**CHARTER REVIEW COMMISSION MEETING**

DATE: Friday, September 20, 2019

TIME: 9:00 a.m. - 12:01 a.m.

PLACE: Jacksonville City Council Chamber First Floor

City Hall at St. James Building

117 West Duval Street Jacksonville, Florida 32202

BOARD MEMBERS PRESENT:

Lindsey Brock, Chairperson

Ann-Marie Knight, Vice Chairperson Jessica Baker, Board Member

Frank Denton, Board Member

William "W.C." Gentry, Board Member Charles Griggs, Board Member

Nick Howland, Board Member Heidi Jameson, Board Member Emily Lisska, Board Member Celestine Mills, Board Member Betzy Santiago, Board Member

Hon. Matt Schellenberg, Board Member

ALSO PRESENT:

CRC Staff:

Carol Owens, Chief of Legislative Services Ladayija Nichols, Legislative Assistant Anthony Baltiero, Council Research

Paige Johnston, Office of General Counsel William Coffee, Information systems

administrator.

1. P R O C E E D I N G S
2. CHAIRPERSON BROCK: We will call the
3. meeting to order, CRC. It is Friday,

4 September 23rd. Thank you all for being

1. here. Our first order of business, I
2. understand, Ms. Mills has to get a --
3. grandchild, child?
4. VICE CHAIRPERSON KNIGHT: Grandchild.
5. CHAIRPERSON BROCK: -- Grandchild to
6. school so she will be running a little bit
7. late. I do know that Mr. Hagan is out of
8. town as well.
9. So our first order of business is the
10. approval of the minutes for the meeting of
11. September.
12. COMMISSIONER SCHELLENBERG: So moved.
13. CHAIRPERSON BROCK: I have a motion.
14. Second?
15. VICE CHAIRPERSON KNIGHT: Second.
16. CHAIRPERSON BROCK: All right. All
17. those in favor?
18. COLLECTIVELY: Aye.
19. CHAIRPERSON BROCK: Thank you. The
20. minutes are accepted.
21. Now, remarks from the Chair. No one --
    1. I think I'm safe to say this, no one liked
    2. how the meeting ended last time. And I
    3. don't really want to go in and rehash that
    4. except to say I'm not going to engage in the
    5. personal attacks on me through social media
    6. and otherwise, but I will vigorously defend
    7. the integrity of this Commission and the
    8. work that's being done by each of you, my
    9. fellow Commissioners.
    10. We've always made input by private
    11. citizens a priority. We have discussed ways
    12. to have the public more engaged in this
    13. process. And so, as a result of that, you
    14. will look at the agenda and you will see
    15. that we've moved public comment up. I do
    16. have it allocated as up to 15 minutes,
    17. because in the history of our meetings the
    18. most we've ever had of public comments has
    19. been three, and that was the last meeting,
    20. two of which were our elected Council
    21. Members and one was a private citizen, John
    22. Nooney.
    23. And I've also added the provision of
    24. public comment at the end, and I have as
    25. time allows, because this meeting, like the
22. many others, were noticed with a hard stop
23. at noon, and that requires us to stop at
24. noon. We can stay after and listen, but
25. that is it.
26. As a result of that, we're going to be
27. re-noticing all of our meetings that we've
28. set for the rest of September, the last one
29. for September, and for those in October, to
30. begin at 9:00, and we will have in there the
31. notation that the goal of the Commission is
32. to complete our work within a three-hour
33. period. But we will not have the hard stop
34. so that we can avoid those situations to
35. where we have to end at that time.
36. Also, in going back through and looking
37. at what was done with regards to the
38. blueprint process that Council Member Lori
39. Boyer did, she had town hall meetings. So I
40. have asked the staff to help us coordinate,
41. and I think we have it set for October 9,
42. which will be in between our first and
43. second meetings in October. October 9 is a
44. Wednesday. From 5:30 to 7:00 we will have a
45. town hall meeting in the public library
46. downtown. It will be dedicated solely to
47. hearing from the public as to what they
48. believe the priorities are that we should be
49. looking at as a Commission.
50. And as you may or may not know, the
51. Council Member from District 9 followed
52. through on his statement that he would have
53. me removed as the Commission Chair; he's
54. filed that legislation. He's also filed
55. legislation, resolution, to remove me from
56. the CRC as a member completely, so to
57. completely remove me from this process. So
58. my fate is in the hands of the City Council
59. and the Council President. We all serve at
60. their pleasure. So I will trust in that
61. process.
62. But until we learn of my fate, my pledge
63. to each of you and to the public is that I
64. will continue to lead this Commission with
65. integrity and transparency. I will
66. diligently work to protect and defend the
67. integrity of this Commission and each of you
68. in your efforts in this process.
69. So, with that, we've got important work
70. to do, and I'm ready to get to it.
71. COMMISSIONER GENTRY: Mr. Chair.
72. CHAIRPERSON BROCK: Yes, Mr. Gentry.
73. COMMISSIONER GENTRY: I think it would
74. be appropriate, in light of what you just
75. mentioned, if it's the role of the
76. Commissioner to express our support for you
77. and our appreciation and respect for your
78. leadership, and that as a Commission, this
79. Body expects and wants you to continue on as
80. the Chair and as a Member of the Commission.
81. And I would make that motion.
82. COMMISSIONER SCHELLENBERG: Second.
83. COMMISSIONER SANTIAGO: Second.
84. CHAIRPERSON BROCK: Well, I will step
85. out and, Vice Chair, ma'am, if you could
86. take the vote on that.
87. VICE CHAIRPERSON KNIGHT: All in favor?
88. COLLECTIVELY: Aye.
89. COMMISSIONER SCHELLENBERG: Say
90. "opposed." Just say "opposed," just for the
91. record.
92. VICE CHAIRPERSON KNIGHT: Any opposed?
93. CHAIRPERSON BROCK: Thank you for that,
94. Mr. Gentry.
95. And thank you to all of you. I
96. appreciate it.
    1. Mr. Denton, yes.
    2. COMMISSIONER DENTON: I also don't want
    3. to revisit the last meeting, but I do have a
    4. suggestion, if I may. I thought over the
    5. last meeting, the main speaker, the school
    6. superintendant, her presentation was really
    7. interesting and I learned a lot from it;
    8. however, I felt that it was really long and
    9. mostly off the point. It was not about the
    10. Charter or Charter Revision; it was about
    11. the status of the schools.
    12. So my suggestion is that as we get --
    13. have future people who appear before us,
    14. that we might discuss with them in advance
    15. the scope of -- not necessarily all the
    16. content, but the scope of what they're going
    17. to talk about, and perhaps if the Chair
    18. deems it appropriate, a time limit. Because
    19. I think that's kind of what jammed us up at
    20. the end last time. So my suggestion.
    21. CHAIRPERSON BROCK: I appreciate that
    22. and I agree. I'm going to -- as I said,
    23. especially now that we don't have a hard
    24. stop, it will be incumbent upon me to manage
    25. this process in a way so that we do complete
97. our business. And we will have some more --
98. in fact, we've already talked with some of
99. the speakers that are scheduled in to have
100. them speak for about 15 minutes and plan for
101. 30 minutes of questioning so that everyone
102. on the Commission has the opportunity to do
103. that.
104. All right. With that, we have our first
105. period of public comment, and we have Billee
106. Bussard. Name and address, please, ma'am.
107. MS. BUSSARD: Billee Bussard, 2115
108. Forest Gate Drive East, Jacksonville,
109. Florida 32246.
110. Thank you for the opportunity to speak.
111. I am a retired journalist, have covered
112. Jacksonville for parts of 25 years. My
113. specialty is public education. I spent the
114. last eight years of my journalism career
115. full-time working for the Florida Times
116. Union editorial page. It was during that
117. time that I really had an epiphany about
118. what was going on in public education, which
119. is not really reported very well.
120. When I moved into my new house in
121. Kensington Lakes, it's four bedrooms, one of
122. them is reserved for all the research I
123. have. And had not my home been flooded
124. twice in 11 months and my husband died and
125. my mother within six months of each other, I
126. would have written a book called End Game,
127. The Corporate Takeover of America's
128. Children.
129. Now, I want you to understand, I am not
130. involved with any of the unions or any
131. organization. I am an active Democratic
132. Party candidate. I was so upset about what
133. I have learned, I decided, after I moved
134. into my new house, to take some of the money
135. from my house and run for state senate last
136. year against Aaron Bean because I am aware
137. of what is going on in the legislature and
138. the war on public education.
139. Ten years ago I began being interested
140. in what the CRC was doing and I noticed the
141. testimony was really skewed toward a certain
142. viewpoint on Charter schools. And it was
143. noticeable, the lack of academic input from
144. serious people who have studied charter
145. schools, that mostly we heard from KIPP
146. representatives who are part of the hedge
147. fund industry that can profit from public
148. education, was very suspect to me. I also
149. served on two JCCI studies on education, in
150. which I noticed the same thing.
151. I am urging you people to really take a
152. look at who you are hearing from and make
153. sure that there is a balance in the
154. presentation. And I will be here kind of
155. like Jiminy Cricket to be a conscience for
156. you folks to make sure we have balanced
157. viewpoints.
158. I thank you for your time. This is
159. probably not going to be the last time you
160. hear from me. Had I not had a busy week, I
161. would have sent you a 20-page document with
162. part of the research that shows how the war
163. on public education was instigated in 1971
164. with the issuance of the Powell Memorandum.
165. Everybody look up Powell Memorandum. Thank
166. you.
167. CHAIRPERSON BROCK: Thank you.
168. Yes, Mr. Nooney.
169. MR. NOONEY: Hello. My name is John
170. Nooney. Wow, you know, Jax, it ain't easier
171. here. We go from last to first when it
172. comes to public comment, I guess, on the
173. agenda. I'm just glad I made it, got to
174. hear Mr. Schellenberg.
175. MS. OWENS: There is another public
176. comment at the end. Please read before
177. you --
178. MR. NOONEY: Well, I just got here. You
179. never know. I'm telling you, it's tough.
180. But anyway, okay. What I really want
181. and hope for will be a Charter amendment to
182. look at CRAs and the DIA as it relates to
183. our waterways throughout Duval County. It's
184. that simple. And I tell people all the
185. time, you think we're getting all this
186. public access and economic opportunity. I
187. tell people we're not. We're going to get
188. crushed, just crushed when it comes to the
189. waterways. I've been coming to waterways
190. meetings for over 20 years.
191. And, again, I'm so glad there's a court
192. stenographer here.
193. But waterways, let me just say, the DIA,
194. 2014-560, these are the pieces of
195. legislation that created the CRA, that's
196. Community Redevelopment Agency, for
197. downtown. 4.8 miles is the river's edge
198. zone from the Fuller Warren Bridge to the
199. Matthews, Groundwork Jax. I was there when
200. we had Don Emerett (ph), first executive
201. director.
202. And you know what? I participated in
203. that. And you know who was at Hogan's Creek
204. with me? And I got my picture taken.
205. Smokey the Bear. You don't break out
206. Smokey, you know, for just anything. It's
207. federal, federal. So, you know, here I am
208. with Smokey on Hogan's Creek.
209. So right now I'm only down to 50
210. seconds.
211. But it's not unrealistic to think that
212. we're going to be under federal restrictions
213. on our waterways on Hogan's Creek. That's
214. just one example.
215. I'm down to 40 seconds.
216. Right now I hope the Administration is
217. watching this, because right now, again, I
218. cited 2013-384 which was the armory for a
219. buck, we were going to give that away. So,
220. anyway, if the Administration is seriously
221. contemplating, this is just one example of
222. dozens. And the Chairman Brock, you're on
223. the waterways. You know, it's -- bring --
224. okay. You want speakers? Bring someone.
225. Bring Kay Ehas, bring Lisa Rinaman, bring
226. Margo Moehring, who heads the Northeast
227. Florida Regional Planning Council. 2013-380
228. is our maritime management plan. Let's open
229. the waterways with a Charter amendment.
230. CHAIRPERSON BROCK: Thank you, sir.
231. MR. NOONEY: Thank you for listening.
232. Do I get to speak at the second period of
233. public comment?
234. CHAIRPERSON BROCK: Certainly, you can.
235. MR. NOONEY: Thank you.
236. CHAIRPERSON BROCK: All right. Next we
237. have our invited speakers, and I had asked
238. for the three of them to come because I was
239. trying to, in my review of the Charter and
240. looking at the different roles, I was trying
241. to figure out if there is -- I've explained
242. to some of them, if you do a Venn diagram
243. and we draw the circles for each of their
244. roles, where is there any overlap and how
245. could maybe we tweak the Charter in a way to
246. make that process more efficient in there.
247. So I'm looking forward to hearing from them.
248. First we'll have Ms. Carla Miller.
249. Carla Miller is the City of Jacksonville's
250. first Ethics Officer and the first Director
251. of the Independent Ethics Office. She has
252. spent over 22 years building the City's
253. ethics program, including writing our local
254. ethics laws and chairing the Ethics
255. Commission. She also established our City's
256. Inspector General's Office. She is a
257. Gator -- go Gators -- and a Seminole --
258. we'll overlook that -- as she received her
259. BA degree in Criminology from FSU and her
260. law degree from the University of Florida.
261. After law school Carla was a federal
262. prosecutor in Jacksonville and was
263. responsible for political corruption cases
264. in 2015. Carla completed a two-year
265. fellowship at the Harvard Ethics Center.
266. She has worked with governments across the
267. world on anticorruption programs.
268. Welcome, Ms. Miller.
269. MS. MILLER: Thank you. And for the
270. record, Carla Miller, Ethics Director, City
271. of Jacksonville.
     1. Thank you for inviting me to speak.
     2. And, to Mr. Denton's point, I want to
     3. condense my comments and answer the Chair's
     4. questions about the functions of the office.
     5. I know that Emily Lisska will appreciate
     6. that I have to say a little something about
     7. history. And Jacksonville has a very
     8. interesting history. I can take it back to
     9. the '60s personally in what I've witnessed,
     10. and I'd like to share a few things with you,
     11. but 45 years of seeing the progression of
     12. anticorruption activities and also the
     13. emphasis on how to fight that. I'd like to
     14. tell you some of the highlights of that
     15. because it relates to your work on the
     16. Charter Revision Commission.
     17. 1965, when you read the book on the
     18. Quiet Revolution, you'll see that corruption
     19. is what led to our consolidation. We had so
     20. many elected officials that were being
     21. arrested at the time, and that's what
     22. created the public outcry that actually got
     23. the consolidation bill passed.
     24. We have an interesting fact I wanted to
     25. share with you that the Charter in 1968
272. created the first local ethics commission in
273. the State of Florida. We actually preceded
274. the State Ethics Commission, and it was that
275. kind of creative thinking, really
276. ahead-of-its-time thinking, that was being
277. done in 1968. And I would urge you to think
278. that way in this Charter Revision
279. Commission. You can make broad strokes, you
280. can think creatively and take a look at
281. what's going on around the country.
282. The Civil Service Board was the Ethics
283. Board. It was disbanded in 1972. The
284. reason it was disbanded was because the
285. State Ethics Commission was formed.
286. Now, just a little history. That up at
287. the top is me in 1974, criminal justice
288. planning here in the city. And across from
289. me is Mike Weinstein. We shared an office
290. together. And we were forming criminal
291. justice policies for the City of
292. Jacksonville, in my younger days. And this
293. is some work that I did across the city
294. helping senior citizens fight crime. And we
295. went all over the city trying to fight
296. crime.
     1. And we had some really creative things,
     2. a volunteer posse for the city. And I just
     3. told Mike Williams that we had hundreds of
     4. volunteers going out and doing crime
     5. prevention activities in the city. And I
     6. had all my little manuals where we would go
     7. out into the community. And he actually is
     8. taking a look at that with some of his
     9. current community affairs people to revive
     10. it after 40 years.
     11. But I decided to go to law school. And
     12. when I got out of law school, I became a
     13. federal prosecutor here in town. I thought
     14. my first case would be, I don't know,
     15. handling a theft down at the Navy base,
     16. because that's federal law. And I could,
     17. you know, get my feet wet and understand it.
     18. But, instead, we had 15 federal
     19. investigations into City Hall in 1980. It
     20. was called Jaxscam. And I got a case with
     21. the FBI and they said, your first case is
     22. the president (inaudible) of the Florida
     23. senate, the former (inaudible) of the
     24. Democratic party, a lobbyist and a former
     25. mayor, City of Jacksonville. What about my
297. theft case?
298. Anyhow, that was a one-year grand jury
299. investigation. It had to do with a
300. restaurant here in town, Abbott's
301. Restaurant, and what people didn't know is
302. that the owner had made a deal with the feds
303. and it was all videotaped. The FBI was
304. watching everything in the back room of the
305. restaurant. So we had the most powerful
306. people in Jacksonville going to the back of
307. that restaurant; one video of someone
308. bringing in bags of money, exchanging
309. bribes, all on tape. Those people went to
310. prison.
311. Now, I would say the most -- one of the
312. most significant things that happened to me,
313. which is why I'm still working and a lot of
314. my friends are retired and probably on
315. cruise ships right now, why I do this is I
316. got a phone call about a year after these
317. convictions, and it was one of the
318. defendants, and I won't mention which one,
319. and I thought, oh. Will you accept a
320. collect call from the prison? And I went,
321. okay.
     1. And what he said was that he couldn't
     2. understand how he got to be where he was,
     3. and he started crying on the phone. And he
     4. said, I've given up everything, everything
     5. I've worked for, and I'm sitting here and
     6. how did it happen.
     7. And I had compassion and empathy for him
     8. and I wondered how did that happen. How did
     9. that happen? And that's been my quest ever
     10. since then to try to figure out what -- is
     11. it the bad apple? Was he a bad person? I
     12. don't think so. Was it a bad barrel that
     13. the apple got in? I mean, what caused it?
     14. And so that's driven me for this period of
     15. time.
     16. Moving forward, 1985, our General
     17. Counsel was indicted and went to prison.
     18. Now, we started with reforms of a young
     19. prosecutor, this is not a young picture of
     20. him, but John Delaney, 1989, had a grand
     21. jury on corruption when he was a state
     22. attorney. And he called for certain reforms
     23. in the city, and one of them was that there
     24. would be an Ethics Commission.
     25. 1982, it takes a couple years for things
         1. to actually percolate. But 1982, Matt
         2. Carlucci, who is now a City Council person
         3. again, created the first Ethics Commission.
         4. Mayor Delaney, of course, gets elected
         5. in 1995, and his -- one of his major planks
         6. when he got elected was ethics reform, and
         7. he talked about reforms that he wanted to
         8. see. So I called him up -- I went to law
         9. school with John and Rick Mullaney -- and I
         10. said -- I thought, you know, I'd have lunch
         11. and we'd exchange some ideas. And they
         12. said, well, we're writing the ethics code.
         13. Would you like to volunteer and help?
         14. Three years later we had the City's
         15. first ethics code. And I had written in an
         16. ethics officer. We should have someone, and
         17. it wasn't in the Charter at the time, but we
         18. should have someone holding that position.
         19. And so that got written into the law in 1999
         20. and they said, we want you to do it. And I
         21. said, oh, no, I'm in my law firm now, you
         22. know, that's not my thing. Anyhow, they
         23. talked me into it, and here I am like 20
         24. years later.
         25. But we established the structure. But
             1. then in 2006, FBI back in our town again in
             2. City Hall. Interesting investigations.
             3. Mayor Peyton, my intention is to secure the
             4. highest ethical standards. An ethics
             5. officer shall be appointed. So I get the
             6. call to actually come in and work as a
             7. part-time employee for the City, 2007. A
             8. lot of press on that, like, we don't need a
             9. bigger watch dog. This one already makes
             10. enough noise, you know. The fight became
             11. with what we were seeing, what was the
             12. adequate structure. And we did not have
             13. protection in the Charter at that time.
             14. We have a five-year period where I took
             15. over a thousand calls on the hotline.
             16. Charter Revision Commission, as I've told
             17. you before, came in and we argued that we
             18. needed independence in order to be able to
             19. do our job effectively and to conform with
             20. best practices nationwide for ethics.
             21. Independent Ethics Office established in
             22. 2012 and the Inspector General in 2014. And
             23. that was with a lot of citizen support. And
