

CITY OF JACKSONVILLE

W. BRAXTON GILLAM, IV
CHAIR



TATIANA SALVADOR
VICE CHAIR

YWANA ALLEN
L. E. HUTTON
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ETHICS COMMISSION
TRANSPARENCY & OPEN GOVERNMENT
MINUTES
July 9, 2012
Conference Room 2C
City Hall

THOMAS PAUL
LARRY PRITCHARD
JAMES YOUNG

The meeting was called to order by James Young, Chair at 4:05 p.m., a quorum was present.

Attendees: Ywana Allen, Cynthia Irvin, Joe Jacquot, Larry Pritchard, and James Young

Others in attendance: Carla Miller, Director of the ECO Office; Jason Gabriel, Office of General Counsel; and Susan Stewart, Ethics Coordinator

The Chair recognized Cole Cartledge, Director of Intra-Governmental services and Adam Matthews for a presentation and questions.

Mr. Cartledge, explained his departments handle non-press related public record requests.

The Chair inquired if text messages, which could be in some instances considered public records, are being kept. Mr. Cartledge explained that currently text messages are not held. BlackBerry messages are capable of being retained. They are checking with vendors who service the other types of devices as to the possibility of preserving messages.

Mr. Jacquot stated that it is not the vehicle for communication, but the communication itself. All records should be retained, if the content is official business. There is a schedule that provides for the length of time documents need to be retained, if they are business related. Mr. Jacquot explained that Blackberry has two unique features 1)SMS, similar to text message and 2) PINS, which is unique to only Blackberry. With Blackberry the messages go through an internet server, so record retention can be implemented. However, non-blackberry devices do not go through internet servers unless its email, which is a separate issue getting providers to retain those messages. He feels the question is how the city can retain non-Blackberry text messages that don't go through servers. Mr. Jacquot inquired if the city could mandate a cc field automatically in the device so all text messages can be sent to someone's email? Mr. Matthews will investigate and will report back.

Mr. Cartledge indicated it may be challenging for employees to cc with each message. He will see if it can automatically be done. He stated that new contracts are coming up and that may be part of the requirement, such as retaining text messages, record text messages and emails on city cell phones automatically.

Ms. Allen asked if any other cities in Florida have addressed this issue. Mr. Cartledge will look into the matter when they go through the RFP (Request for Proposal) process.

Ms. Miller stated that there should be a policy implemented in the interim that any communication relating to public business be in an email format, as other cities have done.

Mr. Pritchard discussed challenges in some public records requests and unintended violation of public records requests.

Mr. Cartledge explained the hardest issue is personal cell phones, not city issued cell phones. He will work for a solution to capture communication and look at policy issues as well.

Mr. Pritchard suggested retaining both sides of the text conversation.

The Chair stated that he and Carla will meet with the new Council President regarding the issue of texting.

A motion was made to clarify the guidance for employees by suggesting that the Office of General Counsel and the ECO Office advise all employees that certain text messages can be public records which would have to be retained. The motion was seconded and approved.

The members discussed lobbyist registration and utilizing technology to update the process. Ms. Miller stated that other cities have developed their own program that they are willing to share with the City that can be altered to the needs of Jacksonville. If Council submits a formal request to ITD, they will look at it.

The Chair asked Mr. Cartledge if he was aware of the city plans to provide a searchable database for procurement for transparency?

Mr. Cartledge stated that they will have a database companies can register to receive automatic notification of bid opportunities.

Mr. Jacquot asked that someone from City Council attend a Transparency & Open Government meeting and provide background and their prospective on getting the lobbyist registration on line.

Mr. Young requested to be updated on Procurement plans as they are developed.

New Business:

The Chair requested that Mr. Gabriel provided an update on the Times Union lawsuit regarding the public records request. Mr. Gabriel provided a copy of filed court documents to the members and can let the members know when the hearing will be held.

The Chair inquired if the ECO Office or the Ethics Commission receives complaints by citizens, regarding potential violations of the Sunshine Law and if there is a need for the ECO Office or the Commission to look at how public requests are handled.

Ms. Miller updated the members and will speak with David DeCamp about the website and email notification.

The Chair reminded the members to complete their Form 1 disclosure forms.

The Chair requested that all Ethics Commission resolution be posted on line.

The Chair and members discussed public comment section of meeting. He wants it clarified to speakers that unless you tell the Commission you are making a formal complaint or the allegation rises to the level of the Ethics Commission jurisdiction, that nothing can be done because it is a public comment, not a complaint. Carla will provide a one page paper on how to make a public comment or how to make a complaint and the jurisdiction. Also, that a public comment does not start the complaint process. Susan will alter the public comment form.

Mr. Pritchard suggested that if they want to make a complaint to take action it should be in writing and if they would like to submit written comments for the minutes, they can do that as well.

Public Comments:

Tony Bates – his remarks are attached.

The Chair informed Mr. Bates that his issue of a centralized database of calendar items will be researched.

There being no further business, the meeting adjourned at 5:36 p.m.

Susan Stewart, Ethics Coordinator

Date of Approval

This is a summary of the meeting and is not a verbatim transcription. A recording of these proceedings is available in the Duval Legislative Delegation Office at City Hall.

July 9, 2012 Transparency & Open Government Subcommittee

Tony Bates -

Requested that Transparency Committee to consider looking at the following transparency issues.

1. More complete listing of all government meetings online - Calendar
2. Additional live Video and Audio
3. Video and Audio Archived (see City Council) so working public and activist groups can review at convenience -nights- week ends - maybe at monthly meetingd of an organization-legislative committees that may meet a libraries.
4. Access to -Intra- net files - more details about budgets and spending.
5. Public records request -exam request - see if there is/are categories of type information most often requested. Could it be made available via "INTRA NET"- saving all time and money
6. Public Comments in meeting minutes

Bates said he recognizes that issues such as - practicality - capacity - cost -- must be consider and balanced with the value of Transparency which builds public confidence and maybe a lot of good public input.