



OFFICE OF INSPECTOR GENERAL  
CITY OF JACKSONVILLE

AUDIT REPORT NO. 2018-CR-0001

ISSUE DATE: MAY 31, 2018

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

James R. Hoffman  
Inspector General

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SUNSHINE LAW COMPLIANCE AUDIT

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EXECUTIVE SUMMARY

Pursuant to Section 15.107, *Ordinance Code*, the Office of Inspector General (OIG) conducted an audit of the City Council's (Council) compliance with Chapter 15, *Ordinance Code*, Jacksonville Sunshine Law Compliance Act. According to Section 15.101, *Ordinance Code*, the purpose of the Jacksonville Sunshine Law Compliance Act is "to ensure compliance with the Sunshine Law, F.S. Ch. 286, and to create procedures, methods, best practices, and education that will enhance compliance with open meeting laws, and enhance and maintain public confidence and transparency in the legislative practices of the City Council."

Section 15.107, *Ordinance Code*, requires the OIG conduct a biannual review commencing in even-numbered years of Council notices, meeting locations, and minutes and report on the Council's compliance with the Jacksonville Sunshine Law Compliance Act.

The scope of the audit included an examination of records relating to Council meetings, Council committee meetings, and other meetings initiated by Council Members with other Council Members during the period of May 1, 2016, through April 30, 2018. Additionally, the scope of the audit included a review of training records for all Council Members and Executive Council Assistants for calendar year 2017.

Overall, the audit did *not* disclose any evidence to indicate material noncompliance with the requirements of Chapter 15, *Ordinance Code*; however, the OIG noted certain additional matters as summarized below:

**Finding 1:** In two of the fifty instances reviewed, minutes for meetings initiated and noticed by Council Members with other Council Members were not posted to the Council's public notice system or filed with the Legislative Services Division.

**Finding 2:** Council Members did not always provide timely notice or obtain prior permission for absences, late arrivals, and/or early departures from City Council and Council committee meetings, as required by the Rules of the Council.

The details of the audit objectives and scope, methodology, conclusions, and findings are outlined in the following audit report.

The OIG appreciates the cooperation received from the Director/Council Secretary and the Legislative Services Division during the course of this audit.

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## AUTHORITY

This audit was conducted pursuant to Section 15.107, *Ordinance Code*.

## BACKGROUND

The Jacksonville Sunshine Law Compliance Act, Chapter 15, *Ordinance Code*, was established to ensure the City of Jacksonville City Council complies with Chapter 286, Florida Statutes, the State of Florida's Government-in-the-Sunshine-Law (Sunshine Law). The intent of Florida's Sunshine Law is to provide the public the right of access to governmental proceedings in order to promote transparency and accountability and maintain public confidence in the legislative practices of government.<sup>1</sup> As specified in Section 15.101, the purpose of the Jacksonville Sunshine Law Compliance Act is "to create procedures, methods, best practices and education that will enhance compliance with open meeting laws, and enhance and maintain public confidence and transparency in the practices of the City Council."

In general, there are three basic requirements outlined by Florida's Sunshine Law<sup>2</sup> and the Jacksonville Sunshine Law Compliance Act: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meetings must be taken and promptly recorded. The Jacksonville Sunshine Law Compliance Act also requires that all Council public meetings are held in a public location and that Council Members and Executive Council Assistants receive annual training on Government in the Sunshine, open meeting laws, and ethics laws.

In accordance with Section 15.103, *Ordinance Code*, the Council public meeting notices shall be made available through the Council's website. The Council's website, through the public notice system, provides the public with access to information and documents pertaining to the operations of the Council. This information includes, in part, a calendar of Council events; meeting notices, agendas, and minutes; web streaming video of in-session meetings of the Council and Council committees; and web access to view the incoming internal e-mail of the Council. All Council meetings, Council committee meetings, and meetings between Council Members are to be posted to the public notice system.

The Legislative Services Division is responsible for noticing and preparing written minutes for Council meetings, all standing committee meetings, and committee subcommittees. For meetings between Council Members initiated by a Council Member, the scheduling, noticing, preparing written minutes, and maintaining attendance sign-in sheets is the responsibility of the initiating Council Member's Executive Council Assistant. When completed, Executive Council Assistants are required to provide meeting records to the Legislative Services Division.

