



Office of Mayor-Elect Lenny Curry

Infrastructure Sub-Committee Meeting

June 10, 2015

Jacksonville University

Davis College of Business

Public Policy Institute

2800 University Blvd, Room 159

IN ATTENDANCE:

Mr. Ed Burr Chair

Ms. Meghan Parekh, Member

Mr. Derek Igou, Member

Mr. Dane Grey, Member

Mr. Scott Shine, Member

Mr. Mark Middlebrook, Member

Mr. Rick Morales, Member

Ms. Jacquie Gibbs, Member

Mr. Brian Shell, Member

Ms. Wight Gregor, Member

Mr. Deno Hicks, Member

Ms. Jody Brooks, OGC Representative

Mr. Daryl Joseph, SME

Ms. Pam Roman, SME

Ms. Sherry Wilson, SME

Ms. Tera Meeks, SME

Mr. Jim Robinson, SME

Chief Charles Moreland, Co-Chair Transition Team

GUESTS:

Ms. Susie Wiles, Transition Team

Mr. Russ Durham, JEA

Mr. Joe Andrews, CTDC

Mr. Jordan Elsbury

Ms. Jessica Laird

Ms. Marlene Russell

117 W. Duval Street, Suite 240

Jacksonville, Florida 32202

Tel: (904) 630-7200

Fax: (904) 630-7248

Ms. Wendy Jones Recorder

Chair Ed Burr called the meeting to order at 2 p.m. and introductions were made around the room of those present.

Ms. Jody Brooks, representative from the Office of General Council (OGC) distributed information regarding the Sunshine Law and Public Records Law which is attached to the minutes. She then gave a brief overview of the information to the Committee.

Co-Chair Charles Moreland gave a brief overview regarding the work that has been done to this point by the Transition Team. Mayor-Elect Curry began work with the Transition Team the day after the election. The Transition Team is moving ahead with an aggressive plan and is making wise decisions. This Team will serve as a resource for the Sub-Committees. Currently Mayor-Elect Curry is working on the Fiscal Year 16 Budget which needs to be presented to the City Council on July 20, 2015. Any resumes that the Committee receives should be forwarded to ttresumes@coj.net. Committee is charged with coming together with a good product with solid tangibles.

Chair Burr stated the Charges to the Committee with the deadline that the deliverable by July 17, 2015 so that they may be presented to the Mayor-Elect. He asked that everyone give 2 hours for the meetings so that they can get their hands round the issues. Committee has been asked to review the organizational structures of Parks, Public Works and Neighborhoods. Are they arranged in the most efficient and cost effective manner for the City. Next would be to look at the Seeds of Change and intensive Care Neighborhoods and make recommendations about possible changes. Councilman Boyer has taken an extensive look at CIP - what is the next step to follow up on this? Jacksonville has the largest park system but there is a lack of programming and they would like recommendations on programs and ways to enhance park usage. Last, how do we measure the outcomes.

There is not an organization chart for Neighborhoods and they would like a copy of the total Org chart. With the last reorganization there may be some missing experts that may need to be invited. There was concern whether the task of looking at Intensive Care Neighborhoods and Seeds of Change go more with Blight Sub-Committee. The organization of the City is wide-open as the Mayor Elect is open to hearing the Committee's idea regarding the way the Departments should be set up. Seeds of Change was more programming that just Blight. The Mayor-Elect would like an evaluation on the CPAC's; are they still functional or do they need to be restructured?

Mr. Jim Robinson, Director of Public Works gave an overview of how Public Works is set up by going over the organizational charts. When he came to the City in 2012, Public Works was structured in a more stoic, ridged and was narrowly siloed in nature. Now there is more inter-department cooperation. There are 4 operational areas of Public Works; Public Buildings, Right-of-way and Stormwater, Solid Waste, and Mowing and Landscape. The other part is the support functions of Office of the Director,

Engineering, Real Estate, and Traffic Engineering. Department is focused on analytically understanding the backlog and if it is getting better, worse or staying the same.

Question was asked regarding the backlog: is it big, is it small, how the department is handling it. He responded that he measures it on aging infrastructure and what the Citizens call in using CARE. An exhibit of the aging infrastructure is Liberty Street. Department has a good grip on what they would like to do to help improve and stop the aging. They do have the status of projects and what order they would like to approach them. They have 56 stormwater projects on the shelf which deal with flooding or water quality. Dealing with Public Buildings, their concerns are the envelope first, mechanical, general repairs, and then enhancements. Mowing and Landscape handles every bit of mowing except the athletic fields, even abatement; and tree trimming.

