

RESOLUTION

A RESOLUTION OF THE JACKSONVILLE ETHICS COMMISSION REGARDING USE OF CELL PHONES AND TEXT MESSAGES BY CITY COUNCIL MEMBERS AND OTHER EMPLOYEES OF THE CITY OF JACKSONVILLE

WHEREAS, the Florida Public Records and Public Meeting laws are among the strongest in the nation, and the constitution of the State of Florida mandates citizen access to records of government; and

WHEREAS, technological advances in telecommunications have made the use of smart phones with the ability to send text prevalent; however, without extra effort, text messages sent by cell phone may not be saved as required for public records purposes; and

WHEREAS, the use of smart phones during meetings to read e-mails, send text messages and for other uses by Council Members during city council meetings is distracting, and creates, at the very least, an appearance of impropriety; and

WHEREAS, the transmission of any media related to official public business is considered a public record, regardless of whether the device is utilized for business or personal use, and regardless of the format of the message or the means of transmission; and

WHEREAS, the Jacksonville Ethics Commission has the authority in the Charter of the City of Jacksonville and the Ordinance Code to recommend policy changes to the City Council and City Government.

NOW THEREFORE, be it resolved by the Jacksonville Ethics Commission as follows:

SECTION 1. That the Members of the Jacksonville City Council refrain from texting or other use of cell phones during all council meetings, including committee meetings. The Jacksonville Ethics Commission recommends that the City Council amend the Rules of the City Council to incorporate the prohibition, and reasonable consequences for violation of the rule.

SECTION 2. That texting be discouraged by all City Council members, other Elected Officials, and employees for the discussion, communication or conduct of city business. All transactions that involve City business must be done in a format that can be captured for archiving. If a text is used for city business, it is the responsibility of the person making use of the text to make sure that adequate steps are taken so that texts can be saved as required for public record purposes. This could include, but is not limited to, notifying the individual phone carrier to save text messages, and/or copying or forwarding text messages to the city e-mail system for appropriate back up.

SECTION 3. That training should be provided to City Council members and others regarding text messages, and how to save them, as well as topics relating to preserving messages in accordance with the public records law.

SECTION 4. This resolution shall be effective immediately upon passage by the Jacksonville Ethics Commission.

Dated this ____ day of _____, 2011.

JACKSONVILLE ETHICS COMMISSION

BY: _____
W. Braxton Gilliam, IV
Chair

WITNESS:

Carla Miller
Ethics Officer

Vote:

_____ In Favor _____ Opposed