The Legislative Services Division maintains the records of all public notices and minutes for all Council public meetings. Notices and minutes are archived in binders and maintained by calendar year. Individual binders are maintained for meetings of the Council, each standing committee, and each special committee. In addition, the Legislative Services Division maintains

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<sup>1</sup> "Open Government- Frequently Asked Questions", Florida Attorney General ([www.myfloridalegal.com](http://www.myfloridalegal.com)).

<sup>2</sup> *Government-in-the-Sunshine-Manual* (2017), Florida Attorney General.

a binder for each Council Member. All records relating to meetings between Council Members are maintained in the respective binder of the Council Member who initiated the meeting.

According to the organizational chart of the Office of City Council, the Director/Council Secretary is responsible for the Administrative Services Division, Legislative Services Division, Public Information Division and Research Division. Executive Council Assistants report directly to the Council Members.

The Director/Council Secretary has developed a training manual titled, *2015 ECA Public Notice Compliance Training (Chapter 15- Jacksonville Sunshine Law Compliance Act, Ordinance Code)*, effective June 2015 (Compliance Training Manual). The Director/Council Secretary utilizes this manual to provide training to the Executive Council Assistants in order to ensure their understanding and compliance with the requirements of the Jacksonville Sunshine Law Compliance Act and Florida's Sunshine Law.

### OBJECTIVES, SCOPE, AND METHODOLOGY

This audit was conducted pursuant to Section 15.107, *Ordinance Code*, which requires the OIG conduct a biannual review commencing in even-numbered years of Council notices, meeting locations, and meeting minutes. The purpose of this audit is to provide unbiased, timely, and relevant information to the citizens of the City, the Council, the Office of Council Secretary, the Finance Committee, the Ethics Commission, the City Ethics Officer, and others, relating to the Council's compliance with Chapter 15, *Ordinance Code*, Jacksonville Sunshine Law Compliance Act, and provide recommendations, as appropriate, to improve compliance.

Section 15.107(b), *Ordinance Code*, requires that audit procedures are planned to address the following objectives:

- (1) To verify notices of applicable Council meetings were public and timely, and not less than 24 hours exclusive of weekends and holidays, and accessible to the public by internet in accordance with Section 15.103;
- (2) To verify Council meetings were located in appropriate public rooms and all meetings held in non-public locations or Council Members' offices were properly approved in accordance with Section 15.104;
- (3) To verify minutes were written, maintained in a filing system, and available for retrieval in accordance with Section 15.106; and
- (4) To verify all Council Members and Executive Council Assistants have received annual continuing education and training on the Sunshine Law in accordance with Section 15.108.

The OIG conducted this compliance audit in May 2018 in accordance with generally accepted government auditing standards. Those standards require the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions

based on audit objectives.<sup>3</sup> The OIG believes the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

In addition, the OIG planned and performed audit procedures to achieve the following objectives:

- (1) To evaluate whether the policies and procedures established by the Council to ensure compliance with the requirements of the Jacksonville Sunshine Law Compliance Act are adequate;
- (2) To determine whether the Council has taken corrective action for findings and other matters noted in the prior audit; and
- (3) To identify and provide policy recommendations to the Council, as necessary.

The audit scope included 1,198 noticed Council meetings, Council committee meetings, and meetings initiated by Council Members with other Council Members that occurred between May 1, 2016 and April 30, 2018, and posted to the Council's website through the public notice system. The link for the City Council public notice website is:

<http://apps.coj.net/CouncilPublicNotices/Meetings/ShowMeetingsTablePage.aspx>

From the population of meetings posted to the public notice system, the OIG selected a random statistical sample of 273 Council and Council committee meetings for review. In addition, the OIG identified and reviewed 50 meetings initiated by Council Members with other Council Members for the period of January 2018 through April 2018. As such, the OIG reviewed records relating to a total of 323 Council public meetings. In addition, the OIG reviewed training records for all 19 Council Members and 19 Executive Council Assistants for calendar year 2017.

