

CITY OF JACKSONVILLE

JOE JACQUOT
CHAIR

TOM PAUL
VICE CHAIR

YWANA ALLEN
BRIAN AULL
RICHARD BROWN
GEORGE CANDLER



JOHN HARTLEY
DAVID RYBAK
ANTHONY SALEM

ETHICS COMMISSION

Ethics Commission Annual Report 2016

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2016. This report summarizes the activities and successes of the Ethics Commission in effectuating its duties and obligations delineated in the City of Jacksonville Charter and Jacksonville Ordinance Code.

I. Ethics Commission Membership and Support Staff:

During 2016, the Ethics Commission was comprised of the following nine (9) members:

MEMBER NAME	POSITION	APPOINTING ORGANIZATION
1. Joe Jacquot	Ethics Commission Chair	Public Defender
2. Thomas Paul	Ethics Commission Vice-Chair & Internal Operations Committee Chair	Ethics Commission
3. Ywana Allen	Open Government Committee Chair	Ethics Commission
4. Brian Aull	Legislative Committee Chair	State Attorney
5. Richard Brown	Complaints Committee Chair	Chief Judge for the Fourth Judicial Circuit
6. Dr. George Candler	Nominating Committee Chair	City Council
7. John Hartley	Member	Sheriff
8. David Rybak	Member	Ethics Commission
9. Anthony Salem	Member	Mayor

In addition to serving on the Ethics Commission, the members actively participated in one (1) or two (2) of the Commission's five committees: (1) Complaints; (2) Internal Operations;

(3) Legislative; (4) Nominating; and (5) Open Government. Please see Enclosure 1 for a list of specific committee assignments for each committee.

In accordance with the Charter, the Ethics Commission 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 2016, the Ethics Commission met as a body during eleven (11) separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of five (5) meetings to discuss specific issues or complete assigned tasks and make recommendations to the full Ethics Commission.

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).

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 work in 2016 in the following areas. Please see Enclosure 2 for a summary of the duties and obligations of the Ethics Commission as set forth in the Charter and the Ordinance Code.

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

The Ethics Commission received eight (8) complaints in 2016 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 three (3) 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 seven (7) of the eight (8) complaints filed in 2016. Grounds for dismissal of the complaints included three (3) dismissed due to the expiration of the two-year statute of limitations in the Jacksonville Ethics Code; two (2) dismissed for failure of the complainants to follow the requirements set forth in the Ethics Commission Complaint Procedures; one (1) dismissed as legally insufficient to allege a violation of Chapter 602; and one (1) dismissed upon a finding by the Ethics Commission that the public interest would not be served with the prosecution of the complaint. Only one (1) complaint remains pending as a result of referral to another government agency.

In addition to addressing the various complaints, the Ethics Commission also revised and updated the Ethics Commission Complaint Form to include detailed instructions for the completion of the complaint form and the general process for the handling of complaints

by the Ethics Commission.

2. Comprehensive Evaluation and Revision of Ethics Commission Strategic Plan

The Ethics Commission began a comprehensive review and update of the Strategic Plan for the Commission and its various committees during numerous meetings in 2016. Specifically, the Ethics Commission eliminated goals that were previously accomplished, as well as goals that had become obsolete based upon the work of the Ethics Commission or the development of various issues. Additionally, the Ethics Commission added new goals to the plan for each committee to comport with the current work of the Ethics Commission. Please see Enclosure 3 for the Ethics Commission Strategic Plan.

3. Recommendations for Changes in Legislation to the Florida Legislature and City Council in Areas of Ethics Laws and Ethics Education

The Ethics Commission made various recommendations for changes in legislation to the Florida Legislature and City Council and through issuing a resolution, drafting proposed legislation and providing requested input to City Council members on the use of texting. Some examples of the recommendations made by the Ethics Commission include:

- A resolution to the Florida Legislature opposing Florida House Bill 1021 and Senate Bill 1220 that would have eliminated the mandatory attorney's fees provision in the Florida Public Records Act and permitted the award of fees only in the discretion of the court. These bills ultimately were not approved by the Legislature.