             24. we actually put together all the press and
             25. the support of the Times Union and getting
322. the message out that we needed to elevate
323. Jacksonville to one of the top cities in the
324. country for our anticorruption efforts,
325. which happened with our structure.
326. So here's an interesting fact. We've
327. accomplished the above with citizen
328. involvement and the support, 100 percent, of
329. our City Council. This is very different
330. than the rest of the country, because a lot
331. of times there's corruption and then you see
332. citizen groups put referendums on and they
333. fight city hall to force reforms.
334. But our City Council, I mean, it did
335. take a while, you know, to -- an educational
336. process. But our City Council would sit
337. here and they would vote 100 percent for all
338. of these reforms. And so it bubbled up and
339. it got actually formulated by our City
340. Council, which is -- I don't know of any
341. other ethics and IG offices in the country
342. that have done it that way. It's been much
343. more adversarial.
344. So the Chair had asked how the programs
345. work as to overlap. I've been elected by my
346. colleagues. To give you a little bit of an
347. overview, although they'll talk to you in
348. more detail, there's three kinds of ethics
349. programs, and this was previewed at the last
350. Charter Revision Commission in 2010. I have
351. to bring it up again because I think that
352. this is actually what caused the Charter
353. Revision Commission in 2010 to vote to get a
354. favorable ethics recommendation out.
355. So here's the three kinds of ethics
356. programs. This is my three-dog theory of
357. ethics. All ethics programs in the country
358. that I've seen fall into one of these three
359. types of programs: The lapdog. Now, this
360. is in the past what we've had in the city.
361. It's cute. You can say you've got it. It
362. barks, you know, but it doesn't do anything.
363. We do not want to have that kind of program.
364. This is the ethics code from Enron. They
365. had a million-dollar ethics program. Didn't
366. get them anywhere because it was a lapdog
367. program. It was put there for visuals only.
368. Second kind: The attack dog. A lot of
369. the criticism that comes in with ethics
370. programs is, oh, my gosh, you know, we have
371. an attack dog. You know, they're just going
372. to come and like rip little holes in people
373. and they just attack, and we have to be
374. fearful of the attack dog. I would resign,
375. I would not participate in that kind of
376. program. And you all know institutions and
377. people that are in that realm of the attack
378. dog. We don't want that here. That is the
379. gotcha system: Oh, we're just kind of
380. looking around, lurking around to catch
381. people and stuff. No. No, that is not
382. where we want to go.
383. The third kind of program is the
384. watchdog, and that's the one that we aspire
385. to. And that is like making sure that
386. everybody is aware of the rules of the game
387. and helping people.
388. So Jacksonville's anticorruption
389. activities, just to summarize, like our
390. three offices and the overlap, which is what
391. the Chair requested, I do this with the
392. fable of the blind man and the elephant, if
393. you all know that story where there's an
394. elephant that comes into an Indian town and
395. everybody is talking about it. And they're
396. all excited about it, but there's five blind
397. men. And they've never seen it and they
398. want to know what all the excitement is
399. about. So they all go up and touch the
400. elephant. And they feel a different part.
401. And so one feels the tusk and he says, I
402. know all about elephants, you know, it's a
403. spear. And one touches the tail and he
404. says, I know all about elephants, it's like
405. a rope.
406. And this fable over several hundred
407. years has stood for the concept that
408. sometimes, when we look at something, we
409. think we know all about it, but we only know
410. a piece. And that is truly the way with
411. ethics and anticorruption programs. After
412. I've seen, like, the wide array of what
413. people are trying to do in this area, how
414. confused people get of who does what, and
415. that is exactly the Chair's question.
416. So this is the ethics elephant for you
417. so you know the parts, all of the parts, not
418. just what you think the anticorruption
419. programs are, but really what they are.
420. The first part of it, the foundation,
421. the ethics codes, the laws. Now, we do have
422. an ethics code for the city. There is one
423. for the state, there's federal laws, there's
424. a lot of laws. Sometimes they're not
425. adequate. They have to be revised.
426. Last year the Ethics Commission must
427. have spent a hundred hours revising three
428. parts of our ethics code. Get General
429. Counsel's Office in, everyone has their say.
430. We get it through City Council and more
431. tinkering with it. It's hard to get the
432. codes in place, but we do have a local
433. ethics code along with our state.
434. The next important piece that I couldn't
435. believe when I first got into government
436. that we didn't have, which is the ethics
437. officer system, how unfair it is to bring
438. elected officials in here and hope that, I
439. don't know, by osmosis they learn Sunshine
440. Law and conflict of interest law at the
441. state. Are you kidding? You know, nobody
442. gets that, like, easily.
443. The ethics officers, we have one in
444. every department of our city, we have one
445. with every independent authority in the
446. city, and we all get together and we talk
447. about what's happening in the city and what
448. kind of education do we need to get out.
449. And you got my annual report.
450. One of the main things we do is handle
451. advice. So this is like a legal section.
452. My deputy director is here, Kirby
453. Oberdorfer. Kirby was a former law
454. professor. So we're like into -- elected
455. officials call at all times of day and
456. night. On the weekends, "I'm at a party.
457. Can I be here?" "No." We get a lot of
458. complicated situations that we have to write
459. up to the State Ethics Commission, but we
460. want to give advice to people and keep them
461. out of trouble.
462. We received over 700 phone calls and
463. inquiries last year. Very important
464. function because I really believe maybe the
465. people -- I'm an optimist. Maybe the people
466. that I prosecuted, if they had had more
467. education or we had had a better system at
468. the front end, we could have prevented what
469. happened.
470. The next area is hotlines and
471. whistleblowers. We did not have a hotline
472. in the city. We didn't have whistleblower
473. protection. We now have laws for that, to
474. protect people that come forward. And
475. you'll be seeing things coming out in the
476. next few months, whistleblowers that have
477. come forward, whistleblowers that are now
478. protected.
479. The next area, internal controls.
480. Council Auditor put them in the middle,
481. internal controls. And that is Kyle Billy,
482. and he'll talk to you. These are the
483. auditors and they do audit-type functions,
484. whereas ethics officers are more like legal
485. advice.
486. Then we have the Ethics Commission.
487. These are nine volunteers in the city. And
488. they are out, like, connected all of our
489. elected officials like City Council, the
490. Mayor, Sheriff, they have appointments. And
491. these -- listen, the people that I've worked
492. with on the Ethics Commission are some of
493. the -- they will remain my friends for life.
494. They are so dedicated. Some of the top
495. attorneys in the city, people from all walks
496. of the community have come forward to serve
497. on the Ethics Commission. They're inspired.
498. I believe W.C. Gentry was on the Ethics
499. Commission when it first was formed. Yeah,
500. see, I'm telling you, outstanding people.
501. And so we've had a history of people
502. that want to do good public service, and
503. they have come up with wonderful ideas. I
504. think it's important to have that citizen
505. component.
506. Now, you see where I put the Inspector
507. General. Okay. Now, this is -- right
508. here is the --
509. CHAIRPERSON BROCK: That's not very
510. flattering.
511. MS. MILLER: I know. I got Lisa's
512. approval before I put her in the tail of the
513. elephant. You see where the state attorney
514. is, that's for like particular purposes --
515. I'm glad Melissa Nelson isn't here, but I
516. put her in the tail because, like, if all
517. you do is wait for elected officials to make
518. a mistake so you can prosecute them, that's
519. really unfortunate. You know, you really
520. need to have these other systems in place to
521. shift the culture and to actually educate
522. people.
523. Now, the Inspector General, the reason I
524. wrote that legislation in 2014 and got it in
525. a referendum to put in our Charter is
526. because after taking a thousand calls, I
527. don't know, maybe it was only 750 at the
528. time, but I got a feel for what was coming
529. in, what people thought was corruption in
530. the city. And there was this category that
531. I couldn't handle as a lawyer. And I talked
532. to the City Council Auditor's Office, and
533. they couldn't really handle it either.
534. And so I get it to the state attorney
535. and they say, it sort of smells like a
536. crime, but we don't have proof beyond a
537. reasonable doubt. We're not -- you know,
538. it's not high enough for criminal. It's
539. worse than ethics, it's not bad enough to be
540. proved as a crime.
541. It was this area in here where we needed
542. a law enforcement function. And that -- I
543. got Cheryl Steckler, who was the Inspector
544. General from Palm Beach County, and she sat
545. down with these cases that I had. I said, I
546. don't know what to do.
     1. She said, I know what to do, I'm an
     2. Inspector General. And she said, you put
     3. the person under oath, you take a sworn
     4. statement with someone that's trained with
     5. law enforcement credentials. You can work
     6. with the State Attorney's Office and use
     7. their resources, and here is how you handle
     8. all that.
     9. I went, great. That was the missing
     10. piece that we never had.
     11. So now we have all of these pieces in
     12. place. And it's fairly new. I would say
     13. all pieces in place with our new Inspector
     14. General. We had two that didn't work out.
     15. We finally have the pieces in place, and I
     16. know this is like a 30-, 40-year project of
     17. mine, but I'm pleased that we have these
     18. pieces. And I am pleased to have the
     19. colleagues that I have and how we're
     20. starting to cooperate and work together.
     21. So just to finish, after 45 years I was
     22. thinking, what could we say for 45 years? I
     23. would say that things are better than they
     24. were in the '60s and the '80s. Definitely
     25. we don't have the type of corruption we had
547. then with people carrying around bags of
548. money, bribing people and, like, systemic
549. corruption where you have 10, 15 people at a
550. time being under investigation.
551. Second thing, the change takes much
552. longer than I thought it would, and it's
553. harder to achieve than I first thought.
554. There's a lot of pieces to put together when
555. you're trying to do reforms of this nature.
556. I had no idea. I thought maybe it would be
557. a good idea, a year later we have it. It's
558. a lot harder.
559. And Jacksonville's problems are not
560. unique. Every other city I've worked with
561. around the country has the same problems.
562. Even if they're little and the population is
563. 100,000, they run into the same types of
564. problems. And I would say that our systems
565. that we've got are maturing now and we work
566. well together. And I still, after 45 years,
567. have a lot of hope for Jacksonville, and
568. especially since we've had so much
569. cooperation on all of the anticorruption
570. efforts.
571. So that is an introduction on the pieces
     1. and how they all work together. I'm happy
     2. to answer any questions about anticorruption
     3. efforts or ethics.
     4. CHAIRPERSON BROCK: I'm trying to see if
     5. I have anyone on the queue. We don't? We
     6. do?
     7. MS. OWENS: Yes, there is.
     8. COMMISSIONER SCHELLENBERG: It's not
     9. working.
     10. CHAIRPERSON BROCK: Mr. Schellenberg,
     11. okay.
     12. COMMISSIONER SCHELLENBERG: Through the
     13. Chair, we actually had a conversation,
     14. before we get started on this, about rank
     15. voting. You're the one who mentioned it to
     16. me. I sort of understood it. Would you
     17. like to have an opinion on rank voting and
     18. your experience with it?
     19. MS. MILLER: Yes. Through the Chair,
     20. rank choice voting, I listened to Jerry
     21. Holland when he was here and he talked to
     22. you about that. I'm not an expert in
     23. election law. I am an expert in one thing,
     24. and that is my husband is Australian and
     25. they have rank choice voting in Australia.
572. So I went over there and I was a guest of
573. the Australian Election Commissioner in the
574. tally room when they were doing the national
575. elections, and it was rank choice voting.
576. And we had someone from the Federal
577. Election Commission there. And she said,
578. this is a brilliant system. And I said, why
579. doesn't the U.S. do it this way? And she
580. said, I don't know if the people could
581. understand it. And I thought, well, people
582. in Australia aren't any smarter than us, you
583. know. And it was -- you know, in discussing
584. it, I mean, there are experts that can come
585. and talk to you about it and there is an
586. expert here who is leading the Citizen
587. Initiative on Rank Choice Voting.
588. But for me it seems like a very logical
589. idea. We would have had different outcomes
590. in some of our elections if we had done it
591. that way, but I think it's one of these
592. bright ideas that's starting to get traction
593. around the country. And so I think it's
594. worth studying. I think it's worth taking a
595. look at it. And remember I said how the
596. Charter group back in 1968, broad strokes
597. created the first Ethics Commission in the
598. State of Florida, broad strokes, creative
599. things. I mean, I think it's worthy of
600. discussion.
601. And when you see how it works for a
602. whole country you think, well, this is
603. actually a fairer system, you know. But
604. that's just my personal opinion. I'm not an
605. expert in that area.
606. COMMISSIONER SCHELLENBERG: Thank you.
607. CHAIRPERSON BROCK: All right. Do we
608. have anyone else on the queue?
609. COMMISSIONER LISSKA: I do.
610. CHAIRPERSON BROKE: We'll just work our
611. way around.
612. Ms. Lisska.
613. Sorry, I don't know what order they come
614. in, so.
615. COMMISSIONER LISSKA: You've challenged
616. us at least once and then you brought it up
617. again with the rank choice voting
618. recommendation or a possible review. Talk
619. about anything -- creative thinking, is what
620. you were talking about and what was going on
621. around the nation. Obviously, you have been
622. privy to a lot of this.
623. So in regards to our Charter, could you
624. give us some ideas about that kind of
625. creative thinking and what is going on
626. around the nation that might work for
627. Jacksonville and its Charter.
628. MS. MILLER: Thank you. I would
629. probably stick to my area of expertise in
630. the criminal justice field and ethics and
631. anticorruption. Those are the areas I know.
632. I have opinions on other things. I've been
633. listening to your discussions. There are a
634. lot of bright ideas out there, like
635. structure.
636. I've always been a fan, and this is just
637. my personal opinion, of city manager systems
638. of government. And there's a lot of
639. academic research on how that's a better
640. form of government. But that's such a big
641. area to get into. I don't see this
642. Commission or this being the appropriate
643. timing for that discussion.
644. I would say, in reviewing the
645. anticorruption provisions, we have what we
646. need at this point. I think that there's
647. probably only one thing that would be -- it
648. is done in large cities, but I don't -- I
649. don't know if this is the correct timing for
650. it, but it is dedicated funding through the
651. Inspector General's Office and Ethics.
652. Because, I'll tell you, it has -- I mean,
653. the obvious effect, like if you have an
654. investigation against a City Council person
655. and then you have to come here and ask for
656. money from the City Council, and they -- you
657. know, there's a tension there. And so we
658. actually put in the Charter, there's a
659. particular place in there where we put that
660. we can go and get money from the independent
661. authorities. And we talked about, should we
662. put in, like other big cities, like New
663. York, Los Angeles, Miami, should we put in
664. dedicated funding where those watchdog
665. agencies don't have to come and ask for
666. money.
667. And we thought we got this legislation
668. through in like two, three months. We're
669. happy. We're not going to try to push for
670. that because we didn't think that we would
671. get it at the time. That's probably the
672. only deficit, I think, that we have in the
673. Charter, that we could have dedicated
674. funding for the offices. I don't know how
675. successful that would be in City Council,
676. but, yeah, that's just one thing.
677. COMMISSIONER LISSKA: Could I not
678. necessarily follow up but ask another
679. question?
680. CHAIRPERSON BROCK: You have two minutes
681. left.
682. COMMISSIONER LISSKA: Thank you very
683. much. I wasn't paying attention.
684. When it comes to appointments, do you
685. think the executive branch and the
686. legislative branch, according to our
687. Charter, have that down roughly fairly? Do
688. you think it's protecting our government the
689. way it's allotted now, the appointments for
690. our independent authorities, other
691. commissions, et cetera?
692. MS. MILLER: Well, that's a really broad
693. question. I think it depends on the
694. individual entity. Well, for instance,
695. there are some boards that get appointments
696. from the governor and they also get them
697. from the executive branch, some get from
698. executive and City Council, so all of our
699. boards are comprised differently.
700. COMMISSIONER LISSKA: Okay. Well, let's
701. go with JEA then. What is your view of
702. that, that appointment scenario?
703. MS. MILLER: I have a personal opinion,
704. but I wouldn't want to give one from the
705. Ethics Office. I think that really, if you
706. want to have, for any process, if you want
707. to have fairness, I mean, if you want to
708. have trust of citizens, you have to have a
709. fair structure. It has to look fair on the
710. face of it. You know what I mean? Citizens
711. are not stupid. So they take a look at
712. things and they say, I don't know, does this
713. look fair?
714. And so that's why when the legislation
715. was written for the Ethics Commission, we
716. had like various people appoint, because the
717. idea was that if you had one person
718. appoint -- now, I have advised cities across
719. the country. If you have one person appoint
720. everyone in your Ethics Commission, then
721. you've got a lapdog. You've got a lapdog.
722. You know, you cannot do that with an Ethics
723. Commission.
724. Now, I wouldn't go outside of my scope
725. and say how that works with other entities,
726. but I can say that you have to do something
727. that gets the trust of citizens. And people
728. take a look at the structure and say, is
729. this fair or not. You know, so -- and how
730. do you address that across the boards and
731. the Charter with every single board and
732. commission, I think it would be very
733. difficult. Worth thinking about.
734. CHAIRPERSON BROCK: Mr. Griggs.
735. COMMISSIONER GRIGGS: Thank you,
736. Mr. Chair.
737. Thank you, Ms. Miller, for coming back
738. again. My question is probably going to be
739. a little more philosophical than about
740. policy. I promise you, I'll get there, but
741. fairly at the end of the code, I believe it
742. states that the public office -- the public
743. office not be used for personal gain and
744. that the public have confidence in the
745. integrity of its government. What I
746. struggle with sometimes is that, for me, I
747. believe that says perception as well.
748. Where do you believe that we can do
749. better in eliminating the perception of
750. impropriety that's not included in the code?
751. I mean, you've beautifully explained how all
752. the pieces work together, but I don't think
753. that -- I think that what we have in many
754. cases, as long as people follow the law,
755. they think it's okay. Where I come from,
756. the perception of impropriety is just as bad
757. as breaking the law.
758. So is there anything for your
759. recommendation, from you, that we can
760. consider that would help us get to a higher
761. standard from the public's perspective of
762. trust?
763. MS. MILLER: Thank you for the question.
764. I spent my whole life thinking about that.
765. And I can certainly spend hours discussing
766. what you do to increase public trust. And
767. what you're talking about, from what I hear,
768. is sometimes people look at institutional
769. corruption. And institutional corruption is
770. really an interesting concept. And I
771. studied it for two years at Harvard with
772. some of the best minds in the country.
773. Institutional corruption talks about
774. influences in a government in an economy of
775. influences. In other words, everyone has
776. something to offer, something to get,
777. something -- so influences in an economy of
778. influences that decrease the effectiveness
779. of the institution, decrease public trust
780. and are completely legal.
781. So we see many evidences of that in
782. congress where people say, well, I know that
783. I'm chair of the banking committee and I
784. just took a million dollars from this bank
785. for my next campaign, but I'm completely
786. exempt from any laws on that because it's an
787. election and I can -- you know, so we've got
788. some things where we look at congress --
789. that's why congress is at its all-time low
790. of trust, like lower than during the
791. American Revolution, people just don't trust
792. our national government. And it's because
793. of the institutional corruption and the
794. perception. And people just don't trust
