

# OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE



## FINAL REPORT 2022-CR-0002

### SUNSHINE LAW COMPLIANCE REVIEW

*Matthew J. Lascell*

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MATTHEW J. LASCELL

JUNE 1, 2022

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DATE ISSUED

*“Enhancing Public Trust in Government Through Independent and Responsible Oversight”*

## EXECUTIVE SUMMARY

### What We Did

In accordance with Chapter 15, Section 15.107, *Ordinance Code*, the City of Jacksonville (COJ) Office of Inspector General (OIG) conducted a review of City Council's compliance with the *Jacksonville Sunshine Law Compliance Act*. The review covered the period of *May 1, 2020, to April 30, 2022*.

### Statement of Compliance

Our report contains four (4) compliance objectives specific to Section 15.107 of the *Jacksonville Sunshine Law Compliance Act*.

#### COMPLIANCE OBJECTIVE 1

##### **Notice of Council Public Meetings: Posting and Timing**

Based on our review of 288 meetings, City Council is overall in compliance with Section 15.103, *Ordinance Code, Notice of Council Public Meetings; posting and timing*.

#### COMPLIANCE OBJECTIVE 2

##### **Public Meetings Locations**

Based on our review of 288 meetings, City Council is in compliance with Section 15.104, *Ordinance Code, Public Meetings location*.

#### COMPLIANCE OBJECTIVE 3

##### **Public Meetings Minutes**

Based on our review of 288 meetings, City Council is in compliance with Section 15.106, *Ordinance Code, Public Meetings minutes*.

#### COMPLIANCE OBJECTIVE 4

##### **Annual Continuing Education and Sunshine Law Training**

Based on our review of annual Government in the Sunshine, open meetings laws, and ethics laws trainings, all City Council Members and Executive Council Assistants are in compliance with Section 15.108, *Ordinance Code, Annual continuing education and training* as required.

## Management's Response

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We provided the City Council President, Director/Council Secretary, and the Executive Director, Ethics, Compliance and Oversight Office (Office of Ethics) an opportunity to review and submit a written response to the outcomes as stated in the Sunshine Law Compliance Report. The Director/Council Secretary provided a response on May 27, 2022 (Attachment A). The Executive Director, Office of Ethics declined to provide a response.

## Acknowledgements

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We appreciate the assistance provided by the Director/Council Secretary, the Executive Director, Office of Ethics, and members of their respective staff.

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## COMPLIANCE REPORT

### Authority

This review was conducted pursuant to Chapter 15 of the COJ *Ordinance Code*. The *Jacksonville Sunshine Law Compliance Act* requires the OIG to conduct a review of compliance with Section 15.107, *Ordinance Code*. The review must be conducted biannually (every two years) in even-numbered years.

### Background

*Jacksonville Sunshine Law Compliance Act* is specific to publicly held meeting notices, locations, and minutes as well as Council Members and Executive Council Assistants annual required training on Government in the Sunshine, open meetings laws and ethics laws. The purpose of the *Jacksonville Sunshine Law Compliance Act* is to ensure compliance with *Florida Statute, Chapter 286 (Florida Sunshine Law)*, increase transparency, and create procedures, best practices and training methods that will enhance compliance with open meeting laws.

City Council, through the Director/Council Secretary and Legislative Services Division (Legislative Services), maintains a web-based Meeting Notice System used to provide the public with information regarding publicly held City Council meetings. The web-based system includes the *City Council Public Notice* website, [City Council Public Notice Application \(coj.net\)](#), and the *City Council Legistar* website, [City of Jacksonville - Calendar \(legistar.com\)](#). In addition to the website, meeting notices are also posted in locations where public meetings are commonly noticed such as City Hall. Members of the public may participate in all publicly held meetings in person.

Due to the COVID-19 Pandemic, Florida Governor Ron DeSantis issued *Executive Order Number 20-69 (Emergency Management–COVID 19–Local Government Public Meetings)* March 20, 2020, lawfully suspending any Florida Statute requiring (1) a quorum to be present in person or (2) a local government body to meet at a specific public place.