After hearing concerns from numerous citizens regarding the potential detrimental impact HB 1021 and SB 1220 may have wrought on the enforcement of the Public Records Act, the Ethics Commission issued a resolution to the Florida Legislature encouraging legislators to (1) retain the mandatory fees award provision in the Public Records Act and (2) also work with citizen organizations and the other impacted entities to adopt compromise legislation. The Ethics Commission also collaborated with other Ethics Commissions in the State of Florida to issue similar resolutions.

- Ordinance 2016-06, a bill sponsored by Council Member Crescimbeni, that updated the ethics education training requirements for City officials and employees to make them consistent with the requirements in state ethics laws. Ordinance 2016-06 authorized the ethics education training schedule to be set by Ms. Miller and the Office of General Counsel in their discretion.
- The Ethics Commission also engaged in extensive review and deliberation of the Sunshine Law and transparency in government impacts regarding the use of texting during City Council meetings. Specifically, the Ethics Commission studied and supported Ordinance 2015-697 sponsored by Council Member Gulliford that included restrictions on texting during Council meetings, as well as Council President Anderson's subsequent electronic communications policy. Additionally, the Ethics Commission actively participated in meetings of the City Council Special Committee on Electronic

Communications and provided valuable input regarding the final electronic communications policy adopted by City Council.

In addition to proposing specific changes to legislation, the Ethics Commission Legislative Committee completed the initial steps to substantially redrafting Part 4 of the Jacksonville Ethics Code regarding conflicts of interest. The provisions in Part 4 will be redrafted in plain language that is easier for City employees and officials and the public to understand and utilize.

4. Promotion of Public Confidence in the Ethical Operation of City of Jacksonville Government

Some examples of the Ethics Commission activities in 2016 that promoted public confidence in City government include:

- In conjunction with students from the University of North Florida's School of Computing and the City's ITD and Legislative Services departments, the Ethics Commission implemented a new lobbying registration system online in January 2016 to increase the efficiency and transparency of lobbyist registrations. City officials, employees and citizens may now perform an online, user friendly search of all registered lobbyists and the various issue(s) and client(s) on whose behalf the lobbyists are working. On January 26, 2016, the City Council recognized the University of North Florida students and professors for their contributions in developing the lobbyist registration system.
- The Ethics Commission actively participated on the Inspector General Selection and Retention Committee throughout 2016, including the selection of the Interim Inspector General and the hiring process for the new Inspector General.
- The Ethics Commission extensively examined the requirements for citizens to speak during the public comment period at City Council meetings in response to concerns citizens raised to the Commission. Specifically, the Ethics Commission met with the Office of General Counsel to understand the process for citizens to provide public comments at City Council meetings, as well as the bill that amended Council rules to require speakers to audibly announce their respective addresses during the public comment period.
- The Ethics Commission also engaged in outreach to various international delegations by providing ethics education and training in collaboration with the United States Department of State.

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ANTHONY SALEM

**Committee Assignments
May 2016**

Internal Operations

Tom Paul (Chair)
George Candler
David Rybak

Legislative

Brian Aull (Chair)
Richard A. Brown
Anthony Salem

Complaints

Richard A. Brown (Chair)
John Hartley
Anthony Salem

Open Government

Ywana Allen (Chair)
John Hartley
David Rybak

Ethics Office
117 W. Duval Street, Room 450
Jacksonville, FL 32202
Phone: (904) 630-1476, Fax: (904) 630-2670
HOTLINE: 630-1015

SUMMARY OF CITY OF JACKSONVILLE CHARTER & ORDINANCE CODE
PROVISIONS REGARDING JACKSONVILLE ETHICS COMMISSION

Article 1, section 1.202 of the City of Jacksonville Charter and Chapter 602, Part 9 of the Jacksonville Ordinance Code govern the Ethics Commission. Below is a summary of the most relevant portions of the various Charter and Ordinance Code provisions.

Purpose

Jacksonville Ordinance Code section 602.911. - Jacksonville Ethics Commission; Creation

The purpose of the Jacksonville Ethics Commission is to “provide a local forum for consideration and investigation” of ethics issues.