795. when the perception is like that, and when
796. the rules of the game are such that if you
797. have good lawyers, you can weave around the
798. rules and still get what you want.
799. And so I think the problem is
800. institutional corruption and what kind of
801. laws are appropriate to handle that is
802. something that's being worked on on a
803. national level. If there is anything that
804. can be brought down to the local level that
805. makes sense, then certainly I would take it
806. to the Ethics Commission and we would work
807. out what we can do locally. But I think our
808. bigger battles are at the national level
809. with some of the Supreme Court decisions.
810. But, yes, you're right, the perception.
811. The thing is, I can't enforce perception. I
812. can't go up to someone and say, you know
813. what you did, it really just doesn't look
814. right. What the Ethics Commission does is
815. we rely upon the law and we rely upon our
816. ethics code.
817. But a lot of times, you know, I'll knock
818. on someone's door and I'll go in and talk to
819. them and say, you know what, the perception
820. here is -- you got to tighten up, you know.
821. But you can't enforce that type of thing,
822. because everybody has a different view on
823. that.
824. But, anyhow, very interesting topics,
825. and I've wrestled with them my whole life.
826. CHAIRPERSON BROCK: All right. I don't
827. see anyone else on the queue. I did have
828. some questions. You mentioned about the
829. ethics officers that are in all the other
830. independent authorities. Do they fall
831. underneath your authority? If we're looking
832. at an org chart, are you here and then the
833. ethics officers for each of those
834. independent authorities are under you?
835. MS. MILLER: I don't consider them under
836. me. In the way that the code is written, we
837. have an Ethics Coordination Council and we
838. all get together. And I'm the person that
839. pulls that together and organizes it. So I
840. guess I'm their chair, but I never consider
841. that I have authority over them. We have
842. more of a collaboration.
843. CHAIRPERSON BROCK: Is that something
844. that you think that structure would benefit
845. by being put into the Charter to where the
846. ethics officers for each of the independent
847. authorities would report to the chief ethics
848. officer for the consolidated government?
849. MS. MILLER: No, I don't think it's
850. necessary. We collaborate fine now. And
851. they do have their independence. They have
852. their own structures. We've not had any
853. problems with it. I don't see where we
854. would get any advantage with that.
855. CHAIRPERSON BROCK: Because the only
856. reason I was asking about it, similar to the
857. OGC structure to where the attorneys that
858. work with each of the independent
859. authorities are underneath the OGC for the
860. consolidated government, so that's why I was
861. asking that question.
862. One thing I really wanted to hear is
863. someone calls you with an ethics complaint,
864. how does it get to the IG and/or how would
865. it get to Mr. Billy as Council Auditor? If
866. you want to defer to them, that's fine.
867. MS. MILLER: I'll answer your question.
868. We collaborate. And we have a pecking
869. order; that is, if there is a crime
870. involved, Melissa Nelson and the State
871. Attorney's Office gets first crack. We
872. don't want to disrupt a criminal case and go
873. and take witness statements and mess it up
874. for the criminal prosecutor.
875. So we had one case that had a crime. We
876. had an Inspector General aspect of it.
877. There was an ethics violation. You know,
878. and we were all sitting in one room saying,
879. okay, what comes first, the chicken or the
880. egg, who is going to do this?
881. And typically it will go with the State
882. Attorney first, the Inspector General will
883. take a look at it working with the State
884. Attorney and from that flows is there an
885. ethics offense that we would take a look at.
886. If something comes to me and it has all
887. those aspects on it, it will come into the
888. Ethics Commission, we'll adopt it as a case
889. so the statute of limitations doesn't run.
890. And then we'll refer it to the Inspector
891. General or to the criminal prosecutors. If
892. they don't make a case, then we can
893. sometimes get an ethics case out of it. So
894. it depends on the -- and we work together on
895. how that is going to happen.
896. CHAIRPERSON BROCK: Okay. So that's an
     1. internal procedure; it's not really anything
     2. that we can be working on structurally with
     3. regards to the interplay between those
     4. organizations?
     5. MS. MILLER: No. The Inspector
     6. General's Office and the City Council
     7. Auditor's Office, they have big books on all
     8. their procedures on how they handle all of
     9. this. And we have our procedures too. And
     10. so we are working pretty well with that now.
     11. CHAIRPERSON BROCK: That's great. I see
     12. Mr. Gentry.
     13. COMMISSIONER GENTRY: Good morning.
     14. MS. MILLER: Good morning.
     15. COMMISSIONER GENTRY: There was -- I'm
     16. not candidly sure I understand all the
     17. ramifications of it or how it occurred,
     18. that's one of the reasons I'm asking you.
     19. Recently we had a situation where a high
     20. ranking member of the executive department,
     21. who was leaving the department, was given a
     22. waiver to go do work with someone who was
     23. apparently being recommended for a $200
     24. million contract with the same executive
     25. department.
         1. And it's my understanding from what I
         2. read at the time that there was a
         3. prohibition of this revolving door-type
         4. thing, which of course is an ethics issue,
         5. people being in government and then moving
         6. and benefitting from their previous role,
         7. but that it was waived in some way.
         8. Is that something that's part of the
         9. ethics code? And what are your thoughts on
         10. having revolving door-type provisions but
         11. committing the very people you're trying to
         12. limit be able to have it waived?
         13. MS. MILLER: Through the Chair to
         14. Mr. Gentry, I am familiar with that
         15. situation. And that had to do with a waiver
         16. under one of our ethics code provisions for
         17. post-employment restrictions. And that
         18. waiver was instituted based upon federal law
         19. 40 years ago. And the Ethics Commission is
         20. in the process of reviewing all the
         21. post-employment restrictions, because that
         22. one is antiquated, it's worded incorrectly.
         23. But I can tell you that I had one view
         24. of the interpretation of the law on that and
         25. General Counsel had a different one. And
897. there it stays. You know, my opinion was
898. that it was not sufficient for an exception,
899. but I think the law is worded poorly.
900. So I've vowed to work with the General
901. Counsel to redraft all the post-employment
902. laws so that they're in plain English. But
903. I did not agree with the interpretation of
904. that.
905. COMMISSIONER GENTRY: Thank you.
906. CHAIRPERSON BROCK: Okay. I see
907. Mr. Schellenberg, and then I would like to
908. move on to our other speakers.
909. COMMISSIONER SCHELLENBERG: Through the
910. Chair, one quick question to Ms. Miller, all
911. the elected officials have to do financial
912. disclosure once a year. Do you find that
913. maybe some people that are in powerful
914. positions, within any mayoral, should also
915. have financial disclosure?
916. MS. MILLER: Financial disclosure, we
917. tried it with all appointed employees in the
918. city back in 1999. That was a mistake for
919. various reasons. But I was always surprised
920. that the Chief of Staff for the Mayor is not
921. a financial filer, and, you know, because
922. the Chief Operating Officer is. And I think
923. the Chief of Staff certainly has a
924. comparable powerful position. So I always
925. thought that should actually be one.
926. You could identify certain people, but I
927. think that's best done in the code, not in
928. the Charter.
929. COMMISSIONER SCHELLENBERG: Okay. Thank
930. you.
931. CHAIRPERSON BROCK: Thank you,
932. Ms. Miller. Appreciate your time.
933. Next I believe we have Kyle Billy,
934. Council Auditor.
935. Mr. Billy.
936. I shared with him he can now speak and
937. doesn't have to say "Through the Council
938. President." Usually back here you get a
939. different perspective, sir.
940. MR. BILLY: Thank you. Is this --
941. CHAIRPERSON BROCK: We can hear you.
942. MR. BILLY: Good morning. I'm Kyle
943. Billy. I am the City Council Auditor. And
944. I was prepared to talk about, I guess, the
945. basic things that we do in our office and
946. then answer questions. And I know you all
947. want to hear about the interactions between
948. the Council Auditor and the Ethics Officer
949. and the IG. Is that -- does that sound
950. right?
951. CHAIRPERSON BROCK: Yes, sir.
952. MR. BILLY: Okay. First and foremost,
953. we are the internal auditors for the City of
954. Jacksonville. We're tasked with conducting
955. a continuous internal audit of the City and
956. the independent agencies. And that's from
957. the Charter. So that's what we do. We
958. audit the City and all the agencies.
959. There's also code language where we're
960. allowed to audit anyone that receives City
961. funds, even if they're a nongovernmental
962. entity.
963. And those audits, the types of audits we
964. do and can do is endless. We do payroll
965. audits, accounts payable, accounts
966. receivable. There are large contracts where
967. the City pays out millions of dollars a
968. year; we audit those.
969. We also do things on a smaller level,
970. think of out in the parks, some of the
971. parks, maybe they take money. We always say
972. "Cash grows legs." So you want to -- where
973. is the cash? Where are there a lot of
974. transactions? Where are there only a few
975. transactions, but they're large dollar
976. value? So, anyway, we conduct a lot of
977. audits.
978. We issue our reports to the City
979. Council, and who we report to. And that's
980. part of the separation of duties, is that we
981. do not report to the Mayor or the heads of
982. the independent agencies, we report to the
983. City Council. And so we're independent that
984. way from the management of the City and the
985. independent agencies.
986. With our audits, we follow government
987. auditing standards, which are -- they call
988. it the Yellow Book. It's issued by the
989. Controller General of the United States.
990. And you make sure your staff is well
991. educated, they're well trained, that they're
992. supervised properly. The reports are issued
993. to the public and you have a peer review --
994. we have a peer review every three years,
995. that's one of the requirements. So those
996. are the government auditing standards we
997. follow.
998. We have a lot of other things we do in
999. the office, and I'm going to mention them.
1000. But sometimes I receive the question: Well,
1001. how long has it been since you've audited
1002. this area? Which brings up follow-ups.
1003. Another requirement of government
1004. auditing standards are that you follow up.
1005. So what if you just did an audit and you
1006. just didn't go back for years and, okay,
1007. here is our report and we made
1008. recommendations and the auditee said they
1009. would do this, they'd make this change.
1010. So we do follow-ups on every audit and
1011. we wait. We give them some time, because it
1012. takes time to implement the changes. And
1013. then you have to let some history accrue so
1014. you have something to look at when you go
1015. back.
1016. So we might wait a year and a half, two
1017. years, two and a half years. And so we go
1018. back and we see, well, did they make the
1019. changes they said they would, did they
1020. implement our recommendations. And so
1021. because of that, it may look like there is a
1022. long period of time between audits, but
1023. actually we -- we're in touch and looking at
1024. them fairly often.
1025. And if we go back on a follow-up and
1026. find -- and we issue a report for all the
1027. follow-ups. But if we go back and we find
1028. that they haven't done everything that they
1029. said they would do or that we recommended,
1030. we follow up a second time. We'll follow up
1031. a third time if necessary or then just do a
1032. whole new audit. And we present our reports
1033. to the City Council Finance Committee, which
1034. serves as the Audit Committee for the City.
1035. The City also receives an annual
1036. independent audit. That's a requirement of
1037. the state. And we assist with that in a
1038. couple of ways. We help draft the
1039. specifications with the RFP. And then, of
1040. course, that goes through the Finance
1041. Committee. And the City Council approves
1042. the contract for the outside auditors. This
1043. is for the -- what they call the independent
1044. financial audit. Because our audits are
1045. mainly performance audits.
1046. So for that financial audit, we assist
      1. with that and that's a contract that we
      2. manage, we interact with that outside
      3. auditor, we even donate hours to the audit.
      4. So we give 600 hours to that outside audit
      5. so we're involved in that annual financial
      6. audit of the City. And then that
      7. independent auditor will present their
      8. results every year to the Finance Committee.
      9. Another thing we do is legislative
      10. review. And we attend the different City
      11. Council Committee meetings. And we review
      12. the legislation that goes through those
      13. committees, and that's at the request of
      14. Council. And we review it. And when I say
      15. we review it, we read every word of the
      16. ordinance or the resolution. If there are
      17. attachments, we read every attachment, every
      18. contract.
      19. And what is the purpose? Really the
      20. purpose is to make sure it's as accurate as
      21. possible. If there are any errors, we bring
      22. those out to the committee so that
      23. amendments can be done to correct them. And
      24. if something is supposed to be attached, we
      25. make sure it's attached. If something
1047. references a certain section, is that
1048. reference correct?
1049. Any time there is money or accounts
1050. involved, City accounts from the general
1051. ledger we make sure it's the correct
1052. account. We make sure the money is there
1053. and all those things. So our recommended
1054. amendments -- and they'll call them, these
1055. are auditor amendments -- they are
1056. essentially corrective in nature or
1057. clarifying. When I say clarifying a lot of
1058. times we'll read something. And so it can
1059. be a big contract or, say, a redevelopment
1060. or development deal going through City
1061. Council. And we read that. And we always
1062. ask ourselves, is this clear.
1063. Because I always think about the City
1064. employee ten years from now who is going to
1065. have to -- they're managing that contract
1066. and they have to understand that contract
1067. and make sure that the City is receiving the
1068. right amount of money or paying the correct
1069. amount of money.
1070. So when I say we want to make sure that
1071. these things are clear, that's what we're
1072. doing is recommending amendments that would
1073. clarify the intent of the Council. We point
1074. those out and the committees and Council,
1075. they may adopt them or not. And, of course,
1076. we run those by the Administration or
1077. whoever is putting forth that legislation,
1078. make sure we're all in agreement on it.
1079. Something else we do, and it falls under
1080. legislation, is the budget. Every year we
1081. assist the City Council Finance Committee
1082. reviewing the City budget and the budgets of
1083. the independent agencies. And we hold
1084. numerous budget hearings.
1085. And when I say we review them, it's
1086. generally a comparison of last year's budget
1087. to the proposed budget. And then we go
1088. through and assist in pointing out what's
1089. changing, significant increases and
1090. decreases. But also are the revenue
1091. assumptions realistic, that's a big thing.
1092. When we find errors, and it's important --
1093. much better to find them on the front end
1094. than to find them six months into the year.
1095. We assist the Council -- the City
1096. Council does have some discretionary funds
1097. that, through legislation over the decades,
1098. have been put forth for their expenditure
1099. where they can use them, say, for capital
1100. projects in parks or that type of thing. So
1101. we put out a quarterly report to essentially
1102. keep track of those funds for them, let them
1103. know how much they've got left.
1104. We get -- I guess the next thing would
1105. be what we call special projects. We get a
1106. lot of requests -- it could be from the
1107. whole committee or it could be from an
1108. individual Council Member, where they're
1109. asking us questions. I get phone calls
1110. nearly every day asking a question. And
1111. sometimes it's general research, and I refer
1112. them to the City Council Research
1113. Department. But anything involving money,
1114. finances, accounts, general ledger-type
1115. accounts, that's something we work on.
1116. And it can be a small question that's
1117. answered on the phone or it can be something
1118. that takes some research and we have to get
1119. back to the Council Member. And, of course,
1120. frequently Council Members are -- well, I
1121. want to do this and how can I do this, or
1122. where would I find funding for this. We're
1123. good at looking to see are there any trust
1124. funds or special revenue funds set up for
1125. that purpose; and if so, what's the balance.
1126. And we'll point that out to the Council
1127. Member that that might be a possible source
1128. of funds.
1129. When it comes to City grants, Chapter
1130. 118 of the code designates the Council
1131. Auditor's Office to make sure that those
1132. entities receiving the grant funds send in
1133. their audit reports every year and send them
1134. in on time. So they have to send in a
1135. financial report or an audit report, depends
1136. on the amount of money they receive for the
1137. grant. And so we make sure that those come
1138. in, that they come in on time. And then
1139. someone has to read them, and we read them.
1140. Because I lot of times -- some people might
1141. think just because you receive an audit
1142. report, that everything is okay. And that's
1143. not true. You have to read that audit
1144. report and see what it says. That audit
1145. report may say that something was not in
1146. compliance or not okay.
      1. And pursuant to Chapter 118 is a
      2. noncompliance list, so that if an entity
      3. receiving a City grant for some reason is
      4. noncompliant, they go on that list and they
      5. don't receive any more funds until they get
      6. into compliance. So we keep that list and
      7. then I notify the City Finance Director of
      8. anyone that goes on the list or comes off
      9. the list so that no more funds would be
      10. dispersed until that grant recipient is
      11. compliant.
      12. CHAIRPERSON BROCK: Can I interrupt you?
      13. MR. BILLY: Yes.
      14. CHAIRPERSON BROCK: Because I have a
      15. question, it's kind of related into that,
      16. because at the end of, I think, it's Section
      17. 5.10 in the Charter, it talks about all
      18. nongovernmental agencies which receive funds
      19. from the City of Jacksonville. And then it
      20. says "shall be subject of audit by the
      21. Council Auditor's Office." It doesn't say
      22. they definitely will be, but they're subject
      23. to.
      24. And as I looked through all of this, it
      25. looked to me like you conduct certain audits
1147. on certain things when requested, but I
1148. didn't see anything in the Charter that gave
1149. you as the Council Auditor independent
1150. discretion to audit certain commissions or
1151. all the things that fall within your
1152. purview. And that was really kind of one of
1153. the things that was interesting to me is do
1154. you read the Charter to allow you
1155. independent discretion to conduct an audit
1156. on any portion of the consolidated
1157. government or the nongovernmental agencies
1158. if you deem fit or if you receive a comment
1159. or something like that.
1160. MR. BILLY: To the Chair, I read the
1161. Charter that we can conduct -- and, in fact,
1162. our charge with auditing the government
1163. entities. Now, when it comes to the
1164. nongovernmental entities, there is language
1165. in the ordinance code that gives us that
1166. authority to audit any nongovernment entity
1167. that receives City funds.
1168. CHAIRPERSON BROCK: At your discretion?
1169. MR. BILLY: Yes.
1170. CHAIRPERSON BROCK: Okay. So it doesn't
1171. have to come from a Council Member or
1172. anyone?
1173. MR. BILLY: Now, you say at your
1174. discretion. You know, I would want to go
1175. back and look at that. I do not -- I will
1176. tell you -- I would want to go back and look
1177. and see how that's worded actually, sir.
1178. Something like that, I would think it
1179. would come with a request. Because I can
1180. think of specific instances in the past
1181. where we've gone out and audited
1182. nongovernmental entities, but it was at the
1183. request of Council Members. You know,
1184. something came out in the public that
1185. concerned them so they asked us. I would
1186. have to go back and look at that language to
1187. see if -- how it reads.
1188. CHAIRPERSON BROCK: Yeah, because that
1189. was really my focus in looking through here
1190. was, as I read through the Charter -- and,
1191. candidly, I've not gone through all of the
1192. code and ordinance provisions. But it
1193. appeared that your office, there were
1194. certain things, yes, that you shall audit
1195. these things. But it appeared that, as it
1196. related to other items within the
1197. consolidated government, that it was only
1198. done upon request, and that the Council
1199. Auditor did not have independent discretion
1200. to conduct an audit unless requested by
1201. someone within the City Council.
1202. So that was one of my questions is do
1203. you think it would be helpful if the Charter
1204. were clarified to give that kind of
1205. independent discretion to the Council
1206. Auditor to conduct audits based upon
1207. comments that you may receive or that may
