

# OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE



## FINAL REPORT 2024-CR-0003

### SUNSHINE LAW COMPLIANCE REVIEW

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**MATTHEW J. LASCELL**  
INSPECTOR GENERAL

06/11/2024

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**DATE ISSUED**

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

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## ATTESTATION REPORT

### Authority

This review was conducted pursuant to Section 15.107 of the Jacksonville Municipal Code. This Section requires the Office of Inspector General (OIG) to review whether Council Public Meetings comply with Chapter 15, Jacksonville Municipal Code, and Chapter 286, Florida Statutes. This biannual review is conducted in even-numbered years.

### Background

The Jacksonville Sunshine Law Compliance Act, as outlined in Chapter 15 of the Jacksonville Municipal Code, was established to ensure that the Jacksonville City Council (Council) complies with Chapter 286, Florida Statutes, also known as the Florida's Government in the Sunshine Law (Sunshine Law). This law ensures public access to governmental proceedings, which increases public confidence in the legislative process by promoting transparency and accountability. Section 15.101, Jacksonville Municipal Code, states a similar purpose, "to enhance and maintain public confidence and transparency" in the City Council's practices.

This Section has four basic requirements: meetings of public boards or commissions must be open to the public; reasonable notice of such meetings must be given; minutes of the meetings must be taken and promptly recorded; meetings be held in a public location; and Council Members and Executive Council Assistants (ECA) receive annual training on Government in the Sunshine, open meeting laws, and ethics laws.

Director/Council Secretary and the Legislative Services Division (Legislative Services), on behalf of the Council, maintains a web-based Meeting Notice System that provides the public with information regarding publicly held Council Meetings. This system includes the Council Public Notice website, the Council Public Notice Application ([www.Jacksonville.gov](http://www.Jacksonville.gov)), and the Council Legistar website ([www.jaxcityc.legistar.com](http://www.jaxcityc.legistar.com)).

Legislative Services Division is responsible for noticing meetings and Council Research is responsible for preparing written minutes for Council meetings, all standing committee meetings, and committee subcommittees. For meetings initiated by a Council Member, their ECA is responsible for the scheduling, noticing, preparing written minutes, and maintaining attendance sign-in sheets. Completed meeting records are provided to the Legislative Services Division, which preserves the records of all public notices and minutes for all Council Public Meetings,

archived by calendar year in binders for individual Council members, standing committees, and special committees.

## Statement of Objectives, Scope, and Methodology

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This review's objectives, as required by Section 15.107(b), Jacksonville Ordinance Code, are:

- (1) Determine if Council Public Meeting notices were posted at least 24 hours before the meetings exclusive of weekends and holidays, and were accessible to the public via the City Council's website;
- (2) Determine if Council Public Meetings were conducted in the appropriate public locations, including the disclosure of all public meetings held in Council Members' offices;
- (3) Determine if Council Public Meeting minutes were written, maintained in a filing system, and available for retrieval; and
- (4) Determine if all Council Members and ECAs received annual training on Government in Sunshine.

This review's scope was from May 1, 2022, to April 30, 2024, and was limited to:

- Council Public Meetings including committee meetings, and meetings between Council Members;
- Council Public Meeting locations;
- Maintenance of Council Public Meeting minutes; and
- The annual Sunshine Law training for Council Members and their ECAs.

The methodology of this review included creating a sample from the 654 meeting records (notices, locations, and minutes) electronically obtained from the Council Website ([www.jacksonville.gov/city-council](http://www.jacksonville.gov/city-council)). The Audit Unit randomly selected a sample of 243 resulting in a 95% confidence level and a margin of error of +/-5%.

To confirm compliance with the annual Sunshine Law training, the Audit Unit examined certifications for Council Members and their ECAs provided by the Office of Ethics.

## 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*. The OIG conducted the review following the requirements of Chapter 15 of the Jacksonville Municipal Code.

## Statement of Compliance

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### Objective 1: The Posting and Timing of Notices

The objective was to determine if Council Public Meeting notices were posted at least 24 hours before the meetings—exclusive of weekends and holidays—and were accessible to the public via the City Council’s website.