Duties and Responsibilities

City of Jacksonville Charter section 1.202. - Ethics code, ethics commission, inspector general

Per the duties enumerated in the Charter, the Ethics Commission shall:

- (a) manage a citywide ethics hotline for intakes of allegations of violations of the ethics code;
- (b) manage and coordinate the training and education of local officers and employees in state and local ethics;
- (c) have the authority to refer ethics matters to appropriate enforcement agencies;
- (d) recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying;
- (e) have jurisdiction to levy civil fines or penalties authorized by the City Council for violations of the City's ethics code; and
- (f) act as the hiring committee for the administrative staff of the Office of Ethics, Compliance & Oversight.

Jacksonville Ordinance Code section 602.921. - Duties and powers

The Ethics Commission has the authority to review, interpret, and enforce Chapter 602 of the Ordinance Code (also known as the Jacksonville Ethics Code), and to issue advisory opinions thereon.

The Ethics Commission is also empowered with the following duties:

- (a) to receive, investigate and issue findings regarding any sworn written complaints filed with the Ethics Commission alleging a violation of Chapter 602, or complaints alleging of violation of Chapter 602 that are self-initiated by the Ethics Commission upon the vote of a minimum of six out of nine Ethics Commission members.
- (b) The Ethics Commission may refer matters to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in and action would be more

appropriate by these agencies.

- (c) to provide guidance regarding the coordination and implementation of ethics education and training for local officers and employees in state and local ethics, as well as all public records and sunshine law.
- (d) to seek information and gather facts to facilitate review of circumstances or situations that may potentially violate an acceptable standard of ethics conduct for City officers and employees as set forth in Charter section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate;
- (e) to levy civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; &
- (f) to serve as the hiring committee for the executive director of the Ethics Oversight and Compliance Office, subject to confirmation by City Council.

Jacksonville Ordinance Code section 602.931. - Process for the imposition of sanctions and penalties

In accordance with its duties to enforce Chapter 602 and impose sanctions and penalties, the Ethics Commission must establish and post rules and procedures regarding the investigations of citizen, hotline, employee and self-initiated complaints alleging violations of Chapter 602. These rules and procedures must provide for due process in the charging and prosecution of alleged violations of Chapter 602.

Jacksonville Ordinance Code section 602.941. - Review

Any final order of the Ethics Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in accordance with the process established for review of quasi-judicial board decisions.

Membership

Jacksonville Ordinance Code section 602.912. - Membership, terms, appointment

The Ethics Commission is comprised of nine members, all whom must be registered voters in Duval County. Members serve staggered three-year terms and are limited to serving two consecutive full terms (total of six consecutive years).

Six members are appointed by one of the following designated public officials: Mayor, City Council President, Chief Judge of the Fourth Judicial Circuit, Public Defender, Sheriff, and State Attorney. These members must have at least one of the following qualifications: (1) an attorney; (2) a certified public accountant with forensic audit experience; (3) a former elected official; (4) a former judge; (5) a higher education faculty member or former faculty member with experience in ethics; (6) a former law enforcement official with experience in investigating public corruption; (7) a corporate official with a background in human resources or ethics; (8) a former board member of a City of Jacksonville independent authority; or (9) a former government executive with ethics experience.

The other three members are appointed by the six Ethics Commission members enumerated above.

All appointees must be confirmed by City Council and serve as members until City Council confirmation or denial.

ETHICS COMMISSION

STRATEGIC GOALS—2016-2017 Update

Update Procedures:

1. Eliminate outdated goals, add new goals
2. Prioritize updated list, by committee
3. Establish timing of each goal (current year, next year, following year)
4. Review annual calendar
5. IO or committees to determine how to integrate annual calendar and current year goals
6. Committees to review/validate
7. Performance against goals to be included in Commission evaluation

Prior goals:

Overall Goals of the Commission:

1. Enhance and strengthen the ethics and compliance culture of the City and its agencies.
2. Build public trust.
3. Stay apprised of ethics and compliance best practices and research, especially in local governments.