1208. come in to Ms. Miller with regards to
1209. someone saying, hey -- almost like a
1210. whistleblower -- hey, I don't think they're
1211. doing this right, and they don't want to
1212. come through whatever channels within
1213. government, but they come to you. That's
1214. what I was kind of wondering.
1215. MR. BILLY: So the short answer is yes;
1216. however, I can't say that we've ever had a
1217. problem in that area. If there was a
1218. concern -- if I had a concern in that area,
1219. even if the Charter or the -- if it wasn't
1220. completely clear that I had that audit
1221. right, I would go and probably talk to the
1222. finance chair --
1223. CHAIRPERSON BROCK: Please tell me you
1224. audit them.
1225. MR. BILLY: -- and -- the thing is, if
1226. knowing what I knew they weren't concerned
1227. as well, then it seems like -- well, I would
1228. think that they would be. Again, in the
1229. past we've audited some things out there at
1230. the request of Council Members and it's
1231. never been a problem. But if there is any
1232. question, if it's not clear, then, yes, that
1233. would be, that would certainly be helpful.
1234. CHAIRPERSON BROCK: And that was --
1235. MR. BILLY: But --
1236. CHAIRPERSON BROCK: I'm sorry.
1237. MR. BILLY: In the past, again, when
1238. we've talked to any agency, you know,
1239. outside nongovernmental and said, this is
1240. who we are, we want to look at this or we
1241. request information, I've never had any
1242. trouble getting information. But, again, to
1243. answer your question, clarity, that is
1244. always helpful.
1245. CHAIRPERSON BROCK: And I apologize, I
1246. interrupted you. Are you able to take
1247. questions?
1248. MR. BILLY: The last thing on my list is
1249. I was trying to think about the major things
1250. we do is that one special project-type thing
1251. we do that's in the ordinance code, and we
1252. do it every quarter, is the financial --
1253. quarterly financial summary for the City and
1254. the independent agencies. And that's
1255. something where the City Finance Department
1256. produces a budget-to-actual report, and then
1257. each of the independent agencies produce
1258. that budget-to-actual report. And they send
1259. it to us, again, every quarter.
1260. We review the data, analyze it and put
1261. out a report and present that to Finance
1262. Committee. And the whole purpose of that
1263. report is to catch problems as early as
1264. possible. So if there is a budget problem,
1265. if revenues are falling short in an area or
1266. expenditures are way over budget in an area,
1267. you find out about it as early as possible
1268. and that way corrective action could be
1269. taken. But I'm open to questions.
1270. CHAIRPERSON BROCK: I have Mr. Denton.
1271. COMMISSIONER DENTON: Thank you.
      1. Without getting into the -- just kind of a
      2. follow-up to the Chairman's question.
      3. Without getting into the specifics of the
      4. situation, I'm thinking back to the Berkman
      5. II thing and the Mississippi Company and
      6. there was an audit by your office.
      7. MR. BILLY: Through the Chair, it was
      8. not an audit; that was legislation. So as a
      9. piece of legislation, we reviewed that
      10. legislation.
      11. COMMISSIONER DENTON: Well, my question
      12. is I think you referred to people doing
      13. business with the City or -- so when we have
      14. something like that -- and again, not about
      15. that situation, but we have somebody from
      16. out of town that may not be locally known in
      17. dealing with maybe the DIA and coming in as
      18. a partner to something, whose responsibility
      19. is it to vet that company or those
      20. individuals that are doing that? Is that --
      21. and it goes back to who would ask you to
      22. look into it if it were you reviewing it?
      23. MR. BILLY: Through the Chair, initially
      24. it is the responsibility of whoever is
      25. bringing the legislation. In that case, if
1272. that's a piece of legislation coming from
1273. the DIA or from the Administration, then
1274. they would vet that entity. But then my
1275. office, in reviewing the legislation, would
1276. also have a -- I mean, we would be
1277. responsible for reviewing the legislation as
1278. well.
1279. COMMISSIONER DENTON: So it would get to
1280. the level of actually having the legislation
1281. not earlier the process?
1282. MR. BILLY: I'm sorry. Could you repeat
1283. the question?
1284. COMMISSIONER DENTON: So you might be
1285. asked to do an audit or a financial review
1286. of someone in a situation like that only
1287. when it gets to the level of legislation and
1288. perhaps not earlier in the process?
1289. MR. BILLY: Yes. We do sit in on the
1290. Mayor's Budget Review Committee meetings,
1291. which anything that's coming through the
1292. Administration and most of the things that
1293. go through the City, but not everything,
1294. they go through NBRC before they become
1295. legislation. So we may see things there.
1296. But we look at things when they become
1297. legislation, because there are many things
1298. that don't make it to the level of
1299. legislation. And, anyway, that's what we've
1300. been tasked with is attending the committees
1301. and reviewing legislation, not everything
1302. that may or may not make it there.
1303. COMMISSIONER DENTON: And you may have
1304. answered this in response to the Chairman's
1305. question, but you mentioned the DIA as one
1306. example of a city agency, but they could ask
1307. you to -- that agency could ask you to do an
1308. audit or do a review of a financial
1309. proposal, excuse me, at some stage before
1310. legislation. Can you get involved at that
1311. level in response to City agencies?
1312. MR. BILLY: Through the Chair, I could
1313. get involved. If they asked me to, I could
1314. get involved. Usually -- I'm trying to
1315. think of instances where we've been asked to
1316. get involved ahead of time. You know, we
1317. receive a lot of calls and emails. And we
1318. have a lot of interaction with the
1319. Administration and different agencies. And
1320. sometimes they -- and, in fact, we do, we
1321. encourage them to talk to us ahead of time
1322. about things, but we're not going to review
1323. everything in the same level of detail
1324. legislation unless there is a special reason
1325. or a special ask.
1326. COMMISSIONER DENTON: But you already
1327. have that authority to get involved if you
1328. so choose or if you're asked to?
1329. MR. BILLY: I believe so, yes.
1330. COMMISSIONER DENTON: Thank you.
1331. CHAIRPERSON BROCK: Next we have
1332. Mr. Howland.
1333. COMMISSIONER HOWLAND: Thank you,
1334. Mr. Chair.
1335. And thank you, Mr. Billy, for coming to
1336. speak with us. We've talked about City
1337. agencies and independent authorities. And I
1338. probably should already know this, but do
1339. you audit the Duval County School Board?
1340. MR. BILLY: Through the Chair, the way
1341. the Charter is read -- the answer now is,
1342. no, we don't. I believe it's worded that we
1343. can -- we audit their -- unless the Auditor
1344. General is auditing -- and the Auditor
1345. General has been handling that, I think, for
1346. quite some time, decades. And so I've been
1347. in the office over 30 years. And I don't
1348. recall an audit over there, but it's because
1349. the State Auditor General is performing that
1350. audit.
1351. COMMISSIONER HOWLAND: Okay. Thank you.
1352. CHAIRPERSON BROCK: Mr. Gentry.
1353. COMMISSIONER GENTRY: Thank you. My
1354. question, I guess, is really not about a
1355. formal audit, but something more informal
1356. using your expertise in looking at data. Is
1357. it appropriate -- for example, I read in the
1358. paper today that with this JEA issue, that a
1359. state entity that is made up of power
1360. companies has determined that the future of
1361. electricity is not nearly as bleak as JEA
1362. has indicated and there seems to be a real
1363. discrepancy regarding the data regarding
1364. some important issues to the community
1365. regarding the privatization of JEA.
1366. Is that the sort of thing, if asked by
1367. the Council, that your office would look
1368. into to try and determine exactly what the
1369. data shows based on sources both in the JEA
1370. and outside the JEA?
1371. MR. BILLY: Through the Chair, yes.
1372. COMMISSIONER GENTRY: And has that been
1373. undertaken so far?
1374. MR. BILLY: Through the Chair, it's
1375. certainly something that we're cognisant of.
1376. And that will be coming as legislation
1377. eventually. If there is a recapitalization,
1378. then it would become legislation. And we
1379. would certainly be looking then.
1380. And I also receive lots of questions
1381. from Council Members, and we'll certainly
1382. look into anything they ask, as well as
1383. something of that materiality in terms of
1384. finances to the City, something definitely
1385. that is important to look at.
1386. COMMISSIONER GENTRY: Thank you.
1387. CHAIRPERSON BROCK: Thank you. I don't
1388. see anyone else on the queue. I did have
1389. one final question. You talked about you do
1390. your follow-ups and sometimes it's two,
1391. three. When you find an irregularity or
1392. you've done your third follow-up and nothing
1393. has changed, what's your next step?
1394. MR. BILLY: To the Chair, I think -- I'm
1395. trying to think, there might be one instance
1396. where we got to the third follow-up. But
1397. usually I would think that the entity would
1398. be asked to come in and explain themselves
1399. to the Finance Committee at that part -- at
1400. that point.
1401. But, again, we have pretty good
1402. interaction with our auditees. One thing we
1403. do when we issue a report, we come up with a
1404. recommendation for whatever problem you
1405. find. And we ask them, do you agree; do you
1406. partially agree; and if so, explain why; or
1407. do you disagree?
1408. CHAIRPERSON BROCK: Is that kind of like
1409. in the comments? I've seen CBA audits,
1410. where you have comments there. You never
1411. want to have comments.
1412. MR. BILLY: Well, the thing is, if they
1413. disagree, why do you disagree. Because we
1414. never want to be in disagreement on the
1415. facts, you know. We should all be in
1416. agreement of the facts. And then if they
1417. partially agree, why is that. So most of
1418. the time we agree.
1419. Frankly, if there is disagreement -- and
1420. every once in a while I have to put a
1421. rebuttal on there that -- if I think that
1422. they're disagreeing and something is just
1423. not reasonable. But, ultimately, the City
1424. Council Finance Committee and the City
1425. Council, it would be brought to their
1426. attention. And I think that's important, to
1427. have that oversight if there is a problem
1428. like that.
1429. But we have -- the majority of the time
1430. we have real good cooperation. Entities see
1431. that there is a problem and they want to get
1432. it cleaned up as well.
1433. CHAIRPERSON BROCK: I don't have any
1434. other speakers, Mr. Billy. Thank you very
1435. much for your time and your service to the
1436. City.
1437. MR. BILLY: Thank you.
1438. CHAIRPERSON BROCK: All right. Next we
1439. have Lisa Green, Inspector General. Step
1440. forward. Thank you.
1441. MS. GREEN: Thank you. Good morning.
1442. How is everyone?
1443. We're going to set up my PowerPoint.
1444. Thank you.
1445. Lisa Green, I'm the Inspector General
1446. for the City of Jacksonville. Just briefly,
1447. to let you know that I come to the City of
1448. Jacksonville because I was excited that you
1449. adopted an Office of Inspector General. My
1450. background is Federal Office of Inspector
1451. General where I spent my entire criminal
1452. career in law enforcement doing Office of
1453. Inspector General work.
1454. So I'm very passionate about it. I
1455. hope, as we go through this, you'll see my
1456. passion. Similar to Ms. Miller, we really
1457. believe in what we do and appreciate the
1458. opportunity to share a little bit about how
1459. our office is organized.
1460. So we are over in the Yates Building.
1461. And I want to just let you know that the
1462. mission statement -- is that better?
1463. CHAIRPERSON BROCK: Yes.
1464. MS. GREEN: All right. Our mission
1465. statement is enhancing public trust in
1466. government through independent and
1467. responsible oversight. Historically,
1468. Inspector Generals have been -- are charged
1469. with fostering and promoting accountability
1470. and integrity within the government.
1471. I know you're getting in the process of
      1. reviewing the Charter. The Charter under
      2. Section 1.203(c) talks about the principles
      3. that the Office of Inspector General was
      4. founded on. And that is, first and
      5. foremost, being independent oversight of
      6. publicly funded activities and transactions.
      7. We have the authority to investigate, audit
      8. and conduct contract oversight, promote
      9. economies and efficiencies, improve
      10. operations and prevent and determine fraud,
      11. waste and abuse.
      12. In the ordinance in October of 2014, we
      13. were -- an ordinance was created, which
      14. lists all the duties and functions of the
      15. Inspector General. And then, as you may be
      16. aware, in March of 2015 the referendum to
      17. the voters expanded the jurisdiction from
      18. just the City departments into the entire
      19. consolidated government, which is including
      20. the constitutional and the independent
      21. authorities.
      22. The Offices of Inspector General, if
      23. you're not familiar, have a very, very long
      24. history, dating back to the Revolutionary
      25. War. They've been adopted in the military.
1472. In 1978 the federal government instituted
1473. the Inspector General Act where 12 Offices
1474. of Inspector Generals were established. One
1475. of them being the U.S. Department of
1476. Agriculture, one of the oldest law
1477. enforcement OIGs, which was the agency that
1478. I worked for. That was subsequently
1479. amended, the act, later on, and expanded the
1480. Offices of Inspector Generals in the federal
1481. government to over 70 agencies. I think
1482. there are about 73 Offices of Inspector
1483. Generals in the federal government.
1484. Florida has their own Inspector General
1485. Act, in 1994. And that dictated that all
1486. the state government departments will have
1487. an Office of Inspector General.
1488. And then more and more local governments
1489. and universities are taking on the Office of
1490. Inspector General concept. And you should
1491. be proud that the City of Jacksonville ranks
1492. among several cities, like Miami, Chicago,
1493. Baltimore, that also have Offices of
1494. Inspector General.
1495. The foundational principles about Office
1496. of Inspector General is, number one, it
1497. needs to be independent. And it needs to be
1498. objective and impartial in doing our work.
1499. With regards to our professional
1500. standards, all the offices of Inspector
1501. Generals, federal or state, have principles
1502. and standards to which we must adhere. Our
1503. office and the State of Florida OIGs are
1504. members of the Association of Inspector
1505. Generals, which they're principles and
1506. standards that are outlined for how the
1507. overall office is to be set up and also the
1508. principles and standards for how we're to
1509. conduct our audits and investigations are
1510. in, what we call, the Green Book, similar to
1511. the Yellow Book and the Red Book for your
1512. audit standards.
1513. There are several components that are
1514. important; and that being, legal authority,
1515. that each Office of Inspector General should
1516. have a legal authority through the statute
1517. or ordinance, which of course we have the
1518. ordinance.
1519. Critical to it, again, is the
1520. independent and the organizational
1521. placement. We are to offer whistleblower
1522. protections, which we do. We're the only
1523. office in the city that can grant any
1524. employee that comes to our office to file a
1525. report concerning fraud, waste and abuse
1526. consideration for whistleblower statute for
1527. the purpose of protecting their confident --
1528. you know, their identity to be confidential
1529. so they can feel comfortable coming and not
1530. feel retaliated upon by their employer.
1531. We also have subpoena power, that's one
1532. of the things that is recommended for the
1533. office, is we do have subpoena power. We
1534. have access to all records within the
1535. consolidated government related to the
1536. activities that we might be investigating or
1537. auditing. We obtain our testimony under
1538. sworn oath. And I believe that is unique to
1539. most of the investigative type -- like the
1540. Jacksonville Human Rights Commission have
1541. investigators, but they don't put their
1542. folks under oath. So we have everyone under
1543. oath, witnesses and subjects.
1544. There is to be a reporting policy to
1545. report fraud, waste and abuse. The City has
1546. a reporting policy. And the employees are
1547. encouraged and shall report fraud, waste and
1548. abuse. It's a process. It seems to be
1549. working pretty well. We also have an
1550. established hotline.
1551. And the State of Florida by statute
1552. protects all the activities of the Office of
1553. Inspector General while they're ongoing from
1554. public law -- or excuse me, public record
1555. disclosure and Sunshine Law until it's
1556. completed. And at that time any request we
1557. can then comply with and we would have to
1558. redact things if there are things like
1559. whistleblower names and things like that.
1560. Being that we're independent, it's
1561. important that we -- there is a level of
1562. surety to the taxpayers that we serve and
1563. everyone that has relationships with us,
1564. that they understand that we are following
1565. principles and guidelines.
1566. There is an accreditation process
1567. through the Florida Comission of Law
1568. Enforcement for IGs. There's the 42
1569. standards which we must meet. And we are
1570. peer reviewed by members of the commission,
1571. which will be members of law enforcement and
1572. members of the IG community, that will come
1573. out and ensure that we are awarded
1574. accreditation. We're in the process of
1575. preparing for our first accreditation, which
1576. we hope to have by June of 2020.
1577. The organization, if you can see the --
1578. at the very top of the organizational chart
1579. is City of Jacksonville. The placement of
1580. the organization, again, is really critical
1581. and it's integral of the foundation of the
1582. Office of Inspector General so that we can
1583. be free from real or perceived impairments.
1584. I know we talked about that earlier this
1585. morning with Ms. Miller. It's important
1586. that any complaint that comes through the
1587. office concerning fraud, waste or abuse can
1588. be -- we have the discretion to investigate
1589. it and that it's not being dictated by any
1590. political party or anybody in the
1591. Administration or anybody in the City
1592. Council.
1593. We also have the discretion to audit and
1594. investigate anything that comes to us.
1595. Anyone can come to us, whether it's
1596. anonymous or whether they have provided
1597. their name, anybody inside the City or
1598. anybody outside can come to us and we can
1599. take a look at anything related to fraud,
1600. waste and abuse within the consolidated
1601. government.
1602. We do have three components within the
1603. office, one of them being an audit
1604. component. We have one auditor, we have a
1605. contract oversight person and we have an
1606. investigation unit. We have a staff of nine
1607. folks.
1608. The audit and contract investigations
1609. work together and collaborate on a lot of
1610. items that come in. Sometimes we get fraud,
1611. waste and abuse complaints that may have
1612. more of a financial aspect. We may need to
1613. do an audit of that program that's being
1614. looked at where maybe there is a waste
1615. issue. So the disciplines work together and
1616. are integral. And, also, this is the format
1617. for IGs in the State of Florida, that they
1618. have these three components.
1619. And so we have the ability to audit
1620. outside, and we just pick things. But most
1621. of the time it's generated by complaints
1622. that are coming in or if we go to an
1623. investigation, we might find there is a
1624. systemic problem so we might look at
1625. something overall, as an overall process.
1626. If you look to the Inspector General to
1627. the other -- I think it will be your right,
1628. you'll see there is an IG Selection and
1629. Retention Committee. And we'll talk a
1630. little bit about that.
1631. By ordinance, that committee is
1632. comprised of members of -- either the
1633. designee -- excuse me, either the position
1634. or the designee, so the Mayor's Office, City
1635. Council, the TRUE Commission, the Ethics
1636. Commission, the Chief Judge, State
1637. Attorney's Office are members. And we
1638. report to them twice a year about the
1639. activities of the office. And we also sit
1640. before them for my annual evaluation. So
1641. they evaluate me doing -- in my role as IG.
1642. They're responsible for hiring and firing
1643. with cause the IG.
1644. Should any complaints come to the
1645. attention of anyone about me, that the
1646. Inspector General Selection Retention
1647. Committee would be convened and they would
1648. be the ones addressing that complaint.
1649. As I briefly mentioned that we do have
1650. three operational units. You can see that
1651. they're the typical discipline. Audits are
1652. looking to strengthen management controls,
1653. improve economy and efficiency, and support
1654. any internal operations as well.
1655. Contract oversight is responsible for
1656. reviewing the procurement process within the
1657. City. So we have the discretion to look at
1658. particular contracts and see from cradle to
1659. grave whether they're following the set
1660. process, whether there are any
1661. irregularities, or anything that we can do
1662. to make suggestions or observations that we
1663. might see about the process. And they also
1664. -- that position also supports the internal
1665. operations.
1666. Investigations, of course, are generated
1667. by complaints generally. And it comes from
1668. everyone, citizens, businesses, employees.
1669. It comes from all sorts in different
1670. manners. And, again, we collaborate our
1671. efforts among our units to put the best
1672. person with a discipline to handle them, the