Committee member requested breakdown of employees per department. Chairman reminded that they are to focus on the organization instead of individual employees.

Budget submittal is more to maintain the structure. Jim Robinson was asked if the administration was aware of the backlog. It is more that the funding level is not available.

Mr. Russ Durham from JEA stated that they have some major Capital projects that will be taking place this next year.

Mr. Daryl Joseph, Acting Director of Parks, Recreation & Community Services, gave an overview of the Department: Disabled Services, Recreation and Programming, Natural and Marine Resources, Social Services, Senior Services and County Extension Office. One major problem that Committee is charged with is the lack of programming. Mr. Joseph stated that the Department has looked at ways that to go back to the basics and provide opportunities to be in parks. One program that Parks is proving is our "Rec N Roll" program which brings in Coaches to our Parks during the summer to provide the kids with something to do. One impact of the program has been a decline in crime; this program is being expanded this year from 10 sites to 18 sites. During tough budget times the maintenance and programming side is what was cut first.

Ms. Pam Roman said that there are opportunities on the cusp. Jacksonville is one of 10 cities in the nation chosen for the Urban Fellowship, there is Groundwork Jax organization, 5 centers have been reopened, and going into the 4th year of Waterproof Jacksonville where 1,800 will be taught to swim for free. Mr. Joseph was asked if there are parts of the department that maybe should not be included in the Department. With the last reorganization Social Services were added to Parks but they have been under other departments previously. Parks is currently working on a full Parks assessment to visual where Parks are now and where they need to go.

The question was asked "should there be a Neighborhood's Department? Should there be a Community Services Department? It appears that things were cobbled up together just to put them somewhere."

Committee member asked about what the mission is for each of the Departments. The Committee would like copies of the Mission statements. Committee would also like to look at the organizational charts prior to the recent re-organizations.

Chair Burr suggested that they break into Task Forces – one for organization and one for looking at CPACS, programs and other tasks. Task Forces are to meet on Mondays and come together on Wednesdays.

Question was asked about the level of technology that the departments have. Ms. Tera Meeks explained about the search for technology that would assist in all aspects of the department from revenue, reservations, maintenance, etc. Parks has been researching for the program and is ready to pull the trigger to have the program. Parks has also just rolled out a Park Finder app. Mr. Robinson told of still using the old system for their tracking.

They requested the Neighborhood organization chart so that they are really see if Neighborhood needs to be reconsidered as a Department.

Meeting was adjourned



Office of Mayor-Elect Lenny Curry

AGENDA

Date: June 10, 2015

Time: 2:00 p.m.

Committee: Transition Subcommittee Chair Meeting

Attendees:

<i>Mr.</i>	<i>Ed</i>	<i>Burr</i>
Ms.	Meghan	Parekh
Mr.	Derek	Igou
Mr.	Dane	Grey
Mr.	Scott	Shine
Mr.	Mark	Middlebrook
Mr.	Rick	Morales
Mr.	Greg	Nettuno
Ms.	Jacquie	Gibbs
Mr.	Brian	Shell
Mr.	Wight	Greger
Mr.	Eric	Green
Mr.	Deno	Hicks
The Honorable	Lori	Boyer
Chief	Charles	Moreland
City Staff	Daryl	Joseph
City Staff	Tera	Meek
City Staff	Sherry	Wilson
City Staff	Pam	Roman



- | | | |
|-----|-------------------------------|-------------------|
| I. | Welcome and Introductions | Ed Burr, Chair |
| II. | Sunshine Law & Ethics Review | |
| II. | Review of subcommittee charge | Ed Burr & Members |
| IV. | Review of Subcommittee Work | Ed Burr |
| | A. Timeframe | |
| | B. Scope of work | |
| | C. Deliverables | |
| | D. Scheduling | |