The audit work included, but was not limited to, obtaining an understanding of the Council's policies and procedures germane to the audit scope and objectives; discussing procedures with the Director/Council Secretary and Legislative Services Division staff; reviewing information on the Council's website; and reviewing meeting records, such as notices, meeting attendance sign-in sheets, and meeting minutes, maintained electronically in the public notice system or physically in the Legislative Services Division.

An audit by nature does not include a review of all records, and as a consequence, cannot be relied upon to identify *all* instances of noncompliance, fraud, abuse, or inefficiency. In addition, the scope of this audit was limited to Council meetings, Council committee meetings, and meetings initiated by Council Members with other Council Members posted to the public notice system. Therefore, additional meetings may have occurred between two or more Council Members. These meetings would not have been detected through the audit if such meetings were not properly noticed through the public notice system. As a result, the OIG has

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<sup>3</sup> Chapter 6, Government Auditing Standards (2011), United States Government Accountability Office.

relied on the information obtained through the public notice system for determining the population of records reviewed for compliance.

## CONCLUSIONS

Overall, the OIG did not find any evidence to indicate material noncompliance with Chapter 15, *Ordinance Code*. In general, for the Council meetings, Council committee meetings, and meetings initiated by Council Members with other Council Members reviewed:

1. Meetings were publically noticed at least 24 hours in advance and were accessible to the public through the Council's website and public notice system.
2. Meetings were located in appropriate public rooms, such as the Council Chambers or other meeting and conference rooms located within City Hall.
3. Minutes were written, maintained, and available for retrieval either through the Council website, the public notice system, or the Legislative Services Division. The OIG noted two instances where minutes for meetings initiated by Council Members with other Council Members were not available either through the public notice system or maintained within the Legislative Services Division.
4. Council Members and Executive Council Assistants attended annual continuing education and training on the Sunshine Law.

## FINDING 1

**In two of the fifty instances reviewed, minutes for meetings initiated and noticed by Council Members with other Council Members were not posted to the Council's public notice system or filed with the Legislative Services Division.**

Florida's Sunshine Law<sup>4</sup> requires, for any gathering of two or more members of an elected board, minutes of the meeting be taken and promptly recorded. Section 15.106, *Ordinance Code*, requires copies of the minutes of all noticed Council public meetings, including those conducted between two or more Council Members outside of regular Council meetings or Council committee meetings, be kept with the notice of such meetings by the Legislative Services Division. Furthermore, Section 15.106(e), *Ordinance Code*, requires, "No less than once every 30 days, the Legislative Services Division shall review notices of all Council Public Meetings to ensure that copies of the minutes of all applicable public meetings have been placed on file in the Legislative Services Division."

Per the Compliance Training Manual, Executive Council Assistants are required to post written minutes within 72 hours of a noticed meeting between two or more Council Members outside of regular Council meetings or Council committee meetings.

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<sup>4</sup> *Government-in-the-Sunshine-Manual* (2017), Florida Attorney General.

The OIG's review of records for 50 meetings initiated by Council Members outside of regular Council or Council committee meetings for the period of January 2018 through April 2018 disclosed two meetings for which written minutes were *not* posted to the Council's public notice system or filed with the meeting notices in the binders maintained by the Legislative Services Division. The published notices for these same meetings indicated the meetings were to be held with other Council Members. Additionally, the OIG found no records to indicate these meetings were cancelled. Consequently, these meetings were subject to the requirements of Florida's Sunshine Law and Section 15.106, *Ordinance Code*, and determined to be in noncompliance.

The OIG's review of records found the Legislative Services Division is periodically reviewing meeting records maintained in the binders as required by Section 15.106(e), *Ordinance Code* in an attempt to ensure compliance. In addition, the OIG found the Director/Council Secretary and Legislative Services Division are attempting to ensure compliance through documented communications with the Executive Council Assistants, when it is determined that required records have not been provided. The Director/Council Secretary does not have direct supervisory oversight of the Executive Council Assistants. As such, the Director/Council Secretary has no mechanism to enforce compliance when the Executive Council Assistants fail to provide the required records within the requisite time frame.