1673. fraud, waste or abuse complaint.
1674. Really what's important to understand
1675. where our goals are is to develop and
1676. monitor recommendations, to enhance
1677. policies, strengthen internal controls and
1678. procedures and rules.
1679. And the other thing is we do often have
1680. complaints that -- we talked about this
1681. earlier through Ms. Miller -- that we're
1682. looking at administrative things, things
1683. related to administrative policies,
1684. administrative violations; however, there
1685. are times when you're looking at maybe time
1686. and attendance, if it's over a certain
1687. value, if we establish there's been a time
1688. and attendance fraud over a certain value,
1689. $300, it's a felony. So we have an
1690. obligation for any time there is any
1691. criminal element that is exposed, we work
1692. with the agency best associated with that
1693. and we have direct liaisons and we work very
1694. closely with the State Attorney's Office.
1695. A couple of times we've gone in saying,
1696. we need your expertise because you have
1697. expertise, we don't. Or they may say, look,
1698. this is administrative in nature, please do
1699. the investigation and when you're done, if
1700. it rises to criminal, then they'll take it
1701. back. So we collaborate with the law
1702. enforcement partners and we support criminal
1703. investigations from an administrative
1704. standpoint.
1705. Speaking of that, through the process,
1706. we've talked a lot about how we coordinate
1707. together. Everything that comes in we
1708. evaluate. And in order to, you know, keep
1709. in mind efficiency and avoid duplication, we
1710. are working and collaborating with the
1711. Ethics Office and also with the Council
1712. Auditors as appropriate. We're mandated to
1713. do that. We're going to be doing that with
1714. everything that we get. And so we have the
1715. discretion at that point. Then if it rises
1716. to shift over strictly to ethics, we're
1717. going to do a management referral, and it's
1718. going to be referred over to the Ethics
1719. Department where I wouldn't need to response
1720. (sic).
1721. If something that we get in ties into
      1. Ethics or into the Council Auditors, and it
      2. might be where we want to see where that
      3. goes, and if there is an answer, I may ask
      4. them to send me a management inquiry back,
      5. which means I'm asking you, I have this
      6. concern, this is related to us, we've done
      7. this much work, can you do your side of the
      8. house, could you get back to me? We still
      9. reserve the right to do a full audit or an
      10. investigation if it's warranted if we don't
      11. feel the issue has been addressed.
      12. These are some of the examples of some
      13. of the casework that we have done in the
      14. last few years. To let you know, since the
      15. inception of October 2014, we had over 511
      16. complaints. I know that was just as of
      17. June, so I think we're over that now.
      18. These are the types of things that we're
      19. seeing. We're seeing employee misconduct
      20. referrals coming in, contract impropriety
      21. cases are coming in, violations of policies.
      22. So we've seen violation of secondary
      23. employment, people running businesses from
      24. the City, they're using City resources to do
      25. their secondary employment when they should
1722. be doing their first employment working for
1723. the City of Jacksonville. We've had time
1724. and attendance fraud. We've had overtime
1725. fraud. We've had examples where people are
1726. actually requesting overtime sitting in
1727. their trucks at home all day.
1728. So these people aren't here anymore, but
1729. this is the kind of things that we're
1730. getting in, the tips that we're getting in,
1731. the kind of things we're investigating.
1732. Misuse, theft of COJ resources, a lot of
1733. folks are just sort of, you know, maybe I'm
1734. going to use the City resources, the
1735. computer a little bit more, then it becomes
1736. a little bit more, then I'm going to drive
1737. the truck and I'm going stop over here. So
1738. we're seeing some of that. A lot of that is
1739. conducted to the secondary employment
1740. violations.
1741. Lack of internal controls. Everything
1742. that we do is resulting in some type of
1743. recommendation wherever possible, really
1744. with the hope to strengthen the policies and
1745. procedures. Because at the end of the day,
1746. anyone that is violating a rule, whether
1747. they know it or not, maybe it's due to lack
1748. of training, but maybe this is the way
1749. they've always done it and it doesn't make
1750. sense anymore, maybe there is no rules,
1751. maybe there is a gap in the rules.
1752. So we're always looking to recommend
1753. ways to strengthen and improve, which will
1754. reduce costs and efficiencies, things like
1755. that. That's what we're trying to do.
1756. Embezzlement of funds. If you've been
1757. watching the news, we had four
1758. investigations related to the JEA
1759. independent employee-owned gyms. And in
1760. that situation they assigned employees to
1761. manage the gyms. It wasn't really
1762. sanctioned by the JEA. It was just sort of
1763. an ad hoc thing they had been doing for 25
1764. years. Unfortunately, without oversight of
1765. the money, we had three employees that
1766. embezzled money from the JEA membership.
1767. And then, with that, when we got the
1768. complaints, I had this discretion and I
1769. said, I think we need to look at the entire
1770. gym process system. And through that review
1771. of the entire gyms -- there were, I think,
1772. six or nine gyms that were out. We looked
1773. at each of the bank accounts. And we did
1774. find one other individual who embezzled and
1775. she signed a pretrial diversion and is
1776. having to pay back $13,000.
1777. So if you look on the right-hand side in
1778. addition to improving policies and
1779. procedures, we've seen employees
1780. unfortunately have been arrested, they're
1781. participating in pretrial diversions,
1782. they're getting community service, getting
1783. court-ordered fines, restitution going back
1784. to government entities of which they've
1785. stolen from.
1786. I can tell you that most of the folks
1787. interviewed by my folks, if they're a
1788. subject to investigation, after the
1789. investigation, pretty soon they're leaving.
1790. They realize they can't do what they've been
1791. doing anymore. A lot of the folks are just
1792. resigning outright and others that have just
1793. been terminated for cause based on our
1794. recommendations.
1795. And to speak to that, we make
1796. recommendations on policies. We don't make
1797. employee recommendations on discipline. We
1798. provide very solid fact-based support. It
1799. should be ample enough for them to make a
1800. decision that the agency or the
1801. Administration deems appropriate.
1802. That's all the concepts I have. It's a
1803. lot.
1804. We do have pamphlets that we handed out
1805. for you. So hopefully they will help give
1806. you a snapshot. And all the reports are on
1807. the website, that can be easily found. So
1808. hopefully I've answered some of the
1809. questions you may have.
1810. CHAIRPERSON BROCK: All right. I have
1811. three people on the queue.
1812. Mr. Schellenberg.
1813. COMMISSIONER SCHELLENBERG: Through the
1814. Chair to Ms. Green, thank you very much for
1815. being here. I just have a couple questions.
1816. There was an article in the paper about an
1817. employee, supposedly independent, and almost
1818. immediately, 24 hours, he gets
1819. administrative leave. And basically it was
1820. leaked. So have you investigated the leak
1821. about this person being investigated?
      1. MS. GREEN: Through the Chair,
      2. Mr. Schellenberg, any work that I'm doing is
      3. exempt from public disclosure at this time.
      4. I'm not going to comment on that.
      5. COMMISSIONER SCHELLENBERG: So someone
      6. leaked it, it was being reported, but you
      7. don't know who it is, or you're looking into
      8. it, or you're not going to comment?
      9. MS. GREEN: I'm just not going to
      10. comment. I know what you're referring to,
      11. sir.
      12. COMMISSIONER SCHELLENBERG: You know
      13. what I'm referring to?
      14. MS. GREEN: I do, and I'm not going to
      15. comment at this time. Thank you.
      16. COMMISSIONER SCHELLENBERG: Great. Is
      17. there a time limit on the complaint? If it
      18. happened three years ago, is there a time
      19. limit to --
      20. MS. GREEN: Statute of limitations.
      21. COMMISSIONER SCHELLENBERG: Which is
      22. normally what? It depends on the issue?
      23. MS. GREEN: Through the Chair, I think
      24. what you're asking me is are there statute
      25. of limitations.
          1. COMMISSIONER SCHELLENBERG: Yes.
          2. MS. GREEN: Certainly there are statute
          3. of limitations related to criminal crimes.
          4. There is no necessarily statute of
          5. limitations related to administrative
          6. matters.
          7. COMMISSIONER SCHELLENBERG: Okay. And
          8. who would you say -- never mind. I'm good.
          9. Thank you very much, Ms. Green. And I'm
          10. glad you're there. Thank you.
          11. MS. GREEN: Thank you.
          12. CHAIRPERSON BROCK: Thank you.
          13. Next up, Mr. Gentry.
          14. COMMISSIONER GENTRY: Good morning.
          15. MS. GREEN: Good morning.
          16. COMMISSIONER GENTRY: Same question I
          17. asked the Inspector General (sic). As I
          18. understand you do -- most of your work comes
          19. from citizen complaints, I think.
          20. MS. GREEN: Through the Chair, the
          21. majority comes from employees and citizens.
          22. COMMISSIONER GENTRY: Going to the JEA
          23. situation that I asked about a minute ago --
          24. this is based upon what I read in the
          25. newspaper -- but according to what I've
1822. read, the JEA reports directly toward
1823. bodies, painting a picture of increasing
1824. revenues and a very optimistic future for
1825. regulatory purposes. But then for City of
1826. Jacksonville, we're being told that people
1827. are going to be laid off, that rates have to
1828. go up, that it's a sinking ship and it
1829. desperately needs to be sold.
1830. Since this is an entity that generates
1831. 150, $200 million a year for our city, and
1832. any sale would involve billions of dollars,
1833. all that means, I was wondering, if you
1834. received a complaint regarding
1835. misrepresentations or misstatements of facts
1836. either directed toward the body or to the
1837. public relative to this sort of important
1838. issue, would that be an area that would be
1839. appropriate for your investigation?
1840. MS. GREEN: Through the Chair, we're
1841. charged with investigating fraud, waste or
1842. abuse. So if the allegation were related to
1843. maybe abuse of position or a waste of funds.
1844. It sounds to me what you're saying is you're
1845. looking at financial evaluation, we're
1846. charged with investigating fraud, waste or
1847. abuse. And I would defer that to someone
1848. with expertise in financial evaluation.
1849. CHAIRPERSON BROCK: Next up, Mr. Griggs.
1850. COMMISSIONER GRIGGS: Thank you,
1851. Mr. Chairman.
1852. Through the Chair to Ms. Green, thank
1853. you for being here. I want to go back to
1854. the whistleblower. I know you said
1855. complaints can come in at any way, any form,
1856. public or what have you. Is the public
1857. protected under your whistleblower
1858. protection as well? I know employees are,
1859. but is the public, if someone complains in
1860. the public --
1861. MS. GREEN: Through the Chair to
1862. Mr. Griggs, the whistleblower protection
1863. applies to employees and it follows the --
1864. it's -- the City of Jacksonville has a very
1865. robust protection for its employees. The
1866. purpose is to protect the employees from
1867. retaliation from their employing agency. So
1868. we extend that by ordinance to the employees
1869. only.
1870. We work very closely with anyone that
1871. comes to our office that has a big concern
1872. about their disclosure of their -- you know,
1873. reporting something. So we try to find
1874. solutions and different ways to handle it to
1875. allay their fears and give them the
1876. confidence they need to work with us.
1877. Oftentimes we can vet out, sit down and have
1878. a conversation, and sometimes we invite
1879. solutions to prevent that. But to answer
1880. your question, it's to employees.
1881. COMMISSIONER GRIGGS: Thank you.
1882. And one and a half more questions,
1883. Mr. Chairman.
1884. The confidentiality piece for the
1885. investigations, no one knows -- no one
1886. should know if an investigation is going on
1887. until it's completed; correct?
1888. MS. GREEN: Through the Chair, that's
1889. kind of a unique quagmire. We do not
1890. disclose the kind of investigations that
1891. we're working on or what we're going to be
1892. doing. However, when you're interviewing
1893. witnesses and subjects, we ask everyone to
1894. not disclose it. And you know what human
1895. nature does, a lot of this stuff gets leaked
1896. out when we ask not to.
      1. So we're not going to be discussing any
      2. open investigations, anything that we're
      3. working on or reviewing until it's
      4. completely closed. So that's from our
      5. standpoint. But, obviously, we know that
      6. can happen.
      7. COMMISSIONER GRIGGS: Do you ever deny
      8. that investigations are going on?
      9. MS. GREEN: Do I deny them?
      10. COMMISSIONER GRIGGS: Yes. If, say
      11. there's -- someone asks if an investigation
      12. was going on, you would say, hey, no,
      13. that's -- we have no investigation going on
      14. in this matter.
      15. MS. GREEN: I think I have to look at
      16. each one, through the Chair, each situation
      17. with -- when it's fully out there that we
      18. know there is an investigation going on, I
      19. will use JHA as an example, it's fully been
      20. publicized that the OIG is doing an
      21. investigation. My response is any
      22. information about that will be deferred and
      23. it's exempt under public statute, you know
      24. 119 Florida Statute, until it's completed.
      25. I try not to deny it because I just can't --
1897. I'll just say, I can't discuss anything due
1898. to the public records laws exception.
1899. COMMISSIONER GRIGGS: So I had one more
1900. question and it's regarding the Selection
1901. Retention Committee. There's a lot of
1902. people, a lot of entities, very diverse that
1903. are part of that community. What happens if
1904. someone is subject to investigation that is
1905. represented on the committee?
1906. MS. GREEN: I think in that instance I
1907. would -- let's say -- right now the Chair of
1908. the committee is the City Council. Let's
1909. say one of the members was under
1910. investigation. I would broach the subject
1911. with the Chair and I would ask that that
1912. person be recused at that time from any
1913. duties and responsibilities, because I think
1914. it's important to step away. And then we
1915. can do the investigation and then figure out
1916. where it goes after that.
1917. COMMISSIONER GRIGGS: And you do that in
1918. the committee structure or you do that
1919. individually?
1920. MS. GREEN: Through the Chair, I've not
1921. had that happen, but I believe I would have
1922. a one-on-one conversation and then we can
1923. probably have a meeting and figure out what
1924. to do.
1925. COMMISSIONER GRIGGS: Thank you.
1926. CHAIRPERSON BROCK: Next up, Mr. Denton.
1927. COMMISSIONER DENTON: Considering the --
1928. from the perspective of the important
1929. functions of the Inspector General's Office,
1930. do you -- are they adequately supported in
1931. the Charter, meaning do you have any
1932. recommendations for this group about any
1933. possible changes in the Charter with respect
1934. to your office?
1935. MS. GREEN: I think the Charter has the
1936. framework that the office needs those
1937. principles that we originally started with,
1938. being independent, looking at what we
1939. review. I think the framework was there. I
1940. think the appropriate place for any
1941. modification would be within our ordinance
1942. code as we see the need. But I think the
1943. ordinance code also, as well, is very well
1944. inclusive. And then that allows us the
1945. privilege to do some things from our own
1946. perspective, as far as running on
1947. procedures. I think the Charter says what
1948. it needs to say and it does cover the
1949. primary principles.
1950. COMMISSIONER DENTON: Thank you.
1951. CHAIRPERSON BROCK: I don't see anyone
1952. else on the queue. I do have some
1953. questions. In relation to the Charter, one
1954. of the issues was the idea of having a
1955. dedicated source of funding. I'm hearing
1956. from you that that's something that you
1957. think would be better handled through the
1958. ordinance code or is that something that we
1959. as a Commission should be looking at to put
1960. into the Charter?
1961. MS. GREEN: Through the Chair, I have my
1962. personal opinion. I guess I would -- the
1963. first thing I would do is take a look and
1964. see what other entities have their funding
1965. source in the Charter.
1966. CHAIRPERSON BROCK: Do you know if other
1967. entities have their funding source in the
1968. Charter --
1969. MS. GREEN: Through the Chair, without
1970. reviewing it, no, I do not. I think that
1971. it's very important for the office to be
1972. funded. I think there is different ways it
1973. can be funded. I don't know that putting it
1974. in the Charter is the appropriate place.
1975. CHAIRPERSON BROCK: Fair enough. That's
1976. what we're here for is to try to figure
1977. out -- you're the people that are living and
1978. working in those areas, we're just trying to
1979. figure out if there is a way we can help
1980. make your job more efficient and productive
1981. for the City.
1982. Another question I have is you talked
1983. about putting people under oath. This is
1984. perhaps just the lawyer in me, do those
1985. people have a right to counsel and advised
1986. on Fifth Amendment privileges.
1987. MS. GREEN: Yes, sir. All of us are
1988. notaries in our office, the investigators.
1989. We do put everybody under oath. Of course,
1990. as you're probably familiar, if you are
1991. compelling employees, it's under *Garrity v.*
1992. *New Jersey*, they have rights. So they have
1993. to come in and they have to speak to us.
1994. However, anybody that is in union, we do
1995. allow a union representative to come in.
1996. Anyone that requests an attorney to come in,
1997. I'm happy to have that. I'm not going to
1998. deny a witness or subject that opportunity,
1999. that's fine. They're not there to speak for
2000. the employee, but they're there maybe just
2001. as support.
2002. CHAIRPERSON BROCK: And this is really
2003. where I had -- because I was looking through
2004. and reading the Charter and reading the
2005. responsibilities with the Inspector General
2006. and the Council Auditor. If I'm on the City
2007. Council and I'm interested in auditing
2008. something, where is the division line
2009. between what you would be doing with your
2010. auditors versus what Mr. Billy would be
2011. doing with his auditors?
2012. MS. GREEN: What we're going to be
2013. looking for is does the audit request
2014. involve fraud, potential waste or abuse.
2015. That's -- so if there is a concern, then
2016. they would come to us. We would look at it.
2017. Does it have an element of fraud, waste
2018. abuse? What is the real concern about it?
2019. Is it just strictly an operational issue?
2020. And then you're just looking to audit the
2021. program just because.
      1. We're going to be looking for profit
      2. improvement, similar to what the Council
      3. Auditor does, because we're operating under
      4. Yellow Book, Red Book, same guidelines.
      5. It's just that the initial piece of it, how
      6. does it start, how is it originated, does it
      7. involve any fraud, any waste or abuse?
      8. We might audit something because we
      9. learned that an employee stole some money.
      10. So we might be looking at audit there and
      11. see how does that impact that program. And
      12. on the way we found out that they're not
      13. following the policies or this policy is
      14. absent. So we're going to be looking to see
      15. if the originating concept involves a
      16. concept of fraud, waste or abuse. If it's
      17. operational, I'm not going to -- that's not
      18. my daily thing.
      19. CHAIRPERSON BROCK: And Mr. Billy would
      20. say that their audits get reported back
      21. either through Council President, I believe
      22. it was, or the Finance Committee. Where do
      23. you present your audits that you've done?
      24. MS. GREEN: That's a good question.
      25. Everything that we issue, any official
2022. report, whether it's an audit or contract
2023. observation or report investigation, is
2024. issued through City C (ph), it's posted on
2025. our website.
2026. So it's -- we send it out to all,
2027. like -- so if the impacted party is
2028. Administration, they're going to get it.
2029. The agency heads are going to get it. And I
2030. also make sure that all the independents,
2031. all the constitutions are getting copies of
2032. the reports, because some of it has some
2033. themes. Like, if there are employees doing
2034. certain things or there is a similar
2035. program, we're helping that. By them
2036. reading the material, they're going to see
2037. and pick up on it; so maybe we need to look
2038. into it. So I make sure it gets pretty well
2039. disseminated, let alone to the media outlet.
2040. CHAIRPERSON BROCK: And that goes back
2041. to my question with regards to the Charter,
2042. is maybe -- ordinance code, but is there a
2043. structure within the Charter that would then
2044. require some action or review of the
2045. Inspector General audits or reports? I get
2046. that they're presented out there, but is
2047. there something more we can do for
2048. accountability? I'll let you wrap up. And
2049. my time is up.
2050. MS. GREEN: I'm not sure I understand
2051. your question.
2052. CHAIRPERSON BROCK: Is there something
2053. within the Charter that could be added that
2054. would require an action or review to your
2055. reports?
2056. MS. GREEN: The process that we have in
2057. place is very similar to what you heard from