The Executive Order authorized the use of teleconferencing or other technological means, such as telephonic and video conferencing, to conduct public meetings as provided in Section 120.54(5)(b)2, *Florida Statutes*. City Council, through the Director/Council Secretary and Legislative Services, provided members of the public access to listen, observe, and participate in public meetings via telephone, City Council's websites, videoconferencing, and television broadcast.

## Statement of Objectives, Scope, and Methodology

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**A.** The objectives of the Compliance Review were:

1. To determine if City Council public meeting notices were posted timely, at least 24 hours prior to the meetings exclusive of weekends and holidays, and were accessible to the public via the City Council's website in accordance with ***Section 15.103, Ordinance Code, Notice of Council Public Meetings; posting and timing.***
2. To determine if City Council public meetings were conducted in the appropriate public locations, including the disclosure of any and all public meetings held in Council Members' offices in accordance with ***Section 15.104, Ordinance Code, Public Meetings location.***
3. To determine if City Council meeting minutes were written, maintained in a filing system, and available for retrieval in accordance with ***Section 15.106, Ordinance Code, Public Meetings minutes.***
4. To determine if all City Council Members and Executive Council Assistants received annual training on Government in the Sunshine, open meetings laws and ethics laws as required in accordance with, ***Section 15.108, Ordinance Code, Annual continuing education and training.***

**B.** The scope of the Compliance Review covered the period of ***May 1, 2020, to April 30, 2022,*** and was limited to the following :

- Noticed City Council Public Meetings, Committee Meetings, and Meetings initiated by Council Members with other Council Members.
- Noticed Public Meeting Locations.
- Posting of Public Meeting Minutes.
- City Council Members and Executive Council Assistants annual Sunshine Law continuing education and training records.

**C.** To determine the total number of noticed public meetings, locations and minutes for the period under review, the OIG relied on electronic records obtained from the City Council Public Notice website [City Council Public Notice Application (coj.net)]. We extracted a total population of 1,145 meeting records and used Random Sampling as our Statistical Methodology to generate a sample of 288 meeting records for review. The threshold for non-compliance was missing records over 10% of the sample size.

To confirm compliance with the annual Sunshine Law continuing education and training, we reviewed attendance records posted on the *COJ City Council Sunshine Compliance* webpage (*COJ.net - Sunshine Compliance*) and/or requested proof of compliance from the Director/Council Secretary, and the Executive Director, Office of Ethics. We performed this assessment for **19** Council Members and **19** Executive Council Assistants.

The Compliance Review methodology included but was not limited to:

- Reviewing prior *Jacksonville Sunshine Law Compliance Act* audit reports completed by the City Council's Auditors and the OIG's Auditors.
- Reviewing Chapter 15, *Ordinance Code* as well as City Council Policies and Procedures.
- Discussing Chapter 15, *Ordinance Code* as well as the applicable policies and procedures with the Director/Council Secretary, and the Executive Director, Office of Ethics.
- Examining, testing, and comparing the selected sample of electronic records obtained from the *City Council Public Notice* website to the electronic records maintained on the *City Council Legistar* website.
- Reviewing annual training attendance records posted on the *COJ City Council Sunshine Compliance* webpage, Certificates of Completion records obtained from the Executive Director, Office of Ethics and annual Financial Disclosures submitted to the *Florida Commission on Ethics* attesting to completion of the required trainings.

## Statement of Auditing Standards

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The Compliance Review does not represent an audit or attestation pursuant to the *International Standards for the Professional Practice of Internal Auditing (IIA Standards)*. The OIG conducted the review in accordance with the requirements as specified in *Chapter 15* of the Jacksonville Municipal Code.

## Statement of Compliance

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### **COMPLIANCE OBJECTIVE 1**

#### **Notice of Council Public Meetings: Posting and Timing**

*To determine if City Council public meeting notices were posted timely, at least 24 hours prior to the meetings exclusive of weekends and holidays, and were accessible to the public via the City Council's website in accordance with **Section 15.103, Ordinance Code, Notice of Council Public Meetings; posting and timing.***

#### **Overall in Compliance**

Of the 288 meetings required to be in accordance with Section 15.103, *Ordinance Code*, all had required notices posted to the City Council Public Notice website. Of the 288 meetings reviewed, two (2) meetings were not posted within 24 hours. One was a State of Emergency meeting, and the other was created 20 hours prior to the meeting. The total number of meetings not posted within 24 hours is less than 1% of the total sample size and is therefore considered negligible.

