

**OFFICE OF THE CITY COUNCIL**

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4TH FLOOR, CITY HALL

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**CITY COUNCIL ETHICS, SUNSHINE LAW AND**

**PUBLIC RECORDS TRAINING MINUTES - amended**

 **June 10, 2016**

**9:00 a.m.**

**Location:** Lynwood Roberts Room, 1st floor, City Hall – St. James Building; 117 West Duval Street,

**In attendance:** Council Members Greg Anderson (President), Danny Becton, Aaron Bowman, Lori Boyer, Anna Lopez Brosche, ~~Katrina Brown, Reginald Brown, Doyle Carter~~, John Crescimbeni, Garrett Dennis ~~(remotely via www.coj.net videostream)~~, Al Ferraro, Reggie Gaffney, Bill Gulliford, Tommy Hazouri, Jim Love, Joyce Morgan, Sam Newby, Matt Schellenberg and Scott Wilson

**Also**: Cheryl Brown – Director/Council Secretary; Jason Gabriel, Peggy Sidman, Paige Johnston – Office of General Counsel; Carla Miller and Kirby Oberdorfer – Ethics Office; Steve Rohan – Inspector General’s Office; Steve Cassada – Council Staff Services; Jeff Clements – Council Research Division

See attached attendance sheet for additional attendees

**Meeting Convened**: 9:00 a.m.

Council President Greg Anderson opened the meeting and welcomed the attendees. General Counsel Jason Gabriel gave introductory remarks and introduced Ethics Officer Carla Miller to conduct the program.

Ms. Miller stated that the session would meet most of the requirement for the state-mandated 4 hour annual ethics training for constitutional officers; the remainder will be provided via two on-line presentations that will be made available to council members at a later date. She said that Jacksonville has been a leader in the provision of ethics training for public officials since the 1990s and is acknowledged for having an extremely comprehensive program.

Managing Deputy General Counsel Peggy Sidman made a presentation on the state’s public records law, describing what constitutes a “public record”, how and when members of the general public may make requests for records, what must be provided, at what cost, and in what time frame. Ms. Sidman answered numerous questions from council members about what do and do not constitute public records, including electronic messages, personal items not relating to public business, personal notes taken during meetings, draft reports and legislation not yet in final form, etc. She noted that public employees do not need to produce a document that does not already exist in response to a records request – only documents that already exist that are responsive to the request must be disclosed. She also urged council members and staff to consult with the General Counsel’s Office whenever any question arises about a public records request so that the request can be clarified and handled properly and in a timely manner in compliance with the law.

Paige Johnston, Chief of Legislative Affairs for the General Counsel’s office, made a presentation on the open meetings requirements of Florida’s Government in the Sunshine Law, reviewing the requirements for advance notice, Americans With Disabilities Act public accessibility requirements, and the production of summary minutes following the meeting. Council members posed numerous questions about particular situations relating to attending meetings not organized by the City at which multiple City Council members will be present (i.e. CPAC meetings, Chamber of Commerce functions, etc.). The fundamental rule is that multiple members may attend such a meeting as long as no discussion of City government issues takes place – all may listen, but only one may speak. Such meetings may also be noticed as a public meeting with all council members potentially attending, which would cure the potential problem of meeting outside the Sunshine Law if the meeting is held in an acceptable location and if minutes are taken.

Ms. Miller made a presentation on the regulations regarding solicitation and receipt of gifts, including the absolute prohibition against taking any gift as a *quid pro quo* for an action in return, the $250 per year limitation on gifts from any person or entity, and the $100 limitation on any individual gift. Reporting requirements were reviewed and gifts received by council members through the City (i.e. Mayor’s Office or Council President’s office) were discussed. Council members asked numerous questions about particular gift circumstances and Ms. Miller urged the members to contact her office or the Office of General Counsel for analysis of particular cases. The specific facts of each case make a big difference in how the law applies to particular circumstances. Council members and staff were also encouraged to contact the Ethics Office immediately if gifts are distributed to numerous council members or staff (i.e. tickets to sporting events, concerts, parties; invitations to attend receptions or banquets; etc.) so that the ethics staff can communicate with the gift giver and determine the monetary value of the gift, which will be circulated to all council members for their information and reporting purposes.

Ms. Miller also discussed situations that might constitute abuse of power or misuse of public office, such as asking for special treatment or favors for oneself or one’s family or friends (“don’t you know who I am?). She reviewed a list of Ethics Top Ten Danger Areas: 1) taking things; 2) asking for things; 3) going places; 4) not filing disclosure forms; 5) conflicts between your personal life and civic duties; 6) misusing your position; 7) voting conflicts; 8) talking to others (Sunshine violations); 9) destroying public records; and 10) not asking questions if unsure whether an action is a potential violation or not. She also reviewed the penalties for violations, which range from removal from office to civil fines to private lawsuits to jail time, and which will almost always involve unwanted bad publicity. Ms. Miller reviewed the various financial interest and gift reporting forms and the timelines for their filing.

Kirby Oberdorfer of the Ethics Office reviewed the law and regulations as they relate to conflicts of interest and personal benefits relating to official duties.

Council members and staff were urged once again to always ask the Ethics Office and/or Office of General Counsel for advice and assistance whenever any potential issue arises so that problems can be headed off before they happen.

**Meeting adjourned:** 11:35 a.m.

Minutes: Jeff Clements, Council Research

6.22.16 Posted 5:00 p.m.

Tapes: Ethics, Sunshine Law and Public Records Training meeting – LSD

 6.10.16

Materials: Meeting handouts - LSD

 6.10.16