2058. Mr. Billy. When we have an investigation or
2059. an audit -- so let's just use an
2060. investigation as an example, we issue a
2061. draft report or a draft audit to the
2062. appropriate body, let's say it's the head of
2063. the Administration or maybe it's City
2064. Council. Then in the body, at the back we
2065. have all the recommendations. So we give
2066. them about 21 days to respond.
2067. So we are asking them -- they are
2068. reviewing it. They're responding in writing
2069. and we're incorporating and we are following
2070. up on as well if they don't have an answer.
2071. Typically what happens is they will --
2072. they'll turn around and update their policy
2073. and update a copy of that. They'll do
2074. training. They'll tell me when they did it.
2075. They give all the verification I'm looking
2076. for and then we put all that together in the
2077. final reports. So by the time the reports
2078. are issued, the review has already been
2079. conducted.
2080. If there is something pending, I will
2081. also, like the Council Auditor's Officer,
2082. just continue following to make sure it's
2083. done. I kind of don't drop out of the way.
2084. I kind of stay on top of them. So the
2085. review process is done before the final
2086. reports are issued.
2087. Thank you for the support.
2088. COMMISSIONER GRIGGS: Thank you,
2089. Mr. Chair.
2090. Through the Chair to Ms. Green, I just
2091. had a quick question regarding --
2092. Ms. Miller's presentation, she really
2093. beautifully outlined how you all work
2094. together. I was wondering if there is some
2095. type of hardwire process that you all -- say
2096. something came in from ethics and you
2097. investigated it and then they went over to
2098. the State Attorney's Office, or what have
2099. you, is there any type of, I guess, maybe
2100. sort of a follow-up to Mr. Brock's question,
2101. solid piece or process to how you all work
2102. together? How do things get referred? And
2103. if not, do you think it's necessary for that
2104. to be hardwired in a way that there is some
2105. type of step-by-step process if people enter
2106. it from different areas?
2107. MS. GREEN: Through the Chair, I have a
2108. very solid complaint process from the
2109. inception where my complaints come in,
2110. they're numbered. Decision is made how to
2111. handle them. Let's say the referral came in
2112. from Ethics, we have a database where we log
2113. everything in who the referring party is.
2114. We do the work. Let's say it's
2115. investigation completed. My obligation is
2116. to, once it's done through the report
2117. process and if everything is closed, we do a
2118. disposition. I do a closure letter to
2119. everyone that I know. So if Ms. Miller or
2120. Mr. Billy gave me a referral, they're going
2121. to get something in writing that says, on
2122. this date you referred this, here is --
2123. they're going to be copied in the report
2124. investigation or audit or whatever it is
2125. they impacted. And we're going to let them
2126. know that we closed it.
2127. So we also, Ms. Miller and I, we
2128. occasionally have meetings, you know,
2129. quarterly or definitely as needed. We're on
2130. the phone with Ms. Kirby several times a
2131. week.
2132. But when it comes from a formal process,
2133. every complaint I get is open with a number,
2134. and closed by letting the complainant know,
2135. unless I don't know who that person is. So
2136. everyone, it doesn't matter who it is, it's
2137. hardwired, it's the same process over and
2138. over.
2139. COMMISSIONER GRIGGS: Thank you for
2140. that. Are you comfortable that that process
2141. carrying forward to the next Ms. Green who
2142. is going to be Inspector General and the
2143. next Ms. Miller who is going to be in Ethics
2144. Office? I mean, what I'm looking for really
2145. is to find out if we need to do anything
2146. here to improve your process or to help
2147. improve your process for future Inspector
2148. Generals and people who are watching -- you
2149. know, watchdogs, as Ms. Miller relayed it.
2150. MS. GREEN: Through the Chair, I think
2151. in this profession, knowing that we have
2152. principles and standards, our office is
2153. always going to maintain the same principles
2154. and standards. In order to be accredited, I
2155. have to notify the person that gives me the
2156. complaint. That's always going to be.
2157. Doesn't matter whether it's me, it is an OIG
2158. standard that always is the same way.
2159. I feel confident that the process we set
2160. up is working. I feel confident in the
2161. professionalism of the Ethics Director and
2162. the Council Auditor, that the relationships,
2163. that we're doing all the right things that
2164. we need to do. I do believe that it really
2165. is, regardless of whether or not -- the
2166. relationship, the type of work we do, we're
2167. all in the same line of work. We're just
2168. seeking the truth and we're getting the
2169. facts, so we're all doing the same thing.
2170. CHAIRPERSON BROCK: Thank you. Thank
2171. you very much.
      1. MS. GREEN: Thank you for your time and
      2. your support.
      3. CHAIRPERSON BROCK: Next speaker we have
      4. is Mr. Chris Hand. All of you received a
      5. copy of the Quiet Revolution, which Mr. Hand
      6. did the update and was kind enough to get
      7. copies for all of us. I won't ask who all
      8. read it. I actually did. I went through
      9. and read the update at least.
      10. Sir, please, we've got about an hour
      11. before we have our hard stop. So I know
      12. people have questions, but name and address
      13. and update us.
      14. MR. HAND: Well, thank you,
      15. Mr. Chairman. Chris Hand, 1301 Riverplace
      16. Boulevard. And I really appreciate the
      17. opportunity to be here this morning and
      18. discuss with all of you some of the issues
      19. that we talk about in this update to a Quiet
      20. Revolution.
      21. I just want to say first it's a real
      22. honor to follow the public servants who have
      23. spoken today. I didn't have the privilege
      24. of working with Ms. Green when I was at the
      25. City, but I certainly had the privilege of
2172. working with Ms. Miller and Mr. Billy.
2173. When you work somewhere like the City of
2174. Jacksonville, it's very much a doing
2175. experience, but at its best it's also a
2176. learning experience. And two of the people
2177. and institutions that I know I personally
2178. learned the most from were Ms. Miller and
2179. the Office of Ethics Compliance and
2180. Oversight. Carla and I met frequently when
2181. I was at the City. And I encourage all of
2182. you to do that as well, because it will
2183. really help to expand your horizons.
2184. And really pleased that the Commission
2185. heard from Council Auditor's Office, which
2186. is really one of the most important and most
2187. unsung parts of consolidated government.
2188. That is really where in many ways the
2189. institutional memory of consolidated
2190. government resides along with the Office of
2191. General Counsel.
2192. As I would frequently tell Mr. Billy and
2193. his predecessor Kirk Sherman, I never cease
2194. to learn from them in the many times we met
2195. and was really one of the best learning
2196. experiences. So I commend you for not only
2197. your work overall, but also from hearing
2198. from those folks earlier today.
2199. And, of course, just want to thank all
2200. of you for your service. When you're here
2201. working at the City day to day, it's very
2202. easy to get locked in and focused on the
2203. issues of the moment. And that's why this
2204. process is so important, to be able to look
2205. ahead, think to the issues that might define
2206. the future of consolidation and the future
2207. of the Charter in this process.
2208. I thought I would just very briefly, if
2209. I might, Mr. Chairman, talk about the book
2210. and the process by which we arrived here,
2211. but then of course leave as much time as
2212. possible for questions.
2213. As those of you who have read the book
2214. probably know -- and for those of you who
2215. haven't had a chance to yet, I look forward
2216. to your comments as well when you've had
2217. that opportunity. But the book really was
2218. written to kind of help support this
2219. process, the Charter Revision Commission
2220. process as it unfolded.
2221. And, as you saw, one of the driving
      1. themes of the book update is a plea for
      2. citizens to participate in this Charter
      3. Revision Commission process. I sat down
      4. earlier and heard the Chairman talk about
      5. this town hall meeting you're going to have.
      6. And I really want to commend you for taking
      7. those efforts to reach out to the community
      8. and encourage people to participate in this
      9. process. And of course want to thank and
      10. commend the citizens who have already been
      11. attending this; because, obviously, as we
      12. talk about in the book, consolidated
      13. government only exists because of the votes
      14. of Jacksonville citizens. And its future is
      15. largely going to be dependent on their
      16. continuing voices being involved in this
      17. project.
      18. So, again, anything you can do to
      19. encourage that, to facilitate that, and the
      20. town hall meeting that you're planning, much
      21. like the ones that the task force on
      22. consolidated government have, I think will
      23. really help to advance that critical goal of
      24. citizen engagement. That's obviously a
      25. particular interest for me. I've written
2222. previous books on that subject. And so I
2223. want to commend you for taking those steps.
2224. I thought I would talk briefly for those
2225. of you who aren't familiar with the history
2226. of this book in particular. The update that
2227. I've done is the fifth version of this book.
2228. The first one was written by Richard Martin
2229. in 1968 in the aftermath of consolidation.
2230. And talk about someone who was an eyewitness
2231. to history: He was here as a Florida Times
2232. Union reporter in the crisis that produced
2233. consolidation in the mid-1960s when there
2234. was corruption, the schools were being
2235. discredited, government was having
2236. functionality problems. He was here to
2237. cover that as a journalist. Was then active
2238. again as a Florida Times Union journalist
2239. covering the consolidation campaign and the
2240. initial implementation. And he was actually
2241. part of the first consolidated government of
2242. Jacksonville. Mayor Tanzler appointed
2243. Mr. Martin to be one of the first public
2244. information officers here at the City of
2245. Jacksonville.
2246. So he wrote this initial version in 1968
      1. as consolidation was born. The book was
      2. reprinted several years later without any
      3. revisions, much to Mr. Martin's chagrin at
      4. the time. So he then had an opportunity in
      5. 1993, at the 25th anniversary of
      6. consolidation, to write an update to the
      7. book and sort of keep it up to date through
      8. 1993, which was right in the middle of the
      9. Austin Administration, in which he was also
      10. serving at the City of Jacksonville.
      11. The next update was in 2008 by a
      12. gentleman named David Ginzl.
      13. And as we approach the 50th anniversary,
      14. which was October 1st, 1968, the 50th
      15. anniversary of consolidation being
      16. implemented, the Jacksonville Historical
      17. Society decided, as part of that
      18. commemoration, to do perhaps a final update
      19. to this book to commemorate that occasion.
      20. And when I was asked to author the
      21. update, I obviously took a look again at the
      22. previous updates and how they had approached
      23. it to decide maybe the best way for me to do
      24. that. And I decided to take a little bit of
      25. a different approach to kind of continuing
2247. the consolidation story.
2248. Some of the previous updates provided a
2249. somewhat narrative account of the events
2250. that had happened in consolidation. I think
2251. that's really important for our history. I
2252. decided to take a little bit of a different
2253. approach. Rather than provide sort of a
2254. play-by-play account of what had happened at
2255. City Hall between 2008 and 2019 as to when
2256. we had finished the book, my approach was to
2257. focus on those big events during those ten
2258. years that really helped to demonstrate how
2259. consolidated government had evolved over
2260. that period of time. And that was sort of
2261. section one of the update, for those of you
2262. who read it, that looked back from 2008 to
2263. 2019, really covering parts of three
2264. administrations, Peyton, Brown and Curry.
2265. And then what I wanted to do, though,
2266. was really -- again with the goal of trying
2267. to help support this process that all of you
2268. are engaged in, based on the interviews and
2269. other research that I've done, really help
2270. to try and tee up or identify issues that
2271. might be important to the future of
2272. consolidated government.
2273. And just to be very clear, again, if
2274. you've seen the book, I don't take a
2275. position on those issues. It wasn't my job
2276. here or intention to put a thumb on the
2277. scale, but really to help identify those
2278. issues and make sure that they were -- and
2279. reflect some of the suggestions of people I
2280. talked to and research I did to make sure
2281. those issues were before the Charter
2282. Revision Commission.
2283. So just to give you a little bit of the
2284. sense of process, as you probably saw in the
2285. book, I interviewed close to 35 either
2286. former city officials or community leaders,
2287. that includes all former Mayors, the last
2288. ten City Council Presidents, former City of
2289. Jacksonville staff and other community
2290. leaders in this process, and also did
2291. significant primary research through our
2292. local public agents, Florida Times Union,
2293. Jacksonville Business Journal, Financial
2294. News & Daily Record, and City of
2295. Jacksonville documents and histories to try
2296. and kind of synthesize all of this. And, as
2297. you saw, we kind of ended up, in the second
2298. half of the book, really identifying several
2299. issues for consideration.
2300. Before I just kind of briefly get into
2301. those, before I open this up for questions,
2302. because I think that would probably be
2303. beneficial, that was the majority of our
2304. time, that back-and-forth today. If you
2305. have not already, I would really commend to
2306. you the very comprehensive report that the
2307. Task Force on Consolidated Government wrote
2308. called Blueprint For Prosperity II, because
2309. that task force identified a number of
2310. issues that I think are worth the Charter
2311. Revision Commission examining. You know, as
2312. those of us know, there is a history in
2313. Jacksonville, and in a lot of cities, of
2314. reports being carefully researched and
2315. prepared and then perhaps being put on
2316. shelves and gathering dust. That was not a
2317. problem particularly with the task force on
2318. consolidated government.
2319. Council President Boyer, who now is the
2320. CEO of the Downtown Investment Authority,
2321. was very diligent about moving a number of
2322. those recommendations in the law either as
2323. ordinance code changes or charter changes in
2324. the aftermath of that commission meeting.
2325. But there were some that were not moved into
2326. law. And I would sort of commend to you a
2327. couple of sections of that report perhaps
2328. worth examining even further.
2329. There is a section on neighborhoods.
2330. One of the hot debates about consolidation,
2331. and we've seen this in the discussion around
2332. the 50th anniversary commemoration, is the
2333. status of neighborhoods in our consolidated
2334. government. Because we have now established
2335. one of the largest cities by area in the
2336. United States, there is a sense among some,
2337. and we talk about this in the book, that the
2338. consolidated government can be big and
2339. unwieldy and not always as responsive to
2340. individual neighborhoods as needed.
2341. And, for that matter, individual
2342. neighborhoods have very different goals and
2343. needs at times. An area like Mandarin,
2344. which Council Schellenberg represented when
2345. he was on the City Council, has different
2346. needs than Riverside, which has different
2347. needs than Durkeeville, which has different
2348. needs than Oceanway.
2349. So given the diversity of our
2350. neighborhoods here, there was a lot of work
2351. done on the task force for consolidated
2352. government to talk about how do we address
2353. that. Do we take the Neighborhood Bill of
2354. Rights that initially came about during the
2355. Delaney Administration and put that into the
2356. City of Jacksonville Charter? How do we
2357. take steps to make sure that we strengthen
2358. CPACs, Citizen Planning Advisory Committees,
2359. to make sure that people have voices in
2360. their neighborhood issues?
2361. So as you're doing your work, I think,
2362. if you haven't read that task force report,
2363. neighborhoods is an area where they're --
2364. again, some recommendations might have been
2365. implemented, but there are still others
2366. worth considering.
2367. Another, and this kind of will dovetail
2368. into the first of the five issues that we
2369. talk about in the book, is the issue of
2370. infrastructure. And, you know, one of the,
2371. I think, most hotly contested issues of
2372. consolidation, and appropriately discussed
2373. today and discussed during the
2374. commemoration, is were there promises made
2375. during the 1967 consolidation campaign that
2376. have yet to be fulfilled.
2377. And I say that's a debated issue. I
2378. think the facts speak pretty strongly that
2379. the answer to that question is yes. That's
2380. something that the Task Force on
2381. Consolidated Government talked about
2382. extensively: The fact that there were
2383. promises made of things like streetlights,
2384. paved roads, water and sewer infrastructure,
2385. replacement of septic tanks, flood control
2386. and drainage that have not been fully
2387. fulfilled over that 50-year period.
2388. That's something that's discussed in a
2389. task force report and also happens to be the
2390. first of the five kind of questions and
2391. issues that I identify in this update to a
2392. Quiet Revolution, just because it was
2393. reflected by a number of the folks that I
2394. interviewed, which is, you know, in
2395. Jacksonville rewrite what some people view
2396. as the tale of two cities, and how do we go
2397. about trying to make sure that consolidation
2398. is something that can benefit every
2399. neighborhood in Jacksonville and every
2400. resident enjoys benefits of the consolidated
2401. model. That's discussed, again, extensively
2402. in the book.
2403. And I had the great privilege of
2404. interviewing a number of people, but perhaps
2405. none more of a privilege than Alton Yates,
2406. who really was one of the longest leaders in
2407. this community; you know, first came to the
2408. public's attention during Ax Handle Saturday
2409. in 1960, then went on to be a community
2410. leader, was active in the consolidation
2411. campaign, and then served five different
2412. mayoral administrations in that role. So
2413. someone who was there at the creation of
2414. consolidation and was able to speak not just
2415. to the promises that were made then, but
2416. also to how consolidation has been
2417. implemented over the last 50 years.
2418. The second question that is framed up in
2419. the book is, are the independent authorities
2420. too independent or not independent enough.
2421. And as you can imagine, there are very
2422. widely divergent opinions on that subject,
2423. often sort of depending on experience the
2424. particular observer has had in dealing with
2425. the independent authorities, but it
2426. obviously remains issue of public discussion
2427. today. And there were several suggestions
2428. that people made in this process that,
2429. again, were reflected in the book update
2430. that might address this issue depending on
2431. where one stands.
2432. For those who feel like the independent
2433. authorities are not independent enough, one
2434. idea that came up was the idea of requiring
2435. supermajority approval by the City Council
2436. of any independent authority nominees as a
2437. way of trying to help buttress their
2438. independence going forward.
2439. For those who felt like the independent
2440. authorities who are part of consolidated
2441. government have gone too far afield from the
2442. mission of consolidated government, one
2443. suggestion was what -- what one person said
2444. was to reconsolidate.
2445. As you know from your study of the
2446. Charter right now, there are three
2447. independent authorities that are actually in
2448. the Charter as we sit here today. Others,
2449. primarily JTA, the Jacksonville Port
2450. Authority, and the Jacksonville Airport
2451. Authority, are all state Charter agencies.
2452. In other words, they're created as a
2453. function of state statute. Their
2454. appointments are split between the governor
2455. and the mayor. And one suggestion in that
2456. process was let's make them local agencies
2457. again, put them in the Charter so that a
2458. Mayor will and a City Council will have all
2459. of those appointments to consider.
2460. And yet another suggestion was let's
2461. just have independent authority appointments
2462. serve for a single term without the
2463. possibility of reappointment. Again, really
2464. primarily generated by those who want to
2465. make sure that they are independent going
2466. forward. So that was another subject of
2467. great discussion as we kind of went through
2468. the issues for the future of consolidation.
2469. The third issue was, you know, City of
2470. Jacksonville elections. And it's an issue
2471. that your predecessors on the Charter
2472. Revision Commission touched on briefly. But
2473. should they be rescheduled or made
2474. nonpartisan.
2475. Right now, as you know, city elections
2476. are held in the spring right after the state
2477. elections are held. And a new Mayor and new
2478. City Council takes office on July 1st of the
2479. year of the election.
2480. Well, I can tell you from personal
2481. experience that that creates a bit of an
2482. operational challenge for a new Mayor and a
2483. new City Council because you take office on