Infrastructure Sub-Committee

June 10, 2015

Name		Signature
Mr. Ed Burr	Chair	✓
Ms. Meghan Parekh	Member	✓
Mr. Derek Igou	Member	✓
Mr. Dane Grey	Member	✓
Mr. Scott Shine	Member	<i>Scott Shine</i>
Mr. Mark Middlebrook	Member	✓
Mr. Rick Morales	Member	✓
Mr. Greg Nettuno	Member	<i>Greg Nettuno</i>
Ms. Jacquie Gibbs	Member	<i>Ms. Jacquie Gibbs</i>
Mr. Brian Shell	Member	<i>Mr. Brian Shell</i>
Mr. Wight Greger	Member	<i>Mr. Wight Greger</i>
Mr. Eric Green	Member	<i>Mr. Eric Green</i>
Mr. Deno Hicks	Member	<i>Mr. Deno Hicks</i>
Ms. Jody Brooks	OGC Representative	<i>Jody Brooks</i>
Mr. Daryl Joseph	SME	<i>Mr. Daryl Joseph</i>
Ms. Pam Roman	SME	<i>Ms. Pam Roman</i>
Ms. Sherry Wilson	SME	<i>Ms. Sherry Wilson</i>
Ms. Tera Meeks	SME	<i>Ms. Tera Meeks</i>
Mr. Jim Robinson	SME	<i>Mr. Jim Robinson</i>
Chief Charles Moreland	Transition Team	<i>Chief Charles Moreland</i>
<i>MARK MIDDLEBROOK</i>	<i>MEMBER</i>	
Guests / Visitors:		
<i>JOE ANDREWS</i>	<i>CTDC</i>	<i>Joe Andrews</i>
<i>Russ Durham</i>	<i>JEAC</i>	<i>Russ Durham</i>

Florida's Government in the Sunshine Laws

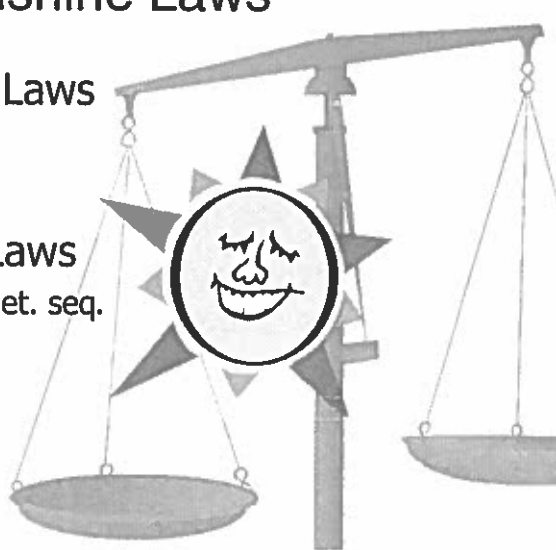
Jody Lane Brooks
Assistant General Counsel
Government Operations & Commercial Law Dept.
630-1720 (office)
jodyb@coj.net
OGC Website: <http://generalcounsel.coj.com/>



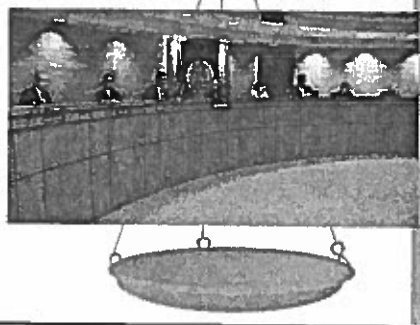
Florida's Government in the Sunshine Laws

- **Open Meetings Laws**
 - Fla. Stat. 286.011

- **Open Records Laws**
 - Fla. Stat. 119.01, et. seq.

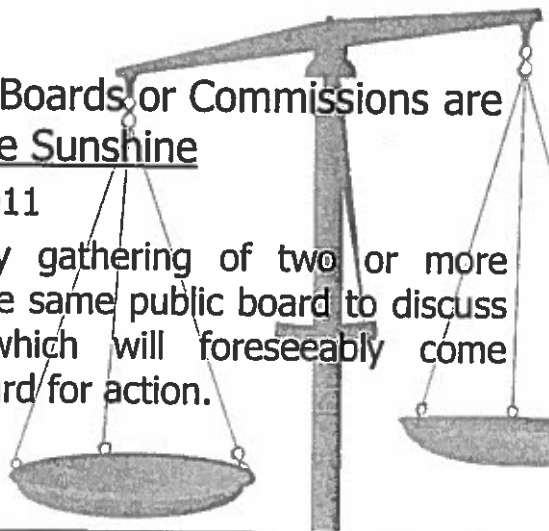


Florida's Open Meetings Law



What is Florida's Open Meeting's Law?

- All Meetings of Boards or Commissions are to be held in the Sunshine
 - Fla. Stat. 286.011
 - Applies to any gathering of two or more members of the same public board to discuss any matter which will foreseeably come before that board for action.