OECO/ETHICS COMMISSION

1. Accomplish Section 602.921 Duties (complaints/advice/hire, support, review ethics director)
2. Director and Chair meet in beginning of the year to establish a community education plan regarding citizen outreach, including speaking to citizen groups
3. Ethics Director and Inspector General report on OECO and IG hotline and other intakes (ones that don't become EC cases) two times a year to Chair of EC or Hotline Chair
4. Internal Operating Procedures updated with new EC committees (to revisit in early 2017)
5. Review yearly update of Strategic Plan (Internal Ops Chair and Director) by October each year (to be reviewed by full Ethics Commission in November or December)

TRANSPARENCY AND OPEN GOVERNMENT COMMITTEE

Goal: Promote transparency; support and enhance City education (employees and officials) and citizen education/interaction.

1. Define role, responsibilities and goals of Transparency and Open Government Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in March 2017)
2. Develop a plan to educate citizens on City Council procedures and City ethics laws:
 - Recommended tasks: Review “It’s our Government Course”—produce basic course for citizens to complete online to educate them on ethics and City Council procedures. (use Council Member Lori Boyer’s modules too. Work with League of Women Voters.) Create a “green room orientation” for citizens that EC members can deliver. Have course be online—Supervisor of Elections has agreed to get out info on it to registered voters.
3. Review role of EC regarding ethics training of City employees and officials and update Ethics Code (proposed resolution date of 5/01/2017)
4. Develop an EC resolution to get sole source contracts to remain online indefinitely (now they are only kept up 7 days) Greg Pease briefed EC on 4/8/2015---needs to be changed by Transparency and Open Government Committee

LEGISLATIVE COMMITTEE Goal: Enhance ethical culture and citizen trust through legislation and legislative enhancements

1. Define role, responsibilities and goals of Legislative Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in March 2017)
2. Identify local ethics laws that need to be changed/added. (recurring)
3. Rewrite Part 4 of the Ethics Code on Conflicts of Interest. (Joe J. have “right to recuse” language in future legislation.) (Really, project of OECO director) (2016/2017 goal)
4. Consider whether Ethics Code should have potential campaign ethics violations. (move Chapter 350 back to Ethics Code?)
5. Revise Lobbying section of Ethics Code. Decriminalize lobbying violations (make civil penalty).
6. Whistleblower section; revise update with IG office?
7. Monitor and comment on State of Florida legislation pertaining to ethics. (recurring)

COMPLAINTS COMMITTEE Goal: Handle complaints, enhance comfort in speaking up

1. Define role, responsibilities and goals of Complaints Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in March 2017)
2. Handle complaints as they come in.
3. Promote a healthy “speak up” culture (a culture of reporting non-optimal situations without fear of retaliation).
4. Determine how to measure employees’ awareness and comfort reporting even non-optimal situations. Establish plan to evaluate regularly.

NOMINATING SUBCOMMITTEE (ad-hoc committee formed when needed) Goal: _____

1. Handle vacancies in Ethics Commission (succession planning)
2. Coordinate and manage nominations for Chair/Vice Chair, as needed

INTERNAL OPS (formerly RULES AND PLANNING) Goal: _____

1. Define role, responsibilities and goals of Internal Ops Committee for year and time period for completion of each goal (1st quarter 2017—to be completed and presented to full EC in March 2017)
2. Update Strategic Plan and annual planning calendar once a year.
3. Every 3 years, plan for the entire EC to do a strategic planning session.
4. Ensure Chair evaluates performance of EC and Director annually
5. Define Commission success and set measures; metrics/goals
6. Determine how to evaluate the health of the ethics and compliance program.
 - Establish plan to identify gaps and needs to drive the direction of the OECO office and EC. [Carla – We can do this periodically, likely as a lead in to strategic planning, with continuous updates as needed based on events that significantly impact our risk assessment. This should be a feedback loop providing an ongoing risk assessment to drive the work of OECO and EC.]
7. Develop metrics to evaluate citizen trust
 - UNF annual survey?