Without the maintenance of written minutes electronically in the public notice system or physically in the Legislative Services Division, the proceedings of meetings between Council Members are not easily accessible by the public or transparent. Additionally, the Council cannot demonstrate compliance with Florida's Sunshine Law or Section 15.106, *Ordinance Code*.

**Recommendations:**

**To ensure written minutes for all meetings of two or more Council Members are prepared, posted to the public notice system, and maintained with the meeting notices in the Legislative Services Division, the OIG recommends:**

- 1. Council Members, as immediate supervisors of Executive Council Assistants, need to reiterate the importance of compliance with Florida's Sunshine Law and Section 15.106, *Ordinance Code*. In order to ensure their respective Executive Council Assistants comply with noticing and maintenance of written minutes, as required; Council Members should consider establishing a procedure and/or mechanism to ensure accountability and remedies for noncompliance.**
- 2. The Council continue to reinforce during its annual continuing education and training on Sunshine Law, the responsibilities of Executive Council Assistants and the requirements of Florida's Sunshine Law.**

**FINDING 2**

**Council Members did not always provide timely notice, or obtain prior permission for absences, late arrivals, and/or early departures from City Council and Council committee meetings, as required by the Rules of the Council.**



Rule 4.501, Rules of the Council, requires Council Members who are unable to attend a Council or Council committee meeting, due to sickness or for a duly authorized reason, to provide both *prior* notice and obtain *prior* permission before the meeting convenes from the Council President, or committee chair, as applicable. In addition, Rule 2.202, Rules of the Council, requires Council Members to “*attend every regular or special meeting of each standing, special, or select committee to which he/she is appointed, unless excused by the committee chair.*” Further, a Council Member who fails to attend three consecutive meetings may be withdrawn from the committee, at the recommendation of the chair to the President.<sup>5</sup>

As part of the audit procedures, the OIG reviewed records relating to 273 Council meetings, standing Council committee meetings, and special Council committee meetings subject to the attendance requirements of the Rules of the Council. Council Members submit requests for excusals for absences, late arrivals, and/or early departures of meetings through a memorandum to the Council President or committee chair, as applicable. The memorandum is posted to the public notice system and a copy is maintained in the Council Member’s binder in the Legislative Services Division.

The OIG found the date and time the notice was given by the Council Member is documented by the date and time on the memorandum; however, there are no records to evidence the approval of the requested absence, late arrival, and/or early departure by the Council President or committee chair.

Further, the OIG’s examination of the 273 records disclosed the following:

- For 35 meetings (3 Council meetings and 32 Council committee meetings) for which one or more Council Member was absent, arrived late, or departed early, although notices were provided by the Council Member to the Council President or committee chair through a memorandum, the notices were provided subsequent to the meeting date or the meeting start time.
- For 10 Council committee meetings for which one or more Council Member was absent, arrived late, or departed early, there were no records (i.e. memoranda) to evidence that notice was provided by the Council Member to the Council committee chair.

Without prior notice and approval of absences, late arrivals, and early departures of Council meetings, there is a risk that there will not be enough Council Members present to achieve quorum, or to obtain a majority vote, in order to facilitate formal actions of the Council or committee. The OIG’s Sunshine Compliance Audit 2016-CR-0001, issued May 27, 2016, noted a similar observance.

### **Recommendations:**

**To ensure compliance with the Rules of the Council by giving proper prior notice and receiving prior approval for all absences, late arrivals, and/or early departures from Council and Council committee meetings, the OIG recommends the following:**

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<sup>5</sup> Rule 2.202, Rules of the Council of the City of Jacksonville (2017) – Attendance; Voting.

- 1. The Council implement written procedures to document the approval, including the time and date of approval, by the Council President or committee chair, as applicable, of absences, late arrivals and/or early departures requested by Council Members, and maintain documentation of both notice and approval in the public notice system and the Legislative Services Division.**
- 2. The Council implement written procedures to require Council committee chairs to maintain records of Council Member absences, late arrivals, and/or early departures that are *not* noticed and/or approved prior to Council committee meetings, and are therefore, unexcused. Council committee chairs should review records of unexcused absences periodically and enforce the requirements of Rule 2.202, Rules of the Council, as necessary.**
- 3. The Council discuss, as part of its annual continuing education and training on Sunshine Law, attendance requirements for Council and Council committee meetings, including requirements to give notice and obtain approval of absences, late arrivals, and/or early departures prior to such meetings.**

#### ECONOMIC IMPACT

There were no cost savings or recovered costs as a result of this audit.