Does it Apply to Mayoral Transition Teams or Committees?

- Yes. It is the nature of the acts performed by the board or committee, rather than its makeup or name that determines whether the open meetings law applies; See Informal AG Opinion Aug. 1993
 - Pure fact finding vs. recommendations

Where Open Meetings Law applies the Law Requires

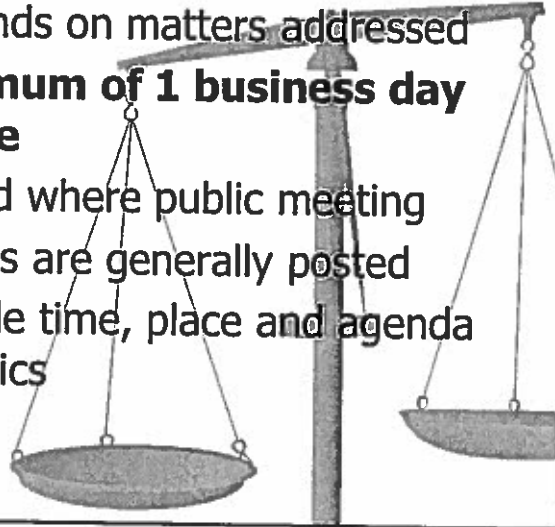


- ☆ The Meetings to be open and accessible to the public
- ☆ Reasonable advance notice of the meeting
- ☆ Written minutes of the meeting to be kept

What is Reasonable Notice



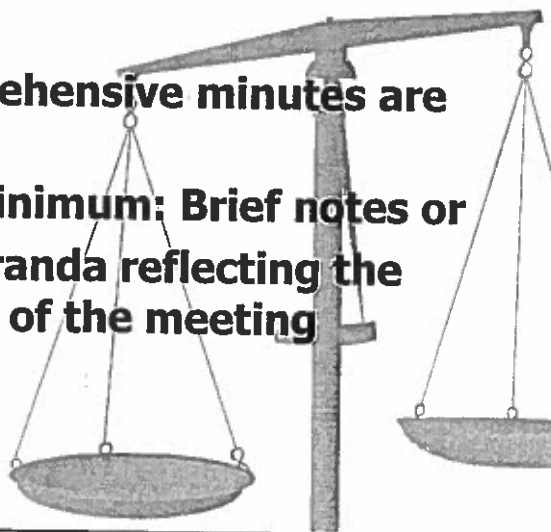
- ☆ Depends on matters addressed
- ☆ **Minimum of 1 business day notice**
- ☆ Posted where public meeting notices are generally posted
- ☆ Include time, place and agenda or topics



What are Legal Minutes



- ☆ **Comprehensive minutes are good**
- ☆ **At a minimum: Brief notes or Memoranda reflecting the events of the meeting**



Where Open Meeting Law is Applicable it Applies to the Following:

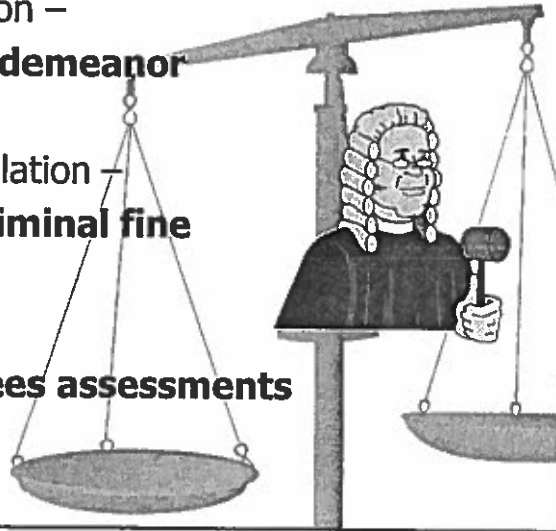
- ☆ Any two or more persons of the same board or entity in attendance
- ☆ Casual gatherings
- ☆ Chance encounters
- ☆ Telephone Conversations
- ☆ Correspondence, including email, regarding public business

Tips to not Run Afoul of Public Meetings Law

- Do not discuss the matters involving the business of your committee with other committee members other than at noticed public meetings
 - This includes at casual encounters, telephone calls and **electronic communications**
- You are not prohibited from discussing the business of your committee with non-committee members; however, you should avoid doing so with another committee member present