The Council complied with this requirement. All 243 meetings sampled had the required notices posted to the Council Public Notice Website. Also, all notices were posted at least 24 hours before the meeting date and time.

### Audit Observation

The Audit Unit was ultimately able to verify that the notices were posted timely, however, two Council Member to Council Member meeting notices lacked relevant date and time information on their face. This necessitated alternative verification methods. Standardizing the inclusion of time and date information in all meeting notice documents would enhance the verification process and reduce the risk of inadequate verifiability. Implementing this enhancement (e.g., timestamp) could strengthen the process.

### Response to Compliance Objective 1

Agree  Disagree  Partially Agree  Response not Required

### Objective 2: Public Meeting Locations

The objective was to determine if Council public meetings were conducted in the appropriate public locations, including disclosing all public meetings held in Council Members’ offices.

The Council complied with the location requirement. Of the 243 sampled meetings, all were located in appropriate public locations with adequate access to the general public. The sample did not contain any meetings held in private locations.

### Response to Compliance Objective 2

Agree  Disagree  Partially Agree  Response not Required

**Objective 3: Public Meeting Minutes**

The objective was to determine if the Council meeting minutes were written, maintained in a filing system, and available for retrieval.

The Council complied with the minute requirements. Of the 243 sampled meetings, all had minutes available on demand (available on the website) or were available upon request.

**Audit Observation**

The Audit Unit discovered that one meeting was not posted on both the Legistar and public notice website at the time of the sample. The Audit Unit also found that four meeting minutes, while posted on the Legistar site, were not also posted on the public notice site. This has been addressed and now all minutes have been posted on both sites.

**Response to Compliance Objective 3**

Agree  Disagree  Partially Agree  Response not Required

**Objective 4: Annual Continuing Education and Sunshine Law Training**

The objective was to determine if all Council Members and ECAs received annual training on Government in Sunshine.

**Finding**

The Audit Unit found that all City Council Members completed training on the Sunshine Law in 2022 and 2023. All ECAs completed training on the Sunshine Law in 2023. The Audit Unit received proof that all ECAs except for one completed the training in 2022. There was insufficient information to determine if this ECA completed the training in 2022<sup>1</sup>.

**Audit Recommendation**

The OIG recommends implementing an on-demand Sunshine Law training option on the 1Cloud platform's "Learning" module for Council members and ECAs, who

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<sup>1</sup> This ECA left COJ employment after nine months. The Audit Unit was unable to contact him. The Audit Unit was only provided with an email providing him with the training, but no response from the ECA.

cannot attend that in-person training. This training should encompass all elements of the in-person training.

1Cloud’s tracking capabilities will allow management and training administrators to monitor training statuses and ensure personnel complete their training obligations timely. These records, stored on 1Cloud, would provide complete documentary evidence of completion.

**Response to Objective 4**

Agree  Disagree  Partially Agree  Response not Required

**Management’s Response**

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On 05/31/2024, the Director/Council Secretary was provided a copy of the attestation and given an opportunity to respond on or before 06/07/2024.

The signature below acknowledges receipt and review by the City Council Director/Secretary:

Acknowledged with no Response

Acknowledged with Response

 

Margaret M Sidman  
Director/Council Secretary  
117 W. Duval Street, Suite 425  
Jacksonville, FL 32202



**MARGARET M. "PEGGY" SIDMAN**  
Director/Council Secretary  
Office: (904) 255-5133  
E-mail: SidmanP@coj.net

117 West Duval Street  
City Hall, Suite 425  
Jacksonville, FL 32202  
Fax: (904) 255-5230

June 5, 2024

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

Re: Management Response to the Inspector General's Office report on Sunshine Law  
Compliance Review: 2024-CR-0003

Mr. Lascell:

We are providing a management response to the Inspector General's Office ("OIG") report on Sunshine Law Compliance Review: 2024-CR-0003 (the "Final Report"). The Final Report made four observations, which are listed verbatim below:

**I. City Council Compliance with Objectives 1, 2, and 3 as noted below:**

**1. Objective 1: The Posting and Timing of Notices**

The Audit Unit was ultimately able to verify that the notices were posted timely, however, two Council Member to Council Member meeting notices lacked relevant date and time information on their face. This necessitated alternative verification methods. Standardizing the inclusion of time and date information in all meeting notice documents would enhance the verification process and reduce the risk of inadequate verifiability. Implementing this enhancement (e.g., timestamp) could strengthen the process.