#### **Response to Compliance Objective 1**

Agree                       Disagree                       Partially Agree                       Response not Required

### **COMPLIANCE OBJECTIVE 2**

#### **Public Meetings Locations**

*To determine if City Council public meetings were conducted in the appropriate public locations, including the disclosure of any and all public meetings held in Council Members' offices in accordance with **Section 15.104, Ordinance Code, Public Meetings location.***

#### **In Compliance**

Of the 288 meetings required to be in accordance with Section 15.104, *Ordinance Code*, all were located in appropriate public rooms. Our sample did not contain any meetings held in Council Members' offices.

#### **Response to Compliance Objective 2**

Agree                       Disagree                       Partially Agree                       Response not Required



**COMPLIANCE OBJECTIVE 3****Public Meetings Minutes**

*To determine if City Council meeting minutes were written, maintained in a filing system, and available for retrieval in accordance with **Section 15.106, Ordinance Code, Public Meetings minutes.***

**In Compliance**

Of the 288 meetings reviewed, all meetings required to be in accordance with Section 15.106, *Ordinance Code*, either had meeting minutes posted to the City Council Public Notice website, or Council Staff were able to retrieve and upload to the City Council Public Notice website.

**Response to Compliance Objective 3**

Agree                       Disagree                       Partially Agree                       Response not Required

**COMPLIANCE OBJECTIVE 4****Annual Continuing Education and Sunshine Law Training**

*To determine if all City Council Members and Executive Council Assistants received annual training on Government in the Sunshine, open meetings laws and ethics laws as required in accordance with, **Section 15.108, Ordinance Code, Annual continuing education and training.***

**In Compliance**

All City Council Members (19) and Executive Council Assistants (19) completed Government in the Sunshine, open meetings laws and ethics laws annual trainings in 2020 and 2021 as required.

**Response to Compliance Objective 4**

Agree                       Disagree                       Partially Agree                       Response not Required

## Management's Response

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We provided the City Council President, Director/Council Secretary, and the Executive Director, Office of Ethics an opportunity to review and submit a written response to the outcomes as stated in the Sunshine Law Compliance Report. The Director/Council Secretary provided a response on May 27, 2022 (Attachment A). The Executive Director, Office of Ethics declined to provide a response.

The Director/Council Secretary issued the following statement in response to the Compliance Review, *"We appreciate thorough review from the Office of Inspector General (OIG) of City Council's compliance with the Jacksonville Sunshine Law Compliance Act. These reviews help us to ensure we are providing the procedures, methods and education necessary to enhance compliance with open meeting laws in order to maintain public confidence and transparency in the legislative practices of the City Council."*

## Acknowledgements

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We appreciate the assistance provided by the Director/Council Secretary, the Executive Director, Office of Ethics, and members of their respective staff.



**MARGARET M. "PEGGY" SIDMAN**  
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117 West Duval Street  
City Hall, Suite 425  
Jacksonville, FL 32202

May 27, 2022

Matt Lascell, Inspector General  
231 East Forsyth Street, Suite 470  
Jacksonville, Florida 32202

Re: Draft Report – *Sunshine Law Compliance Review*  
Office of the Inspector General Report Number 2022-CR-0002

Dear Mr. Lascell,

Upon receipt of the Draft Report 2022-CR-0002, the City Council has worked diligently with the Office of Inspector General (OIG) to obtain verification of training in order to correct finding the Executive Council Assistants in partial compliance for Compliance Objective 4- *Annual Continuing Education and Sunshine Law Training*, to a finding of in compliance.

We appreciate thorough review from the Office of Inspector General (OIG) of City Council's compliance with the *Jacksonville Sunshine Law Compliance Act*. These reviews help us to ensure we are providing the procedures, methods and education necessary to enhance compliance with open meeting laws in order to maintain public confidence and transparency in the legislative practices of the City Council.

Sincerely,

A handwritten signature in blue ink that reads "Margaret M. Sidman". The signature is fluid and cursive.

Margaret M Sidman  
Council Director/Secretary

cc. Council President Sam Newby