

✓ Also in April, a resolution urging the Florida legislature to amend a proposed Florida Senate bill 2014-606 “Government Ethics”, which would have limited the activities and imposed restrictions on local government ethics commissions. The Jacksonville EC banded together with other ECs from around Florida to address the state legislation before it could be voted on. The new resolution instead proposed to establish a committee consisting of state and local government members with equities in adherence to Florida ethics laws. The new legislation requires a committee to meet over the course of the year to develop a model Ethics Commission that would use best practices and a comprehensive approach to ensure due process occurs in an acceptable and affordable manner for local governments.

✓ In August, a resolution to City Council recommending the confirmation and approval of a contract that continues the employment of Ms. Carla Miller in the Ethics Director position.

✓ In September, two resolutions to City Council requesting support for the reappointment of two Commission members, Mr. Paul and Dr. Candler, whose terms were expiring in December 2014. Resolutions 2014-0624 (Paul) and 2014-0743 (Candler) were unanimously approved by City Council reappointing both members.

✓ Another EC resolution in September supported creation of a full-time, independent Office of Inspector General (IGO) to deter and identify fraud, waste, and abuse by providing increased accountability, integrity, and oversight for City of Jacksonville operations. City Council bill 2014-0519 supporting establishment of a three-member, independent IGO resulted from this resolution. The EC resolution also resulted in bill 2014-0583 authorizing an interlocal agreement between the City of Jacksonville and the Office of the State Attorney, 4th Judicial Circuit, to create and fund the position of a temporary Inspector General Advisor to help in establishing a permanent IGO. Finally, the EC resolution led to bill 2014-0747 to alter the City Charter to establish the functions, purpose, duties, and authority (among other criteria) for the IGO.

Summary

As my term as Chair and tenure on the Ethics Commission ends, I am grateful for the opportunity to have served. It has been a transitional year for Commissioners and the processes we follow in our efforts to meet the goals outlined in Chapter 602, of the Jacksonville Ethics Code. We resolved challenges proactively and further established a strong Jacksonville ethics presence for the future. I recommend persons who are interested in additional information regarding our efforts, as set forth in this report, to refer to the Ethics web pages at <http://www.coj.net/departments/ethics-office.aspx>. At this location, the referenced documents, audio and minutes from the 2014 Ethics Commission meetings can be found.



L.E. Hutton
Chair, Ethics Commission
December 31, 2014

**Subcommittee Appointments
January 2014**

Rules & Planning

Tom Paul (Chair)
George Candler
L.E. Hutton
Joe Jacquot
Alan Pickert

Legislative

Larry Pritchard (Chair)
L.E. Hutton
Joe Jacquot
Leslie Jean-Bart
Tom Paul

Education

Alan Pickert (Chair)
Ywana Allen
George Candler
Leslie Jean-Bart
James Young

Nominating

Ywana Allen (Chair)
L.E. Hutton
Alan Pickert
Larry Pritchard
James Young

Hotline

James Young (Chair)
Ywana Allen
George Candler
Tom Paul

**Transparency and Open
Government (TOG)**

Joe Jacquot (Chair)
George Candler
Leslie Jean-Bart
Larry Pritchard
James Young