13 July 1st and on July 15th your first budget

1. is due to the City Council.
2. So something the task force on
3. consolidated government looked at, and I
4. believe your predecessors looked at as well,
5. is should we change the date of city
6. elections both to try and enhance turnout,
7. which has been, I think it's fair to say,
8. less than optimal in recent city elections;
9. and to kind of help fix that operational
10. problem where mayors and council members are
11. coming into office and then have virtually
12. no time to even find out how to get around
13. City Hall before they're forced to review a
14. more than $1 billion general fund budget,
15. and even bigger when you include the capital
16. funds and some of the enterprise funds. So
17. that's an operational issue.
18. And, of course, the issue of should we
19. maintain our current system of electing
20. elected officials at the City of
21. Jacksonville. In other words, we have a
22. unitary system. As everyone knows right
23. now, people run on the same ballot
24. regardless of party, and the top two
25. finishers, if no one gets 50 percent plus 1,
26. move to the second election. And there has
27. been suggestions at times about making the
28. elections nonpartisan, much like they do in
29. other Florida cities, Orlando, Tampa,
30. Gainesville, other comparable cities in
31. Florida. So that was another subject that
32. was sort of teed up in the book.
33. The fourth issue was whether
34. Jacksonville should retain the General
35. Counsel structure. As you've known from
36. your kind of looking into consolidated
37. government, that's one of the most unique
38. aspects of our consolidated government. And
39. one that's also been recently debated,
40. particularly in the context of the
41. consideration of the school board
42. infrastructure tax request: Whether the
43. General Counsel is properly organized,
44. whether it has the right authority, whether
45. there are other steps that need to be taken.
46. In addition to framing up that overall
47. debate about the General Counsel's ability
48. to issue binding opinions and its
49. representation of the whole scope of
50. consolidated government, not just the Mayor
51. and the Council, but also all the
52. constitutional officers and the independent
53. authorities, there were several particular
54. issues that came up about the Office of
55. General Counsel that we talked about here.
56. One is the selection method.
57. The selection method actually just
58. changed four years ago by a Charter
59. amendment passed by the people, but as I got
60. into this process, there was a suggestion
61. made that we change it yet again. In other
62. words, that if the General Counsel is going
63. to represent all of the different
64. constituent aspects of consolidated
65. government, that perhaps it be changed to
66. give all of those constituents a role in the
67. selection process.
68. In other words, a suggestion that was
69. made was right now it's just essentially the
70. Mayor that makes that recommendation to City
71. Council. Perhaps it should be a committee
72. that's comprised of the Mayor, the School
73. Board, each of the constitutional officers
74. and representatives from the independent
75. authorities, because if they are all going
76. to be represented by OGC, perhaps they
77. should all have a role in selecting that GC
78. as well. So that was one suggestion made.
79. There was also a suggestion made to give
80. greater public access to all of the binding
81. opinions that the OGC has issued since the
82. office started in 1968. As you know, the
83. first General Counsel was Judge William
84. Durden. And he promulgated hundreds of
85. opinions in those first few years, really
86. out of necessity, because we have this huge
87. consolidated government and a need to
88. clarify how that government was supposed to
89. work. And even more have been issued over
90. time, but right now those are not available
91. online. Since they are the equivalent of
92. judicial rulings, which as an attorney like
93. Mr. Brock and others know, are available
94. online, there was a suggestion made that OGC
95. be able to provide those so the public can
96. track the evolution of those opinions over
97. time.
98. And the last issue which came up a lot
99. in these interviews was the question of
100. whether the City Council is the correct size
101. and composition, whether it's too big, too
102. small, whether it should have more district
103. members or more at-large members. And so
104. you'll see that discussion of the book as
105. well.
106. That is not to say that those are --
107. that is a comprehensive list of issues. I
108. tried to reflect those that were discussed
109. the most in this process, and, again, really
110. trying to support the process in which
111. you're engaged and spending all the time
112. that you are trying to make recommendations
113. for the Charter.
114. So I hope I haven't gone on too long,
115. Mr. Chairman. Thank you. And I'm happy to
116. discuss any issues or take any questions.
117. CHAIRPERSON BROCK: Thank you. I do
118. have a few people on the queue. I would ask
119. that we move our time to three minutes just
120. so we can move through this efficiently.
121. And I believe I'm not speaking out of
122. turn for you, Mr. Hand, but if any of our
123. Commissioners would like to speak with you
124. outside of this, I think you said that you
125. would make yourself available for any
126. questions that we may have afterwards.
127. MR. HAND: Most definitely. Happy to
128. help in any way I can.
129. CHAIRPERSON BROCK: I would also ask,
130. Commissioners, please keep your questions
131. focused on the Charter. There are a lot of
132. issues that I'm sure Mr. Hand can opine on,
133. but if we can keep it focused really on
134. Charter, that would be great.
135. Mr. Schellenberg first.
136. COMMISSIONER SCHELLENBERG: Through the
137. Chair to Mr. Hand, thank you very much. And
138. he is very good. And he's written a book
139. with Bob Graham, just to let you know, about
140. citizen involvement. So he's very involved
141. in this. I agree with the Chair that wants
142. to have one at night or maybe more at night.
143. But you mentioned Mandarin. Mandarin
144. Charter was approved. They basically had 4-
145. or 5,000 people there.
146. So along the Charter, would some of
147. these areas be better off not necessarily
148. splitting off but having independent way in
149. which to raise money to benefit a specific
150. area, as opposed to waiting for the City to,
151. you know, allocate money to sidewalks,
152. infrastructure, things like that?
153. MR. HAND: Through the Chair to
154. Councilman Schellenberg -- sorry, I'm very
155. used to saying that from four years at the
156. City of Jacksonville. I will kind of --
157. just to point out a couple of people who
158. made suggestions along those lines in the
159. book, Commissioner, former Council President
160. Bill Bishop, with whom you served, sort
161. of -- that's something he talked a lot about
162. in the book, is the need to give individual
163. neighborhoods, which I said earlier have
164. widely divergent interests and needs, some
165. form of autonomy in terms of planning and
166. zoning decisions and maybe infrastructure as
167. well. You know, what he suggested was
168. something along the lines of kind of a veto
169. power over the growth of those neighborhoods
170. and the City of Jacksonville decisions.
171. Your predecessor on Council, Former
172. Council President Jack Webb, who I also
173. talked to, took that a step further and said
174. that individual neighborhoods probably
175. should have some funding authority as well
176. and some ability to direct those funds,
177. again, to try and reconcile the fact that
178. they have individual needs, yet are part of
179. this large, unified, somewhat monolithic,
180. city government we have. So there were
181. suggestions made along those lines, and
182. those are reflected in the book.
183. COMMISSIONER SCHELLENBERG: Chris, I'm
184. going to let it go, because you and I talk
185. often, and I greatly appreciate your
186. insight. So I don't need any more time, but
187. I do want to thank Chris for volun- -- not
188. volunteer. He was chief of staff. And he
189. was -- although we did not always agree, he
190. was always willing to have a discussion.
191. And I greatly appreciate our friendship.
192. Thank you, Chris.
193. MR. HAND: Thank you, Commissioner.
194. CHAIRPERSON BROCK: Thank you.
195. Next we have Mr. Gentry.
196. COMMISSIONER GENTRY: Good morning,
197. Mr. Hand.
198. MR. HAND: Good morning, Commissioner.
199. COMMISSIONER GENTRY: One area that I
200. want to ask you about is, Article 12 of the
201. Charter relates to the judiciary Article 13,
202. relates to the school district, both of
203. which are the subject of extensive statewide
204. control and operation of the Constitution
205. and general laws.
206. But, for example, with the judiciary,
207. Section 12.01 says that the circuit court
208. and the county court exist as president
209. constituted by general statute of law, and
210. that those are applicable to them. But then
211. says that except herein expressly provided
212. to the contrary. And, of course, the City
213. Council can amend the Charter, the
214. legislature can amend the Charter.
215. So does that mean, for example, that the
216. Charter could be amended to provide that
217. judges are appointed by the mayor or that
218. their salaries are going to be set at a
219. different level than the state level? I
220. mean, I'm getting to the point of could that
221. happen and is that -- do you think that's
222. the intent of the Charter in terms of
223. particularly those two arenas which are
224. governed by a statewide uniform system of
225. loss?
226. MR. HAND: Through the Chair to
227. commissioner Gentry, with a provocative
228. question as always, I actually -- as you --
229. you know from reading the book, those are
230. not subjects I particularly looked into.
231. I will say that obviously some of those
232. issues are now probably going to be
233. distilled and decided in some litigation
234. that was filed this week as publicized in
235. local media. So we're ultimately going to
236. defer to the courts on making those sorts of
237. decisions.
     1. What I will say is, if you read the kind
     2. of history of Jacksonville and also look at
     3. the Charter, I think one of the reasons that
     4. multiple arms of government were sort of
     5. brought into the overall consolidated
     6. structure were to create efficiencies. I
     7. mean, that was one of the major challenges
     8. prior to consolidation. In addition to the
     9. corruption, in addition to the
     10. dis-accreditation of the schools, in
     11. addition to everything else, it was the
     12. perception that you had a large and unwieldy
     13. city government.
     14. As you know, all of you know from
     15. studying this, it was an incredibly
     16. Byzantine structure, you know, prior to
     17. consolidation. We had a City Council and
     18. city commissioners, each of whom had sort of
     19. a different area of focus, and a Mayor that
     20. was sort of part of the City Council and a
     21. county government.
     22. So I think a major driving force behind
     23. this process was efficiency. And I think
     24. certainly one of the goals of bringing a
     25. variety of agencies into that structure was
238. to create some of those efficiencies,
239. particularly in things like central
240. services, whether that's procurement,
241. whether that's fleet management, whether
242. that's sort of attorney services.
243. So anything beyond that, I think those
244. are questions that are going to be answered
245. by the courts in some of the litigation
246. that's been filed and looked at, and those
247. discussions of where does state law or
248. general law take priority versus
249. consolidation. You know, there are those --
250. and I'm sure you'll be hearing from some of
251. those in this process -- who would argue
252. that the legislature adopted the
253. consolidated model, and it has since
254. readopted or amended it knowing what state
255. law is.
256. And so, under the general rules of
257. statutory construction, there is supposed to
258. be somewhat of a presumption that you knew
259. what state law was and then made these
260. changes. Nonetheless, I think those
261. questions are going to largely be distilled
262. and answered in litigation.
     1. What I would say is I think what you're
     2. referring to to some extent is there was a
     3. great effort here to create efficiencies and
     4. to see how can these agencies work together
     5. to create savings for taxpayers. And I
     6. think that was the primary motivation for
     7. some of that inclusion.
     8. CHAIRPERSON BROCK: Thank you. We do
     9. have a memo, that Ms. Johnston hopefully
     10. will get to, to walk us through on part of
     11. that answer to your question.
     12. Next I have Ms. Jameson.
     13. COMMISSIONER JAMESON: Hi. Good
     14. morning. Thank you.
     15. MR. HAND: Good morning.
     16. COMMISSIONER JAMESON: As you discussed
     17. the timing of elections and looking at how
     18. close these three elections are to, again,
     19. reviewing the budget, has it been
     20. reviewed -- I know there are several
     21. different opinions as far as putting it on
     22. the gubernatorial schedule or the
     23. presidential schedule. Has it been
     24. reviewed, though, keeping those elections on
     25. an odd year, but moving it from the spring
263. to the fall?
264. MR. HAND: Through the Chair to the
265. Commissioner, yes, ma'am, that is correct.
266. In fact, that is what the -- so there's been
267. essentially three different proposals made
268. over time. One, as you say, and your
269. predecessors on the Charter Revision
270. Commission proposed, aligning city elections
271. with gubernatorial state elections that
272. happen in November.
273. I think the debate on that has been,
274. well, that certainly would increase turnout.
275. Would it also tend to drown out the tension
276. on city elections because of the other
277. matters that are on the ballot?
278. The task force on -- and so they made
279. that recommendation to the City Council.
280. The City Council at the time then took that
281. recommendation and modified it into exactly
282. what you're proposing, one that would move
283. the city elections to November of the
284. odd-numbered year.
285. Now, speaking of long November election
286. ballots, that referendum was on the -- at
287. the very end of the November 2010 general
288. election ballot and failed by 2 or 3
289. percentage points when put before the
290. voters. It has not been on a non-November
291. ballot before, on a city only ballot for
292. voters to consider.
293. The subject came up again during the
294. task force on consolidation where the task
295. force essentially endorsed or at least
296. recommended for consideration that same
297. approach, making the elections in November
298. of the odd-numbered year -- or September,

12 November of the odd-numbered years as

1. opposed to March and May.
2. So it has been discussed before. The
3. voters have actually weighed in before, but
4. almost a decade ago on that question. And
5. when you talk -- and she's quoted
6. extensively in the book about this. But
7. when you talk to Council President Boyer
8. about it, she mentions how this operational
9. aspect was really the driving force behind
10. this. And, you know, as she says, look,
11. it's very difficult for a mayor to get her
12. or his vision in an initial budget when you
13. only have two weeks to put it together. I
14. can certainly attest to that.
15. One of the many -- in our
16. Administration, the Brown Administration,
17. one of the many factors to which we were
18. grateful to the Peyton Administration, and
19. grateful for many things because they ran
20. such a helpful transition, but was they had
21. done months of work on the budget that we
22. were able to sort of pick up and run with,
23. but didn't have much time to put our
24. Administration stamp on that budget. And by
25. not much time, 13 or 14 days.
26. That would be a huge operational change,
27. to have a mayor sworn in and a council sworn
28. in on January 1st, and have a full six
29. months to come into office and get ready for
30. that budget preparation.
31. COMMISSIONER JAMESON: I appreciate
32. that. Thank you.
33. MR. HAND: Thank you.
34. CHAIRPERSON BROCK: Next I have
35. Mr. Griggs.
36. COMMISSIONER GRIGGS: Thank you,
37. Mr. Chairman.
38. Through the Chair to Mr. Hand, thank you
    1. for your presentation. I'm always struck by
    2. the conversation around consolidation
    3. because, as you mentioned, there were
    4. promises made to various areas of town that
    5. were not kept. And I think the design of
    6. consolidation was that every person -- even
    7. in the Charter, every person in the city
    8. should feel equally represented. And if you
    9. have one section of town that was sort of,
    10. for lack of better term, left behind, if it
    11. is a priority that this tale of two cities
    12. be addressed, what can we do as a Charter
    13. Revision Committee? What recommendations
    14. can we make in order to make people feel as
    15. if now and going forward there is an effort
    16. being made to turn things around to address
    17. the issue, I should say?
    18. MR. HAND: Through the Chair to
    19. Commissioner Griggs, and thank you for that
    20. question because it was one of the subjects
    21. of the sort of most discussed in this
    22. process; not just sort of the problem, but
    23. what's the solution? How do we deal with
    24. this both from a governmental and an
    25. operational level? And I'll sort of make a
39. couple of thoughts just reflecting again
40. conversations that were had, one a little
41. more macro and one a little more micro.
42. From a macro standpoint, again, one
43. suggestion the Task Force on Consolidated
44. Government made was having neighborhoods
45. addressed in the Charter itself, having a
46. neighborhood bill of rights or similar,
47. strengthening CPACs or other methods to help
48. empower individual neighborhoods. Probably
49. a key starting point in that discussion.
50. But I also think the Charter, because,
51. again, the Charter being the governing
52. document of consolidation, could address
53. some of the issues of helping make sure that
54. every resident has the benefit of
55. consolidation in a variety of ways.
56. One could be ensuring that the City
57. Council, through ordinance, creates and
58. sustains and implements a master plan year
59. after year to make sure that not only
60. promises made have been fulfilled, but that
61. every neighborhood and resident enjoys the
62. benefits of consolidation.
63. Frankly, another issue would be the
    1. issue -- I believe you asked or one of your
    2. colleagues asked about the issue of a
    3. dedicated funding source for the Inspector
    4. General's Office. I think that question
    5. applied equally to this subject matter,
    6. which is how do we make sure that we have
    7. parody in infrastructure across the city?
    8. And I think it's not inappropriate for the
    9. Charter to touch on that question, whether
    10. or not there ought to be a dedicated funding
    11. source going forward to help make sure that
    12. there is that parody.
    13. One of the things we actually discuss in
    14. the book is there is a dedicated funding
    15. source right now that could be available to
    16. help with some of that. And if you read the
    17. section about Mayor Peyton's term, one of
    18. the three fees that he persuaded City
    19. Council to adopt was a franchise fee for
    20. JEA, which at 3 percent generates about $40
    21. million a year. And City Council has,
    22. through the powers that are in the Charter,
    23. the ability to increase that to 6 percent.
    24. Now, obviously, there is a particular
    25. JEA process going on right now, and we're
64. not sure how that will end or what it will
65. do to this. But the point is it's not
66. inappropriate for the Charter to contain
67. financial items and to direct spending at
68. times, much like it does in Article 21. If
69. it's appropriate there, I don't think there
70. is a lot of debate that it might be
71. appropriate in an area like this one as
72. well, particularly when it's being done to
73. fulfill the stated goals of consolidation
74. advocates in 1967, which as-is covered not
75. only in my section but also Mr. Martin's
76. section, which is well documented in the
77. original Blueprint For Prosperity and the
78. subsequent Blueprint For Prosperity II that
79. the Task Force on Consolidation made; but
80. clear intention of consolidation was to have
81. parody throughout neighborhoods in
82. Jacksonville to make sure that the core city
83. was not left behind in the city/county
84. consolidation. Given that that was one of
85. the fundamental underpinnings of the
86. consolidated government, the Charter is an
87. instrument that can be used to help make
88. sure that remains the case.
    1. COMMISSIONER GRIGGS: Thank you for
    2. that.
    3. CHAIRPERSON BROCK: I'm sorry. Time is
    4. up. I have two other people on the queue.
    5. Mr. Denton.
    6. COMMISSIONER DENTON: Your point about
    7. the timing of elections, Mr. Hand, brought
    8. to mind my biggest fear for the future
    9. democratic government, anyway, which is
    10. citizen involvement, voting, knowledge of
    11. public affairs, but activated and actual
    12. voting. You wrote a previous book on this
    13. subject, civic involvement, so you've done a
    14. lot of thinking about it.
    15. Other than things you already mentioned,
    16. do you see any other areas where the Charter
    17. might encourage citizen involvement and make
    18. voting easier, whatever? Any other ideas on
    19. that?
    20. MR. HAND: Through the Chair to
    21. Commissioner Denton, and, thank you, that is
    22. a personal interest of mine.
    23. Obviously, as it relates to elections,
    24. some of this is determined by state law;
    25. particularly, the functioning of elections
89. themselves and the supervisor of elections
90. like ours here in Duval County take their
91. guidance from Tallahassee on that. You
92. know, as we relate -- and I agree with you
93. that voting is the most fundamental aspect
94. of citizen involvement. But, you know, kind
95. of going from the microscope to the
96. telescope and looking at what are those
97. other aspects of citizen involvement, the
98. answer is yes. I think the Charter should,
99. and it's very appropriate for the Charter to
100. address some of these issues and expand the
101. opportunities for citizens to be involved.
102. I mentioned the work. I believe, if
103. memory serves, perhaps you might have been a
104. member of the Task Force on Consolidated
105. Government or at least followed it very
106. closely in your role at the paper. But,
107. again, one of the suggestions they made was
108. to enhance the role of CPAC, Citizen
109. Planning Advisory Committees, so that
110. citizens would have an even greater voice in
111. deciding how city government impacts their
112. neighborhoods. I think that's an example of
113. the type of innovation or reform that could
114. be put into the Charter to give citizens
115. even a greater role.
116. One thing I hope that -- and, again, I'm
117. not putting a -- I'm not making a judgment
118. one way or the other on these issues, but
119. one issue of potential study by this would
120. be is there a way to bring the Charter into
121. the digital and online age as it relates to
122. citizen engagement.
123. Obviously, there was a task force at
124. City Hall about a year ago that explored
125. some of these questions. But there is
126. incredible innovation going on in cities and
127. counties around the country as it relates to
128. how do we use the Internet and how do we use
129. digital media to make sure that citizens and
130. government are sharing ideas.
131. And there is a former mayor of
132. Indianapolis named Stephen Goldsmith, who is
133. associated with Harvard now at the Ash
134. Center there, and they're doing really
135. interesting work about how citizens and
136. government officials can work together
137. online, how governments can essentially
138. crowd source their citizens for ideas and at
139. times even crowd fund projects, or how
140. citizens can provide input to a budget
141. process or another policy process.
142. So I think one thing I would encourage
143. the Commission, respectfully, to look at is
144. are there ways the Charter can be made
145. modern for this digital age and citizen
146. involvement.
147. There are always traditional methods.
148. One of the many, I think, positive things in
149. terms of citizen engagement that the Peyton
150. Administration did, for example, is during
151. these very tough budget years that Mayor
152. Peyton and his team dealt with, they had
153. budget workshops throughout the city to try
154. and get citizen input into this process.
155. And that's always appropriate, for City Hall
156. to look for ways to welcome all into the
157. City Hall process.
158. But I think one thing this Commission
159. could look into is are there ways the
160. Charter could be amended in this digital age
161. to make sure citizens and government
162. officials can have those conversations, not
163. just in person, not just in meetings, but
164. also online. And there is a wealth of
165. information about cities and counties out
166. there that are doing that.
167. CHAIRPERSON BROCK: Thank you.
168. Next I have Ms. Mills.
169. COMMISSIONER MILLS: Through the Chair,
170. Mr. Hand, thank you so much for coming down
171. to speak with us.
172. I just made a few notes. And when I was
173. looking at the 2014 printout of the task
174. force, it spoke about different CPAC
175. meetings and how they're drastically
176. decreasing with people -- with citizens
177. coming out to those meetings.
178. Do you think that part of that -- and I
179. can only speak from the experience that I've
180. had -- is that the district representatives
181. are not attending those meetings? So in
182. order for the neighborhood to feel that you
183. have an interested representative there to
184. make sure that you're heard, wouldn't you
185. think that would probably make the CPAC
186. members feel that they're marginally being
187. represented, because I know there are times
188. that sometimes there is no representation.
189. There are people there from the City and
190. they go there with the job of explaining and
191. answering questions; but however, when the
192. district representative doesn't show up a
193. lot, that kind of lends on why people, you
194. know, don't come out.
195. MR. HAND: Through the Chair to
196. Commissioner Mills, when I was at the City
197. of Jacksonville, I would from time to time,
198. particularly as we were sort of presenting
199. administrative initiatives and wanted to
200. help build awareness and get questions from
201. neighborhoods, we would attend various CPAC
202. meetings. And we had members of our
203. Administration who regularly attended those
204. as part of their job responsibilities every
205. time the CPACs met.
206. I will tell you, in my experience, the
207. CPAC meetings I attended typically did have
208. Council Members who attended those. I don't
209. know if that was every time, but I certainly
210. have some strong memories of Council Members
211. being there. I can't speak to any
212. particular Council Member or any particular
213. CPAC meeting or know why they did or didn't
214. come to that.
215. I think it's certainly beneficial for
216. people in neighborhoods to see their elected
217. representatives. And, again, at the CPAC
218. meetings I attended where Council Members
219. were present, I thought there was some good
220. dialogue and back-and-forth on those
221. subjects.
222. So I think the larger question for the
223. Charter is should CPACs have an expanded
224. role in the Charter or other steps taken to
225. give individual and distinct neighborhoods
226. more of a voice. And that's certainly
227. something that the Task Force on
228. Consolidated Government looked at in 2014.
229. It's certainly something that several of the
230. folks quoted in the books. Some of the
231. former city officials quoted in the book
232. felt strongly about as well. Thank you.
233. CHAIRPERSON BROCK: All right. Our last
234. person to speak on this, Ms. Santiago.
235. COMMISSIONER SANTIAGO: Good morning.
236. Thank you for being here.
237. MR. HAND: Good morning.
238. COMMISSIONER SANTIAGO: Actually, I just
     1. wanted to address Ms. Mills for just a
     2. second and echo your words as well. I was
     3. actually one of those members that did
     4. attend the Southeast CPAC on a regular
     5. basis. And I can attest to the fact that
     6. our City Council Members did attend those as
     7. well. So I think it's just maybe a
     8. continual effort to try to get them to all
     9. of those CPACs and maybe do some of that.
     10. My question to you, though, is you
     11. talked about -- or there's been a lot of
     12. back-and-forth as to the number of City
     13. Council Members, their terms and all of
     14. that. And there are pros and cons both
     15. ways. My question is who else do we talk to
     16. at this point? Who else should we engage
     17. and how should we do that?
     18. MR. HAND: Through the Chair to
     19. Commissioner Santiago, great question. And
     20. we talked a little about this comparative
     21. data, in the book, that exists out there.
     22. I think one of the -- some of the due
     23. diligence that might be done, and we refer
     24. to this a little bit in the book, is what do
     25. comparable Florida counties do in terms of
239. size. I think Miami-Dade County has a
240. 13-person -- and I'm comparing out City
241. Council to their County Commission. But
242. they have a 13-person County Commission.
243. Several of the other counties have more like
244. seven or nine, depending on their particular
245. size.
246. So I think, looking at other Florida
247. counties, I think that's the appropriate
248. standard of comparison since our city is the
249. county. And are those models to look at;
250. but even beyond that, looking at other
251. consolidated cities around the country.
252. One of the things during our
253. Administration we talked about doing was --
254. particularly with some of the national
255. organizations we were involved with, like
256. the National League of Cities or the
257. National Association of Counties, trying to
258. form a little bit of consolidated caucus at
259. times because the needs of consolidated
260. governments are often very different. And,
261. frankly, as you're dealing with federal
262. issues, they don't always understand that
263. model, and so it can be challenging. So
264. cities like Indianapolis and Nashville and
265. others like that that are consolidated are
266. worth looking at.
267. For those who think that we have a large
268. and unwieldy Council of 19 people, you know,
269. sometimes the counterpoint to that is, well,
270. in Nashville they have upwards of 30 members
271. of their metro -- their Davidson -- Metro
272. Davidson County body there in that
273. consolidated government.
274. So I think it's worth looking not only
275. to other counties in Florida of comparable
276. size to Duval County, Jacksonville, but also
277. looking at those other consolidated cities
278. around the country and seeing what they do.
279. COMMISSIONER SANTIAGO: Thank you.
280. CHAIRPERSON BROCK: I do see Ms. Mills
281. for the second time. I do want to cut it
282. off after that.
283. COMMISSIONER MILLS: Thank you.
284. This is not for you. This is for
285. Commissioner Santiago.
286. I wasn't saying that people did not
287. attend. I think I said that the City was
288. represented at CPAC meetings. However, I
289. attended CPAC meetings and have been for
290. many, many years, and I said I'm speaking on
291. experience not to say who didn't show,
292. because I don't go -- I'm not in attendance
293. to every one, CPAC meetings. I'm in
294. attendance to the CPAC meetings that relate
295. to District 10. So I was speaking of that
296. experience. So I just wanted you to know
297. that.
298. CHAIRPERSON BROCK: All right. Thank
299. you, Mr. Hand. I have some questions, but
300. I'll reach out to you offline on this.
301. I do appreciate your work in the book.
302. I appreciate your work for the City and
303. citizens of Jacksonville, and mostly I
304. appreciate you taking time to be with us
305. here today.
306. MR. HAND: Thank you, Mr. Chairman. The
307. citizens of Jacksonville owe all of you a
308. debt of gratitude for the work you're
309. putting in. I'm happy to keep discussing
310. these subjects offline or even back here at
311. the Commission any time you'd like. So
312. thank you, sir. Thank you to all of you.
313. CHAIRPERSON BROCK: Thank you.
314. All right. Next on our agenda, I want
315. to kind of move up and have Ms. Johnston --
316. in your packet, you have the memorandum
317. that's prepared answering the two questions
318. about does the legislature have the
319. authority to amend any and all provisions of
320. the Charter and whether that power is in
321. accordance with the Florida Constitution.
322. So, Ms. Johnston, could you kind of walk us
323. through this memo?
324. MS. JOHNSTON: Yes. Thank you.
325. Through the Chair to the Commission,
326. this memo is a result from some of the
327. conversation that's happened over the last
328. few weeks with some questions, particularly
329. as to how the Charter is to be read with the
330. Florida Constitution. So what I attempted
331. to do was to provide some additional
332. background information and I think, as I had
333. indicated last time, some of this may be
334. familiar with what you heard from prior
335. speakers like Rick Mullaney and John
336. Delaney, they talked about some of these
337. historical events, but I was hoping that in
338. putting them down in writing, that it was a
339. little more easy to digest the information.
340. And so basically what I provided is a
341. little bit of the background. And a little
342. bit of the background of the structure,
343. obviously, of the Florida Constitution and
344. the interplay with cities and counties in
345. general, the City of Jacksonville in
346. particular. And so as I indicated,
347. generally speaking, the legislature or the
348. Florida Constitution allows the legislature
349. to incorporate cities and counties in
350. general. And there are two state -- the
351. chapters that deal with cities in Florida
352. Statutes is Chapter 125. Then for counties
353. you have Chapter 166. So those speak
354. generally as to city governments and county
355. governments.
356. However, in the case of Jacksonville,
357. it's a little unique. And Miami-Dade County
358. also has similar provisions that allow
359. specifically within the Florida Constitution
360. those government entities to create a
361. municipal corporation. So what I tried to
362. do was set that out and explain that the
363. legislature had provided originally for the
364. consolidated government of Jacksonville, and
365. the legislature specifically adopted the
366. Charter for the City of Jacksonville in
367. Chapter 67-1320 of the laws of Florida. And
368. since that time the Charter has been amended
369. and restated, and that's found in Chapter
370. 92-341 of the laws of Florida as well.
371. So I outline how -- excuse me, let me
372. jump ahead.
373. So as you heard from Mr. Mullaney, there
374. was language that was added to the 1885
375. Constitution through the 1934 Amendment.
376. That was the Section 9 language that is
377. typically referred to, and you heard
378. different people talk about the Charter and
379. the State Constitution.
380. But I wanted to specify that in 1968
381. when the new Constitution of the State of
382. Florida was adopted, that language from the
383. 1934 Amendment in Section 9 was carried
384. forward. And that was carried forward in
385. Section 6 of the 1968 Amendment.
386. And I think when Mr. Fischer talked at
387. the last meeting, he confused the Section 6
388. and Section 9 when he referred to the
389. various documents.
390. But, in any event, the input of that --
391. the import of that is that the 1968
392. Constitution reincorporated the language
393. from the 1934 Amendment, which allowed for
394. Jacksonville to consolidate, which
395. Jacksonville took advantage of that.
396. I also -- again, this was mentioned in
397. the prior memo that I had provided on
398. waiver -- the City Council being able to
399. waive the Charter. I went ahead and
400. restated how the Charter can be amended.
401. And per the language in the Charter, there
402. are four ways that the Charter can be
403. amended. There are certain types of
404. provisions that the City Council can amend
405. by ordinance without a referendum or without
406. a special act.
407. Then there is the provisions of the
408. ordinance has to be approved by -- the City
409. Council can act by ordinance, but then that
410. has to be approved by referendum. You can
411. also amend the Constitution by a special act
412. of the Florida legislature. And, finally,
413. there is a voter initiative -- there is an
414. ability by voter initiative that a
415. referendum can be approved. And those are
416. the four manners in which the Charter can be
417. amended.
418. So after -- and then there were some
419. provisions where, you know, it states how --
420. the manner in which the City Council cannot
421. amend the Charter without further action.
422. So this is all outlined. I was hoping,
423. by providing it in writing, it would give
424. better context to some of the conversations
425. that you heard from the other members and
426. speakers.
427. And so I'm just going to jump ahead in
428. the interest of time. The last couple of
429. pages are straight out of the Constitution,
430. from the 1968 Constitution. And so it
431. provides the language from Section 6 of the
432. Constitution that reincorporates the
433. Jacksonville Charter language in that
434. Subjection E. And then within that
435. Section E, it contains a footnote that
436. references the original Section 9, which is
437. what you see at the bottom of that, that
438. first page. And then I've underlined the
439. particular language that authorizes the City
440. of Jacksonville to establish its Charter,
441. which obviously the City of Jacksonville did

