



**OFFICE OF THE CITY COUNCIL  
RESEARCH DIVISION**

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**CITY COUNCIL ETHICS TRAINING**

**Meeting Minutes**

**June 27, 2022  
9:00 a.m.**

**Location:** Lynwood Roberts Room

**In attendance:** Council Members Aaron Bowman, Michael Boylan, Matt Carlucci, Kevin Carrico, LeAnna Cumber, Randy DeFoor, Garrett Dennis, Al Ferraro, Reggie Gaffney, Joyce Morgan, Sam Newby, Ju'Coby Pittman, Brenda Priestly Jackson, Ron Salem, and Randy White

**Excused:** Council Members Danny Becton, Terrance Freeman, Nick Howland

**Also:** Peggy Sidman – Council Director/Secretary; Colleen Hampsey and Richard Distel – Council Research Division; Jason Teal and Paige Johnston – Office of General Counsel; Kirby Oberdorfer and Andrea Hartley-Hartley-Myers – Ethics Office

**Meeting Convened:** 9:02 a.m.

Ethics Director Kirby Oberdorfer convened the meeting and welcomed the attendees. Council President Designate Freeman joined virtually and extended his welcome and thanks to the group. Jason Teal, General Counsel, spoke and welcomed the group as well. He talked about the annual ethics training requirements and the importance of fair and ethical government proceedings (ethics training 4 hours/year; topics must include: Sunshine Law, Public Records Act, State Ethics Laws).

Ethics Director Kirby Oberdorfer reviewed the agenda and asked the elected officials present to ruminate on what they would like their professional legacy to be some day. She explained the history of the City Ethics Office and how it interacts with the State Ethics Commission (advice, advisory opinions, annual financial and gift disclosures). Ms. Oberdorfer spoke about the intricacies of ethics issues, how details matter and how every circumstance is unique.

Andrea Hartley-Myers, Ethics Office, gave an interactive presentation on various aspects of the relevant City and state ethics laws, including gift receipt and reporting requirements and misuse/abuse of official position. A portion of the training reviewed various gift scenarios, including what are prohibited gifts,

permitted gifts with a reporting requirement, and gifts with no reporting requirements. Emphasis was placed on the three fundamental questions to be asked whenever a gift is offered to a public official: who is the gift from, what is the value of the gift, and what is the purpose for which the gift is offered? The particular details of each case will determine if the gift can be accepted without restriction, accepted if reported on gift disclosure forms, or not accepted under any circumstances.

As a general rule, elected officials may not accept gifts valued more than \$100, or one given to influence council decision-making, or anything from PACs. Council Members must file annual financial and quarterly gift disclosures: Form 6 Annual Financial Disclosures, July 1, State Ethics Commission in Tallahassee, Sources of Income & Certify Annual Training Requirement completed; Form 9 Quarterly Gift Disclosures, Last day of the following calendar quarter, State Ethics Commission in Tallahassee, Allowable gifts over \$100. CM Ferraro asked if it was possible for council members to be placed on a no gift list, to prevent and perception of impropriety. CM Priestly Jackson asked if vendors could include a printed valuation with gifts.

Ms. Hartley-Myers reviewed the various provisions of the Ordinance Code and personnel policies that relate to restricted and prohibited conduct by City employees and officials related to elections. For example, no election-related activity may take place in City workplaces at any time, and no City-furnished resources (phones, computers, copiers, internet access, etc.) may be used for campaign purposes. Ms. Hartley-Myers mentioned that City employees are prohibited from campaigning while in uniform. CM Priestly Jackson asked about the loophole for City employees appearing in campaign videos while in uniform, and Ms. Oberdorfer explained that it is permitted due to a binding OGC opinion issued by the previous General Counsel. Ms. Hartley-Myers also described situations in different cities wherein elected officials have misused or abused their position to circumvent a normal procedure or obtain a special benefit not available to the general public, and she noted the consequences (loss of position, criminal charges, public shame) from such choices.

Ms. Oberdorfer spoke about conflict of interest and voting conflict rules. She explained the prohibitions on self-dealing and putting personal interests above government duties/responsibilities, and the complications that may arise when a Council Member works with/for an entity doing business or is regulated by the City. She noted that Council Members may not vote on or discuss any legislation immediately concerning his/her private pecuniary interest. If a Council Member needs to abstain from voting he/she must file a timely statement with the Legislative Services Division explaining the nature and circumstances of the conflict. CM Boylan asked about voting conflicts for unpaid members of boards. CM Pittman asked about exemptions for employees of nonprofits with City contracts. In some cases, an exemption may apply to prevent conflict of interest so CMs should consult with Ethics Office and/or OGC, some common exemptions include: sealed competitive bids; emergency purchases for health, safety, welfare; sole source of supply; employees of 501(c)(3) non-profit if comply with certain conditions. Voting conflicts may arise if legislation economically impacts an elected official or their family or business. Ms. Oberdorfer shared several ethics-related news reports from around the state of Florida in the last year.

Paige Johnston, OGC, gave an overview of Florida's Government in the Sunshine Law. She explained that compliance requires three components: adequate advance notice (usually 24 hours at minimum), 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. Johnston shared details about an issue that occurred in 2007 that led to a Grand Jury investigation, wherein council members were meeting at a restaurant without appropriate public notice or minutes. She explained the consequences for intentional and unintentional violations. Ms. Johnston said that council's public notices are audited by the Inspector General every two years, to assure compliance with Sunshine Law. Ms. Johnston talked about public records and explained

the public record retention handout, which lists directions on preserving text messages. Public records include emails, texts, social media posts, and any form of written correspondence. These documents must be preserved and made available to the public.

**Meeting adjourned:** 12:18 pm.

Minutes: Colleen Hampsey, Council Research Division

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