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|  | **OFFICE OF THE CITY COUNCIL** |  |
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June 19, 2018

(1:00 P.M.)

**TASK FORCE ON OPEN GOVERNMENT**

**MEETING MINUTES**

**(Preliminary)**

**CHAIRS:** Hank Coxe, Esq. and Dr. Sherry Magill

**MEMBERS:** Ywana Allen-EXCUSED

Rachael Fortune

The Honorable Alberta Hipps

Ron Littlepage

Michael Lockamy

Audrey Moran

The Honorable Jim Overton

Sabeen Perwaiz

Cleve Warren

**Also:** Colleen Hampsey- Council Research; Thomas Carter-Council Auditor’s Office; Paige Johnston and

Jon Phillips-Office of General Counsel

For all other attendees, please see sign in sheet.

**Meeting convened:** 1:07 pm  **Meeting Adjourned:** 4:34 pm

**Introductions**

The Co-Chairs, Hank Coxe and Sherry Magill, called the meeting to order. The Task Force members approved the minutes (as amended to reflect that public record training sessions for the SAO staff are scheduled to begin soon but have not occurred yet) from the June 12, 2018 meeting.

**Attorney General’s Office-Special Counsel on Open Government**

Pat Gleason, Special Counsel for Open Government, gave a presentation about Florida’s Sunshine Law,

records retention and Public Records Laws. Ms. Gleason is a subject matter expert with many years of

experience, having working under six Attorneys General in Florida. The Sunshine Law applies to all

forms of communication between government board members and requires that: meetings of public

boards or commissions must be open to the public; reasonable notice of such meetings must be provided;

and minutes of the meetings must be prepared and open to public inspection. There are some exceptions

for non-public meetings (shade) for attorney-client sessions, the records of which become public after any

litigation concludes. State law does not require publishing an agenda or recording meetings (audio or

video), but if recordings are made they must be retained. Sunshine Exemptions must be approved by 2/3

of the Florida Legislature and the exemptions must be very specific.

Ms. Gleason discussed public record requests and noted that any government-related documents, emails,

and text messages are public records even if generated on a private device. The two areas of common

complaint for records requestors are time delays and associated costs for record requests. The time

required to produce requested public records must be reasonable, according to state law, and any delays

must be justified in court if challenged. In Ms. Gleason’s experience, being too busy with other work

tasks has not been an acceptable justification for delayed record release and delays due to political

document review may be difficult to justify to a judge. Documents maintained by private entity

government contractors who are performing government functions (ex. private prisons) are also public

records. For public private partnerships, the courts use a nine factor assessment to determine if the entity

is performing a government function. Before concluding, Ms. Gleason emphasized the effect of

leadership priorities to an organizational approach to transparency and open government.

**Discussion**

Paige Johnston was in attendance to field questions about public comment opportunities in council and committee meetings. In council meetings, there are several chances for the public to comment or participate, and in committee meetings public comment is at the discretion of the chairperson. These times for public input are designated in the Council Rules and could be changed through legislation.

The Task Force also discussed the final report draft, which will be expanded through member contributions and compiled into one document for review and approval at the final meeting on June 27.

**Public Comment**

John Nooney spoke about the need for more opportunities for the public to speak about legislation during committee meetings and submitted a comment card for the record.

With no further business, the Co-Chairs adjourned the meeting at 4:34 pm.

**The last Task Force Meeting will be Tuesday, June 27, 2018 at 1:00 pm in the Lynwood Roberts Room, 117 West Duval Street, First Floor.**

Minutes: Colleen Hampsey, Council Research

Posted 6.20.18 5:00 pm