4 in 1967.

1. And then I've also highlighted the
2. provisions where specifically the City is
3. able to establish certain rules as to
4. government awards, bodies, officers and
5. consolidated legislative, executive and
6. judicial staff and their functions. And
7. this goes back to somewhat of what Mr. Hand
8. spoke to earlier as to the interplay between
9. a general law and a special law. And while
10. I agree with him, those topics are probably
11. going to be the subject of litigation, the
12. point being is that the Constitution is a
13. general law and it applies to everyone,
14. except to where a special law may utilize
15. specific instances for a particular
16. government.
17. And, in this case, there is additional
18. language within the Constitution that
19. pertains solely to Jacksonville that
20. establishes certain deviations from the
21. other state law, whether it be Chapter 125
22. or 166, you look at the Jacksonville Charter
23. as to particular provisions when in conflict
24. with the Constitution.
25. So hopefully this additional information
26. is helpful in your analysis. If I haven't
27. answered a question and you want me to look
28. further into it, please let me know and you
29. can either tell me now or send me an email,
30. and I will look at any other questions that
31. you may have.
32. CHAIRPERSON BROCK: Thank you. I do
33. have two people on the queue.
34. Mr. Schellenberg.
35. COMMISSIONER SCHELLENBERG: I want to do
36. other business about the date on October
37. 9th, that's what I want to talk about.
38. CHAIRPERSON BROCK: Okay. Next then,
39. Mr. Gentry.
40. COMMISSIONER GENTRY: I'll be real
41. brief. One question that I have, and I was
42. wondering if you have looked at it, is the
43. Constitution of 1885, the 34th Amendment was
44. carried forward. As I understand it, Duval
45. County consolidated government was created
46. pursuant to that provision, correct, the
47. Section 9 of the 1934 Amendment to the 1885
48. Constitution?
49. MS. JOHNSTON: Yes. That's the original
50. authorization, yes.
51. COMMISSIONER GENTRY: Original
52. authorization. Then it was readopted in
53. 1992; correct?
54. MS. JOHNSTON: Yes, sir.
55. COMMISSIONER GENTRY: Okay. You had
56. underlined in the reference to the
57. Constitution the first section that says
58. that Article 8, Section 9 of the
59. Constitution of 1885, as amended, shall
60. remain in full force and effect as each
61. county affected, and as if this article had
62. not been adopted, until that county shall
63. expressly adopt a charter or home rule plan
64. pursuant to this article; correct? And so I
65. guess my question is once --
66. MS. JOHNSTON: That's the language in --
67. COMMISSIONER GENTRY: -- Duval County
68. adopted the consolidated government pursuant
69. to that power, that power does not continue
70. thereafter, or do you think it does?
71. MS. JOHNSTON: Through the Chair to
    1. Mr. Gentry, that's not the way that I read
    2. that language. And I did think about this,
    3. because I didn't quite understand your
    4. question before. And I was trying to kind
    5. of understand where that -- where you were
    6. coming from in your interpretation. I
    7. believe that the language, I mean, if you
    8. look at Subjection E, it goes on after --
    9. after it talks about those provisions
    10. remaining in full force and effect, it goes
    11. further into the language about the
    12. provisions of the Metropolitan Dade County
    13. Home Rule Charter. It is more specific
    14. about Metro Dade County. I believe that's
    15. because Metro Dade County had already had
    16. provisions take effect much earlier.
    17. I believe, if you probably look at the
    18. legislative history of Duval's Charter,
    19. although the Duval Charter was adopted by
    20. legislative act in 1967, the state
    21. constitutional revisions were probably being
    22. discussed years prior to when Duval actually
    23. adopted its Charter. And so I'm not quite
    24. sure that at the time that the provisions
    25. for the '68 Constitution were approved, that
72. Duval's Charter had actually been finalized.
73. And so my thought from a legislative
74. historical standpoint is that, when the
75. provisions were approved to go into the '68
76. Constitution, maybe the Duval County Charter
77. was not finalized, and so it was allowing
78. them to establish their Constitution that
79. they had not yet done, because they had from
80. 1934 been approved and had taken no action.
81. And so I haven't done research on that,
82. but that was my thought. Because,
83. obviously, when the constitutional
84. committees meet on the Florida Constitution,
85. they don't do their work within a few weeks;
86. it's over a period of time. I'm guessing
87. they probably discuss this a few years in
88. advance of actually adopting the
89. Constitution. So that was my thought. But
90. I haven't researched that.
91. COMMISSIONER GENTRY: We can talk later.
92. Thank you.
93. CHAIRPERSON BROCK: Thank you.
94. Other business, Mr. Schellenberg, you
95. had a question about the October 9th.
96. COMMISSIONER SCHELLENBERG: Thank you,
    1. Mr. Chair. I learned very early in
    2. representing Mandarin that I always check
    3. the Jewish calendar. And October 9th would
    4. run into Yom Kippur. And the other thing
    5. that concerns me is Wednesday is a terrible
    6. night to have it, in my experience of town
    7. halls, because that's usually a Baptist
    8. function night for most Baptists.
    9. So Thursdays or Mondays, whatever you
    10. choose, I don't think October 9th is a
    11. particularly good day for Yom Kippur, as
    12. well as Baptists. But Mondays and Thursday
    13. are more appropriate. And this is my
    14. recommendation, I just think we should look
    15. at another date other than October 9th.
    16. Thank you.
    17. CHAIRPERSON BROCK: I thank you for
    18. that. I should have checked.
    19. COMMISSIONER SCHELLENBERG: It's
    20. unusual, because I represent the largest
    21. Jewish community, and that was why I always
    22. looked at that calendar.
    23. CHAIRPERSON BROCK: Well, as a Baptist
    24. boy growing up, as a Southern Baptist, shame
    25. on me, my mother would tell me "You need to
97. be in church, young man." So we will look
98. at that and -- we haven't sent out a notice
99. on it yet. We've been working with the
100. library to make sure we have that time
101. available. I appreciate that.
102. Anyone else? We do have one other
103. comment card.
104. Mr. Denton.
105. COMMISSIONER DENTON: At the beginning
106. of the meeting, the Commission unanimously
107. gave a vote of confidence for our Chair.
108. And as I think about that, I want to be sure
109. that it's communicated to the City Council.
110. And I don't know how we do that. One might
111. be for our Vice Chair to communicate it to
112. the Council President so that City Council
113. is aware of the unanimous opinion of this
114. Body.
115. VICE CHAIRPERSON KNIGHT: I'll take that
116. action. Thank you.
117. CHAIRPERSON BROCK: Okay. We do have a
118. few minutes left.
119. COMMISSIONER GRIGGS: Real quickly. I
120. just wanted to -- I wasn't here last week.
121. And I need to submit a name, one name so far
122. for presentations, and just wanted to know
123. what the process is for getting them on
124. there.
125. CHAIRPERSON BROCK: I'll go back
126. through. What was the name?
127. COMMISSIONER GRIGGS: Dr. Pauline Rolle,
128. Director of the Health Department.
129. CHAIRPERSON BROCK: Director of the
130. Health Department, okay. That will work
131. well because I know we also have Leon Haley,
132. Dr. Haley.
133. COMMISSIONER SCHELLENBERG: I'm talking
134. to Mr. Haley. He's out of town. So I'll
135. talk to him next week.
136. CHAIRPERSON BROCK: All right. Thank
137. you.
138. COMMISSIONER GENTRY: I know we're short
139. on time. I think it may have been the
140. blueprint. One thing -- we've had speakers
141. on this but what we haven't addressed is
142. whether we should consider the Charter
143. addressing the river, its importance, public
144. access and things of that nature. And I
145. think we ought to put that on our list.
146. It's come up --
     1. CHAIRPERSON BROCK: I am working with
     2. Lori Boyer to have her come here. I think
     3. she's probably one of the great voices on
     4. activating the river in that regard. And I
     5. believe Mr. Nooney is going to be speaking
     6. to us about having someone from the
     7. waterways --
     8. COMMISSIONER GENTRY: I would suggest
     9. Quinton White from JU.
     10. CHAIRPERSON BROCK: All right.
     11. All right. Mr. Nooney, we have one
     12. minute. Here is what I'm going to do, since
     13. we do -- I will actually gavel the meeting,
     14. but I do want to sit here and listen to you.
     15. So we will adjourn it within our time frame,
     16. but those Commissioners who can, I ask that
     17. they do remain to listen to the public
     18. comment from Mr. Nooney.
     19. MR. NOONEY: Well, thank you. And I am
     20. on the record for one minute with the
     21. stenographer, then you'll adjourn the
     22. meeting?
     23. CHAIRPERSON BROCK: That's fine. We'll
     24. keep you on for one minute.
     25. MR. NOONEY: Well, anyway, thank you.
147. And, Commissioner Gentry, thank you for
148. that extension to the waterways.
149. You know, the waterways, I mean, that is
150. the soul, you know, of this community. And
151. let me just say too, going forward, I would
152. hope that we would look at a Charter
153. amendment for CRAs and DIAs, you know, as it
154. relates to the waterways. And as far as
155. invited speakers, you know, extend it to Kay
156. Ehas, Dr. Quinton White, Margo Moehring,
157. Captain Jim Suber.
158. Let me just say with Lori Boyer and
159. waterways activation, a piece of legislation
160. that was filed is 2017-1, it has to do with
161. trespass in a public park.
162. And let me also just say too when you
163. were looking at funding sources, you know,
164. just getting back with the Ethics
165. Commission, $500 for an ethics violation.
166. Make it 10, you know how many more people
167. are going to be sitting up in their seats.
168. I'll tell you right now also, when you
169. get back to the trespass with our
170. waterways -- I'm wearing this shirt, you
171. know, and the reason is you know, we're
172. under federal downtown. The secretary --
173. that's the cabinet.
174. CHAIRPERSON BROCK: I'm going to gavel
175. the meeting. Please continue on with your
176. time.
177. (Meeting adjourned at 12:01 p.m.)

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1. CERTIFICATE OF REPORTER
2. STATE OF FLORIDA COUNTY OF DUVAL

3

1. I, Amanda E. Robinson, Registered
2. Professional Reporter, do hereby certify that I
3. was authorized to and did report the foregoing
4. proceedings; and that the transcript, pages 1
5. through 170, is a true record of my stenographic
6. notes.

10

11 DATED this 27th day of September, 2019.

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15 Amanda E. Robinson,

Registered Professional Reporter

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