**2. Objective 2: Public Meeting Locations**

The objective was to determine if Council public meetings were conducted in the appropriate public locations, including disclosing all public meetings held in Council Members' offices.

The Council complied with the location requirement. Of the 243 sampled meetings, all were located in appropriate public locations with adequate access to the general public. The sample did not contain any meetings held in private locations.



### **3. Objective 3: Public Meeting Minutes**

The objective was to determine if City Council meeting minutes were written, maintained in a filing system, and available for retrieval.

The Council complied with the minute requirements. Of the 243 sampled meetings, 242 meeting minutes were available on demand (available on the City Council Website) and 1 meeting minute was not available.

The Audit Unit discovered that one meeting was not posted on both the Legistar and public notice website at the time of the sample. The Audit Unit also found that four meeting minutes, while posted on the Legistar site, were not also posted on the public notice site. This has been addressed and now all minutes have been posted on both sites.

## **II. OIG Finding and Audit Observation and Management Response for Objective 4 as noted below:**

### **1. OIG Final Report Objective 4 Finding and Audit Observation.**

#### **Objective 4: Annual Continuing Education and Sunshine Law Training**

The objective was to determine if all Council Members and ECAs received annual training on Government in Sunshine.

#### **Finding**

The Audit Unit found that all City Council Members completed training on the Sunshine Law in 2022 and 2023. All ECAs completed training on the Sunshine Law in 2023. The Audit Unit received proof that all ECAs except for one completed the training in 2022. There was insufficient information to determine if this ECA completed the training in 2022<sup>1</sup>.

#### **Audit Recommendation**

The OIG recommends implementing an on-demand Sunshine Law training option on the 1Cloud platform's "Learning" module for Council members and ECAs, who cannot attend that in-person training. This training should encompass all elements of the in-person training.

1Cloud's tracking capabilities will allow management and training administrators to monitor training statuses and ensure personnel complete their training obligations timely. These records, stored on 1Cloud, would provide complete documentary evidence of completion.

### **2. The City Council Response to Objective 4 Finding and Audit Observation.**

Regarding the Recommendation of using the 1Cloud platform's "Learning" module for Council Members and ECAs who cannot attend in-person training, Management agrees to explore the feasibility of this training path. Using 1Cloud would provide supervisors with the ability to monitor and confirm compliance with training obligations in a timely manner. The

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<sup>1</sup> This ECA left COJ employment after nine months. The Audit Unit was unable to contact him. The Audit Unit was only provided with an email providing him with the training, but no response from the ECA.

Council will meet with the appropriate parties to explore the development of a lCloud training module for on-demand training on the Sunshine Law.

### **III. OIG's suggestions through Audit Observations for Objectives 1 and 3.**

The OIG Final Report also included 2 Audit Observations for Objectives 1 and 3<sup>2</sup>. Although Audit Observations are not Findings, there are process improvement opportunities in these Observations. For completeness of response, we are noting the Observations below and the Management Response will follow each Observation:

#### **1. Audit Observation for Objective 1: The Posting and Timing of Notices**

The Audit Unit was ultimately able to verify that the notices were posted timely, however, two Council Member to Council Member meeting notices lacked relevant date and time information on their face. This necessitated alternative verification methods. Standardizing the inclusion of time and date information in all meeting notice documents would enhance the verification process and reduce the risk of inadequate verifiability. Implementing this enhancement (e.g., timestamp) could strengthen the process.

#### **2. Management Response to Audit Observation for Objective 1**

The City Council's Executive Council Assistant (ECA) Manual contains specific directions and template meeting notice documents that include the requirement to include the date and time the notice is posted on the face of the notice. A copy of this sample notice is attached hereto as Exhibit 1. This requirement will be reiterated to the staff who produce such notices. Additionally, a step will be added to the posting process which will have the Research Division confirm the presence of the required posting date and time when notices are placed in the Public Notice System.