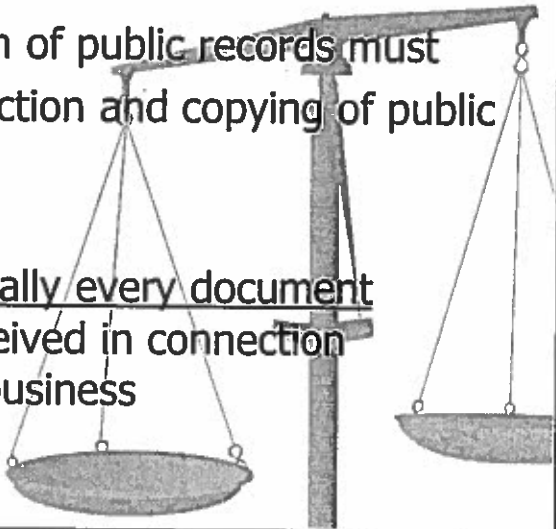
Consequences of Violation of the Law

- ☆ Knowing violation –
criminal misdemeanor
- ☆ Unintentional violation –
\$500 non-criminal fine
- ☆ Civil law suits-
Attorney's fees assessments



Public Records Law Requirements

- ☆ Every custodian of public records must permit inspection and copying of public records
- ☆ Applies to virtually every document made or received in connection with public business



What is a “Public Record?”

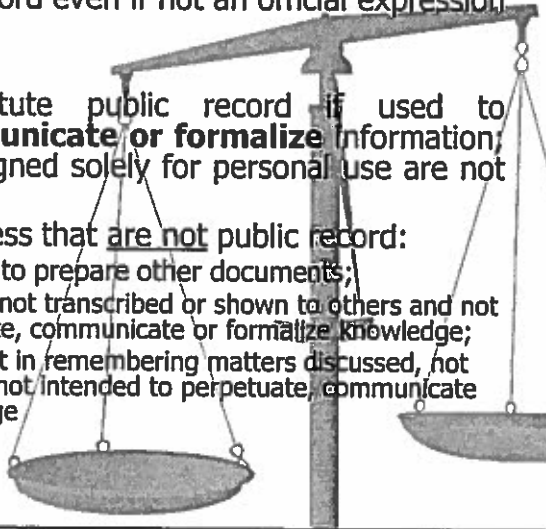
- “Public record is any material prepared in connection with official agency business which is intended to **perpetuate, communicate, or formalize** knowledge of some type.”
- **Not just written documents** but “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of physical form characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency” F.S. §119.011(12)

Basic Concepts of Whether the Item is Public Record

- If it relates to the official business of the governmental entity, assume it's public record;
- Personal papers or documents (not related to government official business) are generally not public record;

Drafts and Notes

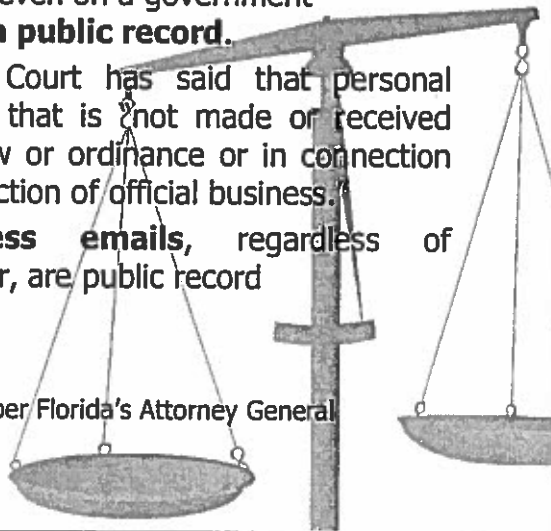
- "preliminary **drafts**" or "working **drafts**" circulated for review are public record even if not an official expression of policy
- **Notes** can constitute public record if used to **perpetuate, communicate or formalize** information; however, notes designed solely for personal use are not public record.
- Notes of govt. business that are **not** public record:
 - Personal notes used to prepare other documents;
 - Personal notes taken not transcribed or shown to others and not intended to perpetuate, communicate or formalize knowledge;
 - Notes utilized to assist in remembering matters discussed, not shown to others and not intended to perpetuate, communicate or formalize knowledge.