#### OFFICE OF THE CITY COUNCIL RESPONSE

On March 24, 2018, the OIG provided the Council President and the Director/Council Secretary, Jacksonville City Council, the opportunity to submit a written response to the DRAFT Sunshine Law Compliance Audit, no later than May 31, 2018. On May 30, 2018, the OIG received a written response from the Council President and the Director/Council Secretary. The response, in its entirety, is attached to this report (Attachment A).

Based on OIG recommendations, the City Council will hold mandatory sunshine training in June, which will also include providing a copy of the Sunshine Law Compliance Audit to each Council Member. Additionally, the Council President Designate for Council year 2018-2019 announced May 23, 2018, that a comprehensive review of the Rules of Council will be a part of his initiatives.

Attachment A: Office of the City Council response, dated May 30, 2018,  
with accompanying Council President Designate correspondence,  
dated May 23, 2018

cc: OIG Audit Distribution A  
OIG Website



OFFICE OF THE CITY COUNCIL

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May 30, 2018

MEMORANDUM

**TO:** Lisa A. Green, Deputy Inspector General  
Office of Inspector General

**THRU:** Anna Lopez Brosche, President  
Jacksonville City Council *Anna Lopez Brosche*

**FROM:** Cheryl L. Brown, Director/Council Secretary  
Jacksonville City Council *Cheryl L. Brown*

**SUBJECT:** Response Audit Report  
Office of Inspector General Audit Report Number 2018-CR-0001

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This correspondence acknowledges receipt and provides a response to the Sunshine Compliance Audit Report Number 2018-CR-0001, in accordance with Section 15.107, *Ordinance Code, City of Jacksonville, Florida*.

The Office of the Director/Council Secretary and the Jacksonville City Council appreciates the ongoing efforts of the Council Staff as well as Executive Council Assistants in their support of promoting accuracy, efficiency, transparency in records keeping, management, and document retention. We are committed in our effort to ensure compliance with all laws governing Sunshine Compliance and offer the following response:

A Mandatory State Sunshine Training Session is scheduled to be held on **Monday, June 11, 2018, 11:00 a.m. – 2:00 p.m., in the Lynwood Roberts Room - 1<sup>st</sup> Floor of City Hall – St. James Building, located at 117 W. Duval Street, Jacksonville, Florida 32202.** During this meeting the Sunshine Audit will be provided to each Council Member.

Also, the Council in accordance with Section 4 – Section 112.3142 Florida Statutes (Ethics training for specified constitutional officers): *will complete 4 hours of ethics training annually that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered. (This session will provide 2.5 hours of training.)*

Additionally, as announced in correspondence received from Council President Designate Aaron Bowman, dated May 23, 2018, as paraphrased “...*Initiatives: ... (1)...conduct a comprehensive review of the Council Rules.*” It is anticipated that during the 2018-2019 Council year, the issue addressed in the Council Audit Report referencing Council Rules which governs Council Member absences and related communications can be considered.

Special thanks to the Inspector General’s Office for your efforts in providing a critical review of the City Council’s systematic processes and procedures.

XC: Members, Jacksonville City Council  
Council Staff  
Kyle Billy, Council Auditor  
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## OFFICE OF THE CITY COUNCIL

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May 23, 2018

Dear Colleagues:

Thank you for your vote of support and allowing me to lead the 2018-19 City Council. I am deeply humbled as there is no greater honor than being selected by your peers. My goal is to make this a year we will all remember as our Finest Hour working together as a tightly integrated team. We have much to accomplish and unfortunately will lose some amazing talent when we say goodbye to many of our friends next June.