The time and date that notices are placed in the Public Notice System are available via an internal timestamp by which posting date and time can be verified.

#### **3. Audit Observation to Objective 3: Public Meeting Minutes**

The objective was to determine if the Council meeting minutes were written, maintained in a filing system, and available for retrieval. The Council complied with the minute requirements. Of the 243 sampled meetings, all had minutes available on demand (available on the website) or were available upon request.

The Audit Unit discovered that one meeting was not posted on both the Legistar and public notice website at the time of the sample. The Audit Unit also found that four meeting minutes, while posted on the Legistar site, were not also posted on the public notice site. This has been addressed and now all minutes have been posted on both sites.

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<sup>2</sup> The Management Response does not include any references to Objective 2, as the Final Report did not have any Findings or Audit Observations for Objective 2: Public Meeting Locations.

**4. Management Response to Audit Observation for Objective 3**

Of the 243 sampled meeting minutes, 242 meeting minutes were posted to the City Council web page (Legistar, Public Notices and/ or the specific meeting entity's webpage). One notice was not posted on any of the aforementioned locations. The missing minutes were the result of human error. The importance of timely and accurate posting of minutes will be reiterated to staff.

We recognize that noticed meetings are currently posted in multiple locations (Legislative Gateway, Public Notice system, individual meeting entity web pages) to ensure maximum visibility to the public, which comes at the cost of duplication of effort and the possibility of errors occurring in the multiple posting process. The Council will be implementing a process improvement to centralize all postings into a single repository with the implementation of our new electronic records management system to be implemented in 2024-25.

The City Council is committed to transparent open government and will annually train on and comply with the public records, sunshine and open government laws.

Sincerely,



Margaret M. "Peggy" Sidman  
Council Director / Secretary

Encl.

cc. President Ron Salem

## Exhibit 1 – Amended Notice-Two Elected Officials



### OFFICE OF THE CITY COUNCIL

CM NAME  
COUNCIL MEMBER, DISTRICT XX  
PHONE (904) 255-XXXX  
FAX (904) 255-XXXX  
EMAIL: [CMNAME@COJ.NET](mailto:CMNAME@COJ.NET)

117 WEST DUVAL STREET, SUITE 425  
4TH FLOOR, CITY HALL  
JACKSONVILLE, FLORIDA 32202

### AMENDED NOTICE

Notice is hereby given that the notice is hereby amended for the new meeting time of Thursday, June 9, 2022, 6:00 P.M. in Conference Room B, located at 117 West Duval Street, Suite 425, City Hall St. James Building, Jacksonville, FL 32202 initiated by Honorable Council Member one, with Council member two in attendance. The original meeting time was Thursday, June 9, 2022, 6:00 P.M. at Edgewood Avenue Christian Church, 1041 Edgewood Ave S, Jacksonville, FL 32205. The purpose of the meeting is to discuss public transportation in Murray Hill with neighbors, Jacksonville Transportation Authority, and the Murray Hill Preservation Association. This meeting is open to the public.

For general meeting information or questions please contact CM ECA Name at [CMECAName@coj.net](mailto:CMECAName@coj.net)

#### Accommodation Request:

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days' notification to process; last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: VM (904) 255-5466, TTY (904) 255-5475, or email your request to [KaraT@coj.net](mailto:KaraT@coj.net)

CM/eca

NOTICED ON: May 26, 2022, at 1:00 p.m., pursuant to 15.103(c), *Ordinance Code*.

cc: Council Members and Staff

Margaret "Peggy" Sidman, Director/Council Secretary  
Merriane Lahmeur, Chief, Legislative Services Division  
Yvonne Mitchell, Chief, Administrative Services Division  
Jeff Clements, Chief, Research Division

[CITYC@COJ.NET](mailto:CITYC@COJ.NET)

Electronic Notice Kiosk – 1<sup>st</sup> Floor City Hall  
Public Notice System – City Council Web Page  
Media Box  
File Copy