Email



- **Personal email**, even on a government computer, is **not a public record**.
 - Fla. Supreme Court has said that personal email is email that is "not made or received pursuant to law or ordinance or in connection with the transaction of official business."
- **Official business emails**, regardless of computer or server, are public record
 - examples
- **Text messaging**
 - Same rules apply per Florida's Attorney General

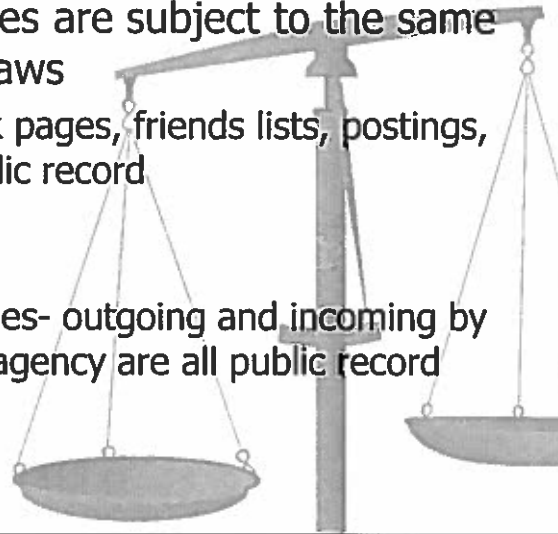




Social Media

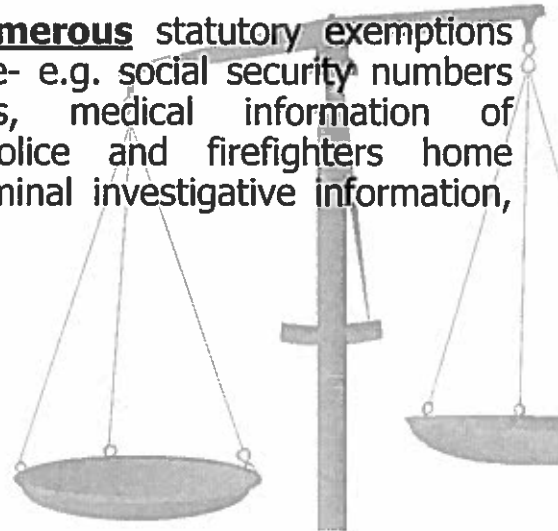


- Social media sites are subject to the same public records laws
 - City's Facebook pages, friends lists, postings, etc. are all public record
 - (AGO 09-19)
 - Twitter messages- outgoing and incoming by a government agency are all public record



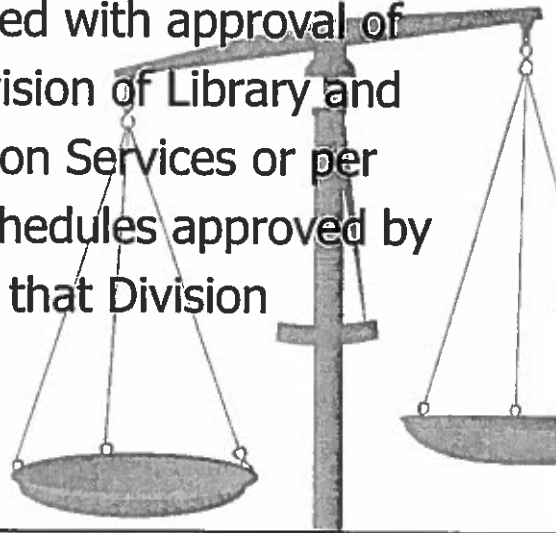
If something is public record, it may be subject to a statutory exemption

- There are **numerous** statutory exemptions from disclosure- e.g. social security numbers of employees, medical information of employees, police and firefighters home addresses, criminal investigative information, etc.



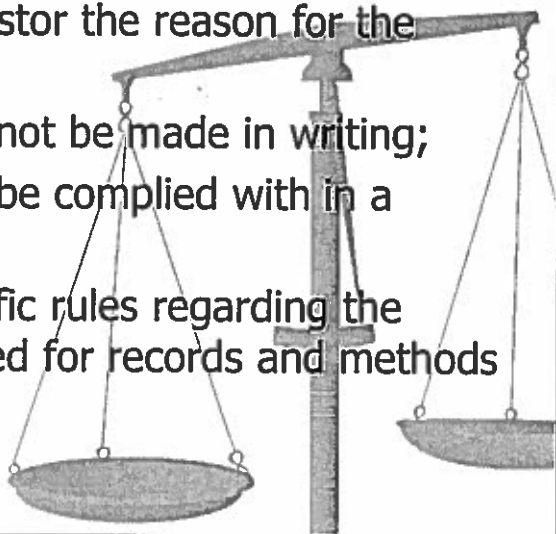
Destruction of Public Records

Only allowed with approval of State's Division of Library and Information Services or per retention schedules approved by that Division



