

**OFFICE OF THE CITY COUNCIL**

117 WEST DUVAL STREET, SUITE 425

4TH FLOOR, CITY HALL

JACKSONVILLE, FLORIDA 32202

904-630-1377

**City Council Mandatory Ethics Training Minutes**

**June 11, 2018**

**11:30 a.m.**

**Topic:** Mandatory Ethics Training

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

**In attendance:** Council Members Anna Lopez Brosche (Chair), Danny Becton, Aaron Bowman, Lori Boyer, Doyle Carter, John Crescimbeni, Garrett Dennis, Al Ferraro, Reginald Gaffney, Bill Gulliford, Tommy Hazouri, Jim Love, Joyce Morgan, Sam Newby, Matt Schellenberg

**Excused:** Council Members Greg Anderson and Scott Wilson

**Also**: Jason Gabriel, Peggy Sidman and Paige Johnston - Office of General Counsel; Carla Miller and Kirby Oberdorfer – Ethics Office; Cheryl L. Brown – Council Secretary/Director; Jeff Clements – Council Research Division

See attached sign-in sheet for additional attendees.

**Meeting Convened**: 11:30 a.m.

Council President Brosche called the meeting to order gave introductory remarks.

City Ethics Officer Carla Miller said that Jacksonville was the first city in Florida to mandate ethics training for its elected officials and this is the 20th year of that training.

Mac Heavener, III, Chief Assistant State Attorney for the 4th Judicial Circuit, gave an overview of Florida’s Government in the Sunshine Law, especially how it pertains to the activities of the State Attorney’s Office. He explained that the Sunshine Law derives from 2 sources – the Florida Constitution and the Government in the Sunshine Act – as subsequently interpreted by numerous court rulings and Attorney General opinions. He reviewed the wide variety of circumstances and means of communication that have been defined as a “public meeting.” Knowing violations are second degree misdemeanors.

The State Attorney’s Office receives complaints via the county grand jury and citizen complaints, often referred by the Governor’s Office, Attorney General, Sheriff’s Office, and City Inspector General. Investigations are pursued by the grand jury, State Attorney’s Office investigators, Sheriff’s Office integrity squad, and the City Inspector General. The grand jury has wide authority to investigate both criminal matters and the general administration of government and conduct of public officials. The grand jury may issue both presentments (reports of findings) and recommendations for indictments, or both. Mr. Haevener referenced the Brechner Center for Freedom of Information at the University of Florida as an excellent source for information, opinions and cases on the subject of freedom of information.

City Council President-Designate Aaron Bowman made brief remarks on the importance of ethics in maintaining public trust in their government. He emphasized that many ethical problems start small with minor indiscretions or poor choices and grow over time into much bigger problems.

City General Counsel Jason Gabriel described the state mandate for 4 hour of annual ethics training for elected officials. There will be a lengthier, comprehensive ethics, open meetings and public records law training next summer before the newly elected City Council takes office. He stated that sometimes ethics and open government issues are very nuanced and very fact-specific when judged in conjunction with very fact-specific court opinions and Attorney General rulings, and the Office of General Counsel and Ethics Office stand ready to help answer questions and provide interpretations whenever necessary. His office and the Ethics Office have a very good working relationship with the State Ethics Commission and Florida Attorney General’s Office and consult them often for assistance.

Ethics Director Carla Miller introduced the staff of the Ethics Office to the group. She reviewed various City ordinances relating to ethics training, the Ethics Office, and the Inspector General’s Office. She noted that an online ethics site is being created this summer that will collect all relevant ordinances, policies, procedures and rulings for easy access. Ms. Miller asked the council members and ECAs for suggestions to pass on to new council members and ECAs when they arrive next year and to suggest real-life experiences and scenarios to be used as case studies for future training programs. She urged council members to continue consulting her office with any questions, problems or suggestions.

Gifts: gifts from lobbyists or City vendors valued over $100 are prohibited; gifts over $100 from anyone else may be accepted but must be reported. Ms. Miller says that state law gives gift recipients 90 days to return a gift that should not have been accepted or to pay down the value of the gift to less than $100. She urged council members and ECAs to report gifts to her office as soon as they’re received so that she can determine the value and advise other council members who may be receiving the same gift from the same donor. She recommended that council members develop a standard response to give donors who offer gifts, expressing thanks but cautioning that the gift may have to be refused depending on its value. Council Member Boyer said that there seems to be an exception to the “no unescorted visitors” rule in the Council suite when persons come bearing gifts for all the council members, and gifts appear on ECA’s desks without any ability to refuse them. Gifts of tickets to events count as gifts from the moment they are received, regardless of whether the event actually takes place or the council member attends the event or not. State law provides that council members must report free parking provided by an airport authority (i.e. at Jacksonville International Airport) costing more than $100 per parking event (continuous days in the parking lot), which must be reported on a Form 10.

Misuse of position: Ms. Miller urged council members not to mention their status as City Council members in any context where it might possibly be construed as trying to wield influence or obtain favorable treatment. Council members should not use their position to jump to the head of a line, circumvent a normal procedure, or otherwise obtain a special benefit not available to the general public. Council Member Gulliford said that the media is constantly on the lookout for any hint of impropriety or unfair advantage, so council members need to be extremely cautious about how they seek assistance for anyone, especially for someone with whom they have a personal relationship. The permissibility of requests for letters of support from council members is case-specific, depending on what is being requested and whether the council member or a relative might benefit from the endorsement.

Meetings: Deputy General Counsel Peggy Sidman quoted from the 2008 grand jury presentment regarding inadequacies in the City’s Government in the Sunshine training for council members at the time and the importance of understanding the requirements of the Sunshine Law. Open meeting requirements involve adequate advance notice, a proper location open to the public, and the taking of written minutes. Meetings may be held in private facilities if no public facility is available and if the Office of General Counsel and the Ethics Office approve the private location as suitable. Ms. Sidman described the use of a conduit (a person acting as an intermediary) to convey information back and forth between council members, which constitutes an illegal meeting. In the upcoming City elections, candidates do not become public officials covered by the Sunshine Law until after they are elected (but before they are sworn in).

Public records: the definition of public records is very broad, covering any type of media conveying or preserving information. In response to a question from Council Member Dennis, Ms. Sidman said that not every email received by a council member on their City computer is technically a public record (i.e. private messages from friends not having anything to do with City business, spam advertisements, etc.), but every email that deals with public business is a public record regardless of whether it is on a public or private computer or phone. Some information in public record emails is privileged information (i.e. Social Security numbers, home address of law enforcement officer, etc.) and should be redacted before the record is released pursuant to a public records request. Public records requests cannot be conditioned – you cannot ask for the identity of the requestor, their location, contact information, their purpose for requesting the record, require them to fill out a form, etc. Ms. Sidman distributed an Office of General Counsel memo drafted in 2015 regarding public records and the Sunshine Law.

**Meeting Adjourned**: 2:00 p.m.

Jeff Clements, Council Research Division

6.11.18 Posted 2:45 p.m.