



OFFICE OF THE CITY COUNCIL

CP Freeman re Legislative Issues and Legislative Counsel Meeting Minutes

February 1, 2023
1:00 pm

Meeting Convened: 1:01 pm

Meeting Adjourned: 2:25 pm

Meeting: CP Freeman re Legislative Issues and Legislative Counsel

Location: Don Davis Room, City Hall

Attendance: Council President Freeman; Council Vice President Salem; CMs Carlucci, Priestly Jackson, Gaffney Jr., White, Newby, Carrico, Bowman, DeFoor, Pittman, Ferraro, Clark-Murray and Boylan

Also: Jason Teal, General Counsel; Peggy Sidman, Council Secretary/Director; Colleen Hampsey, Council Research; Gerrie Ford-Hardin, ECA to Council President Freeman

Council President Freeman convened the meeting and called for introductions. He said that the purpose of the meeting was to discuss the posted position for a legislative counsel, as described in Article 7, Section 7.1 Jacksonville Charter and Chapter 14, *Ordinance Code*, and other related legislative issues. Article 7, Jacksonville Charter, specifies that “council may create an office of legislative counsel within the legislative branch whose purpose shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct.” CP Freeman said that his intent with posting the potential counsel position was to add another tool to the toolbox to assist council members with their work. The posted position was brought to the attention of council members at the end of the most recent council meeting by CM Carlucci.

Peggy Sidman, Council Secretary/Director, spoke briefly about the history of the legislative counsel position that has not been filled in many years. She said that there was a legislative counsel role years ago

that was filled by an attorney named Phil Cope. Ms. Sidman was unsure of the exact timeframe of Mr. Cope's service. She said that Chapter 14, *Ordinance Code*, was created through Ord. 2014-664-E utilizing authorization provided in the Charter for the council to hire its own legislative counsel to provide legal research, advice and legislative support independent of the assistance provided by the Office of General Counsel. This option was used by council when they hired outside counsel during the JEA investigation in 2020. Council did activate an Office of Legislative Counsel for a brief period in the mid-1980s and the office was subsequently disbanded a year later. Through Ord. 2014-664-E, Chapter 14 specifies that "the Office of Legislative Counsel may be staffed by a chief legislative counsel, assistant legislative counsels, paralegals, or specially retained outside counsels" and that "attorneys working for the Office of Legislative Counsel may be full or part-time city employees, or private attorneys or firms under engagement agreements approved by the Personnel Committee."

CM Priestly Jackson shared her view on the Office of General Counsel, which she believes to be an outdated model. She said she thinks Jacksonville has outgrown the model of one General Counsel created during consolidation fifty years ago, and she said that the City should have a tribunal of three counsels (one for the Mayor, one for constitutional officers, and one for city council).

CM Carlucci said there should be a council vote required to activate the Office of Legislative Counsel, and that Ord 2014-664-E should be repealed. He also said Mr. Cope was a good friend, and he clarified that when Mr. Cope worked as legislative counsel he was under the auspices of the Office of General Counsel. He said the Legislative Counsel office was activated in 1987 but only lasted a year because there were conflicts with OGC. CM Carlucci asked where the idea to post a position for legislative counsel came from, and whether OGC needs more staff instead. He questioned why a potential legislative counsel would answer to the council president and not to the council as a whole. He asked about the legislative counsel salary costs. He spoke in support of the OGC model as it exists, and he cautioned that other agencies would try to follow suit and hire their own independent counsels. He spoke of the potential risk of conflicts, and he expressed his confidence in Mr. Teal's performance.

CM DeFoor agreed with CM Priestly Jackson about evaluating the current OGC model. She asked about what other consolidated governments do, and she asked to whom Mr. Teal reports. She also asked if any of the independent agencies utilize counsel separate from OGC. Jason Teal, General Counsel, said that he reports to and is accountable to the consolidated government of the City, not to the Mayor, and that OGC opinions may only be overruled by the courts. He also said that the City's independent agencies use OGC for legal services, with the exception of JTA which has a hybrid model with a separate counsel in an advisory role. CM DeFoor spoke about issues that arose during the JEA investigation and how it necessitated retaining outside counsel.