Additional Points on Public Records

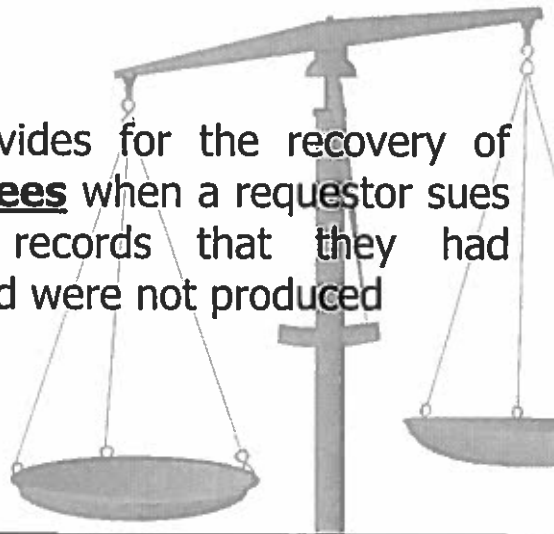
- Can't ask requestor the reason for the request;
- Requests need not be made in writing;
- Requests must be complied with in a timely fashion;
- There are specific rules regarding the amounts charged for records and methods of production.



Consequences of Violations of the Public Records Law

■ **Civil Penalty:**

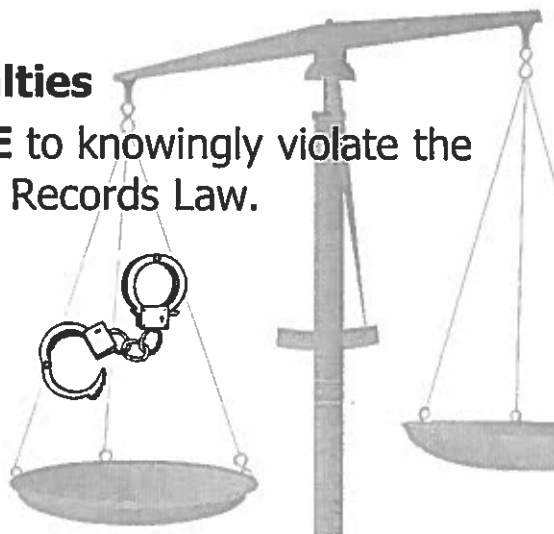
- Fla. law provides for the recovery of **attorney's fees** when a requestor sues to recover records that they had requested and were not produced



Consequences of Violations of the Public Records Law

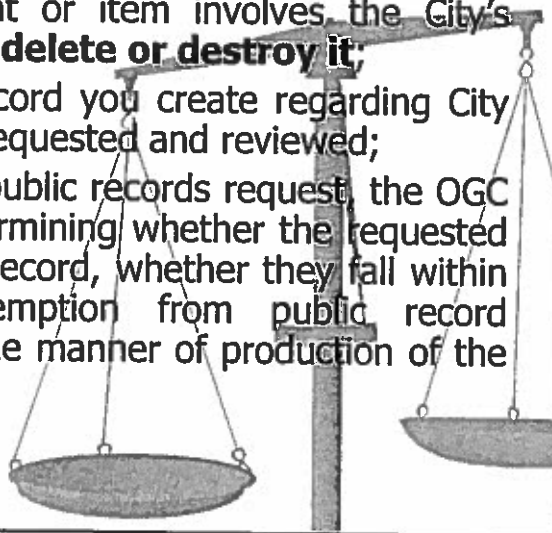
■ **Criminal Penalties**

- It is a **CRIME** to knowingly violate the Florida Public Records Law.



Fundamental Things to Remember Regarding Public Records

- If your document or item involves the City's business, **do not delete or destroy it**;
- Assume every record you create regarding City business will be requested and reviewed;
- If you receive a public records request, the OGC will assist in determining whether the requested items are public record, whether they fall within a statutory exemption from public record disclosure, and the manner of production of the public records.



- Questions?

- The Office of General Counsel is here to assist with any questions or issues regarding this or any other legal questions.

THANK YOU!

