

Accountability and Transparency

Florida Constitution Article I, Section 1:

Political power. — All political power is inherent in the people...

Introduction

Restoring Public Trust is paramount in today's divided America. We the people are mostly responsible for letting our governments get this out of hand, and now it is upon we citizens, to take back our power. North Port has had a rough political history that has caused harm to both individual and business interests. It is costly in dollars and reputation to the City.

I have spent an extraordinary amount of time, nearly 10 years, observing our local government in action. I became involved with watching because I was looking for impossible answers, to very difficult problems. The process was strongly stacked against me as an individual trying to assert change in the well oiled good old boy run system. I quickly learned to bring attention to the obstacles, still more stall and dismiss tactics are employed. It was seriously frustrating as I came to know, the problems didn't begin or end with my concerns. I learned Staff would placate and prevaricate until you go away. I learned some will flat lie. This only served, to further eroded my trust in our City government and led me to more need of Public record productions.

Regardless of the subject matter, citizens will at some point need to request public records in order to achieve their goals for any given City issue. There is nothing more helpful or useful in demonstrating need of meaningful, than with their own documents via the Public Record. While it can often be a smooth simple process, unless it isn't.. then the PRR process can become a very frustrating game of carrot and stick. We have come a long way with the technical frustrations but yet we still struggle and still encounter needless difficulties.

It is my interest that the CRAB consider meaningful Charter amendment recommendations that will provide interested citizens more oversight and provide consequences for violations. Below please find my outline of ideas/topics for the CRAB to discuss and consider for possible recommendation to the City Commission:

Commission Transparency

1. Staff shall maintain a centralized Commissioner attendance record for all official meetings and workshops.
 - a. The attendance is taken at every meeting and workshop. record should be readily available on a publically accessible webpage.

- b. This provides for citizens Transparency into how the Electeds are performing so voters can hold them accountable if need be.
2. Staff shall maintain a centralized Commissioner record for all official travel expense reports.
 - a. The travel records for all Commissioner travel should be readily available on a publicly accessible webpage.
 - b. This provides for citizens full transparency into each Electeds stewardship of taxpayer dollars spent on travel.

City Staff

1. Staff shall maintain a documented process by which North Porter resident and/or TAXPAYER can raise a complaint about City staff member or City process and shall be provided a written response of findings.
 - a. Charter Officer
 - b. City Staff member or Process
 - c. Commission Meeting Agenda Item
 - 1) Example: What process did the public have to address the extraordinary Commission interference into the Sproat investigation?
 - a) The item was not on the agenda.
 - b) The public was not properly noticed.
 - c) Commission did NOT have authority to intervene into the City Attorneys engagement as per the Charter Officer investigation policy.
 - d) Commission brought the item up at the end of a late night meeting, during 'Commissioner Comments' section of meeting. The code does not provide the Commission the ability to take action at this time, unless ministerial in nature.
 - Who's responsibility to ensure we don't go astray?
 - Most often, it is inadvertent and of little impact but we have had several agenda items that were quite consequential.
2. How do we hold our local government accountable?
 - a. Public members can certainly voice their disapproval via Public Comment and/or Social Media. This only serves to disrepute the City's reputation and resolves very little.
 - b. Public members can file an State ethics complaint but that is at great legal expense to the City.
 - c. Voters can hold the Electeds accountable come election day, if they are up to run again.
 - d. We can add more sunlight and teeth to our Charter to better ensure compliance.

- 1) Commissioners found guilty of knowingly violating the Sunshine Law, the Ethics or Public Record Law shall forfeit office and shall be deemed to have strayed from the City Charter requirements and will be responsible for their own legal defense fees.
- 2) Review and consider [Madeira Beach Charter language](#)
 - a) Example: "... a Commissioner shall forfeit office if the commissioner is found by the Florida Ethics Commission or a court of competent jurisdiction to have knowingly violated the Sunshine Law, Ethics Laws, or Public Records Laws..."`
 - b) We should have similar language for City Staff who are found guilty of knowingly violating the law. In addition, the City Staff shall not receive severance pay.

Charter Officers Investigations

1. Policy should be enhanced to ensure language that the investigation shall NOT be interfered with by the Commission.
 - a. In extraordinary circumstances, Commission may take a necessary action, but only upon prior public note and a by UNANIMOUS vote.
2. All public records related to closed Charter Officer investigation shall be made free to any public requester.

Charter Violations by Elected or Staff

1. What are the repercussions for City Staff / Commission violating the Charter?
 - 1) Example: Taking action without taking comment.
 - 2) Example: Taking action on an unpublished item.

Public Record Policy

1. Public record policy shall provide a process for North Port residents to apply for a Waiver of PRR Fees from Staff based on public interest and/or financial hardship (or other extenuating circumstance).
 - a. the nature of the records is of significant public interest.
 - b. if City Mgmt denies waiver request, provide ability for the requester to appeal for relief by the Commission
 - c. The problem may be resolved by changing Public Record policy from "Shall charge.." to "May charge..", as suggested by CA Slayton to the Commission but we would still need a policy to describe the criteria and process to request a waiver.

2. Public record policy shall waive all PRR Fees as related to any closed Charter Officer Investigations.
3. Provide public facing access to Commissioner calendars and email.
4. City shall capture Commissioner Social Media captures. If a Commissioner opts out of City public record capture, any subsequent legal actions will be defended by that Commissioner's sole financial responsibility.
5. City Clerk shall maintain all meeting video as part of all official meeting and workshop minutes, to be kept in perpetuity.
6. Public Record policy shall be modified by Ordinance with 2 readings, to include a day meeting and an evening meeting, to provide the public ample opportunity for the PUBLIC to weigh in on the PUBLIC record policy changes.
7. Public Record Log on GovQA should include the Requester Name and have the ability to Filter on Requester as well.

Reference: City of Madeira Beach Charter language

1. ***Forfeiture of Office.*** A Commissioner shall forfeit the Commissioner's office if the Commissioner:
 - (a) Lacks at any time during the Commissioner's term of office any qualifications for the office prescribed by this Charter or by law, except that any District-Commissioner who changes residence from one district to another within the City during the course of the Commissioner's term of office or if the district boundaries are redrawn during the term of office, the District-Commissioner shall be permitted to serve out the Commissioner's term,
 - (b) Violates any expressed prohibition of this Charter,
 - (c) Is convicted of a felony or a misdemeanor involving moral turpitude, or
 - (d) Fails to attend three consecutive regular meetings, or regular workshop meetings of the Board of Commissioners without being excused by the Board of Commissioners.
 - (e) Is found to have knowingly violated the Sunshine Laws, Ethics Laws, or Public Records Laws by the Florida Ethics Commission or a court of competent jurisdiction.