CP Freeman spoke of recent turnover in OGC, and the need for consistency and institutional knowledge. He mentioned that he believes the salary for a legislative counsel position was included in each year's annual budget.

CM Bowman talked about the difficulties and legal complexities associated with being council president. He mentioned that JaxPort uses a hybrid counsel model. He suggested more council input as to attorneys assigned by OGC to council and legislative matters. He talked about the importance of a unified voice of a singular general counsel under a consolidated government.

Mr. Teal was asked about the role of a legislative counsel and how they would coordinate with OGC. Mr. Teal said he interprets Chapter 14 to be applicable to circumstance specific legal needs, like the JEA investigation, not an authorization for a full-time in-house attorney for council. Mr. Teal said that it would put OGC in a position to defend council actions in court when they had no input on at the front end of drafting the relevant legislation. He said Ordinance 2014-664-E doesn't go far enough in the description

to very specifically define the separation of duties for OGC and the legislative counsel. There was some discussion about competing/similar bills being filed by council members, which happened recently, and how there should be a better system in place for that.

CVP Salem expressed frustration with the recent redistricting outcomes and OGC advice on that issue. He talked about the importance of accountability. CVP Salem expressed his trust in OGC staff, in particular for Mary Staffopoulos who is his go-to attorney in that office. He said he has concerns about cross city conflicts from multiple counsels representing segments of what is a consolidated government. He said he supports the OGC model as it exists now.

CM Priestly Jackson said she doesn't want to disband OGC, but perhaps evaluate the organization to avoid conflicts. She referenced the redistricting outcome and noted that she was not thrilled about the decision made regarding residency requirement changes. She suggested conducting a workshop with previous general counsels to improve processes, and she said the recent incident with filing identical bills should not have happened.

CM Pittman questioned why the Personnel Committee was not involved with the decision to activate this new position and office. She said she was caught off guard with the job posting. CM Pittman said she would support an evaluation and improvement plan for OGC organization/processes.

CM Newby said he felt blindsided by the job posting, and he said it should have been a council decision. He also said that if the position were to be filled at some point in the future, that the legislative counsel should still report to OGC.

CM Carrico expressed support for OGC, and he said would be open to discussing other models that utilize outside counsel for advice if needed.

CVP Salem said he would like to survey the independent agencies regarding OGC services and performance, have a discussion involving previous mayors and general counsels, and learn more about what models other consolidated county/cities use.

CM DeFoor said that CP had received poor advice as to proceeding with posting this job, because Chapter 14 directly says that the Personnel Committee should have been involved in the decision about this position. CM Newby said the job posting should be removed, pending further dialogue.

CM White requested that Mr. Teal be permitted to speak at the end of the meeting. CM Carlucci said council could weigh in on OGC attorney assignments, and that council members should be provided with a menu of OGC attorneys and a list of what policy area to which each attorney is assigned.

CM Ferraro talked about the need for trusting OGC, and how he is unsure about that trust currently. CM Priestly Jackson proposed a workshop on Article 7 with former general counsels' participation. CM Bowman suggested an organizational analysis of OGC staffing, workflows and processes. CP Freeman said OGC should be asked what they need, staffing wise. CP Freeman said the next step would be to hold a noticed meeting with Mr. Teal and any interested council members.

Before adjournment, Mr. Teal shared his openness for coordinating with council to make improvements in his office. He shared his strong belief in consolidated government, and he spoke about the value of institutional knowledge and consistency. Mr. Teal said that working on legislative issues with council is complex and varied. He mentioned the transition in his office due to the departure of some senior attorneys that had extensive experience representing the needs of council members. Mr. Teal talked about the historical role of OGC as the arbiter of disputes among the segments of consolidated government. He

said the legislative counsel position was utilized in 1987 because the general counsel at that time had been indicted. Mr. Teal said OGC has evolved over the years, wherein the general counsel used to be a short-term position. He expressed his willingness to reflect on and receive council input about process improvements, and his shared his desire to have open lines of communication between his office and council members.

With no further business, Council President Freeman adjourned the meeting.

Minutes: Colleen Hampsey, Council Research

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