I want to congratulate Scott Wilson on being elected as Vice President Designate. You have my guarantee that we will work hand-in-hand in the Sunshine and he will always be able to step in should I be away or something happens. There should be no tighter bond than that between a "Skipper" and the "Executive Officer."

I will provide more correspondence in the near future, but I wanted to deliver this now to set the stage for a strong working foundation for the future. There will be no surprises and you will always know what I am thinking and trying to accomplish. I know some of the best ideas come from all of you so don't be shy.

**Committees:** Committees will remain the same with Finance, LUZ, Rules, NCSPHS, and TEU. Each committee will have seven members and meet at the same time as they are currently scheduled. The President will not serve on any committees, seventeen Council Members will serve on two committees, and one Council Member will serve on one committee. Many of you have given input during our noticed leadership meetings and I have honored those requests to the best of my ability. I will strive to have that list ready before the end of the month.

**Strategic Planning:** As I indicated in my Presidential announcement letter, my belief is that the City Council should have a one, three, and five-year roadmap. I have scheduled a strategic planning meeting for June 20, 2018, 1:00 p.m.-4:00 p.m., in the Lynwood Roberts Room that will be facilitated by Steve Halverson. Please start thinking about what you believe should be in those timeframes and bring two items for each of the categories. If you are unable to make the meeting, your ECA can attend and present on your behalf. We will ultimately vote on the top two or three and determine if those items need special committees, administration support, funding, legislation, etc. This is not an attempt to usurp the Mayor's power, but rather an opportunity for City Council to identify and work toward common goals for the City of Jacksonville.

**Financial Priorities:** I will be tasking the Chair of the Finance Committee to bring back a practice that City Council previously performed, which is to issue a resolution in the Fall stating City Council's wishes to the Administration for the upcoming budget. The Mayor is in full support of this and looks forward to our input.

**Installation Ceremony:** The ceremony is scheduled for Thursday, June 28, 6:00 p.m., at the Times-Union Center for the Performing Arts. My goal is to keep the ceremony brief, followed by an opportunity for fellowship with food and drink. As in the past, there will be a pre-ceremony reception for elected officials and guests. More details will be forthcoming.

**Special and Other Assignments:** For the most part, those assignments will remain the same for continuity purposes. I am adding a Legislative Liaison that will work with our Duval elected officials at local, state, and federal levels. I am also adding an Events Coordinator whose purpose is to identify and plan opportunities for the City Council to bond and further our friendships. I am a firm believer in strengthening our team by getting to know each other and our families. If you have interest in either of these positions, please let me know. I will provide a comprehensive list in June.

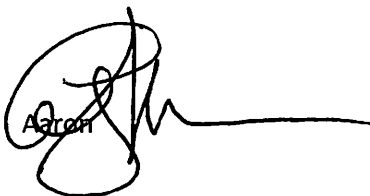
**Current Presidential Special Committees and Task Forces:** Those will all sunset as planned on June 30, 2018. I will extend the Special Committee on the Opioid Epidemic and Special Committee on Solid Waste until the end of my term or to completion of their mission.

**Initiatives:** Currently I have three projects I want to pursue that may require a special committee or legislation: 1) a comprehensive review of the City Council rules; 2) a thorough examination of our leadership selection process; and 3) implement training programs for new City Council Members and ECAs. I welcome ideas from all of you on any additional committees or task forces that should be formed.

**Recurring Meetings:** My goal is to establish meetings where we may discuss current and future City Council business. I will schedule publically noticed meetings where Council Members may come at will and talk about issues that need to be addressed. Being the largest city in the United States also comes with challenges and all nineteen of us need to work together to understand the needs of the city.

As your Council President, I will never forget that my vote bears the same weight as each of your votes. We are most effective when we work together as a team and legislate responsibly for the people of this great city. Invariably, as in any large group, we may disagree on issues as they arise. I am confident that working together, we can maintain an environment of mutual respect and decorum, creating an end product that moves us forward from where we started. Serving as your Team Captain is an honor. I look forward to constructive criticism and feedback as this only makes our team stronger. Let's have fun in 2018-19 and have a singular focus on serving the people of Jacksonville to make this the best city possible.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Aaron', with a long horizontal line extending to the right.