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## **Fanning Springs city attorney may charge city for email or calls from the public or press; *Issue remains unclear as of open meeting***



Fanning Springs City Attorney Jamie Lynn White (left) and City Clerk Sheila Watson are seen at the monthly City Council meeting on Tuesday night (Oct. 11). White's notation of \$22.50 on an invoice to the city in regard to communication with James Morrell was asked about, however the number of minutes spent reading the email were not spoken about at the meeting and the question was not clearly answered during the open meeting. However the person asking the question -- Fanning Springs City Councilman Tommy Darus appear to have heard enough of an answer, because he did not seek any clarification about that few dollars charge. Morrell, on the other hand, from what that member of the public said in that public meeting, seemed bothered Tuesday night that he is still encountering what he considers to be roadblocks that are stalling or stopping his search for public records.

**Story and Photo By Jeff M. Hardison © Oct. 14, 2016 @ 10:37 a.m.**

**FANNING SPRINGS** -- City Councilman Tommy Darus asked about a charge for \$22.50 on the invoice to the City of Fanning Springs from Fanning Springs City Attorney Jamie Lynn White of the Dell Graham Gainesville Law Office. Darus' question was asked on Tuesday night (Oct. 12) during the regular City Council meeting, and it resulted because that part of the monthly fee was noted to be in regard to a query from Fanning Springs' resident James Morrell.

Darus said he did not want the taxpayers of Fanning Springs to pay for a question asked of the city attorney by a resident of the city, because as he said, the city attorney works for the mayor and the City Council.

Usually, if a government attorney must complete a substantial amount of work to find an answer for a member of the public and if the government body that pays that attorney approves the research, etc., in advance, then the government body will pay that fee.

Each attorney and firm can determine his or her, or their or its, own billable hours policy.

The proverbial bottom line is that there was no definitive answer at the City Council meeting as to whether White charged \$22.50 to read an email that was sent to her by a member of the public. Darus, though, seemed satisfied that White billed for work she did on the city's behalf.

As it turned out, Fanning Springs resident Morrell had sent the City Council members an email and he copied it to City Attorney White.

Morrell has been frustrated in his attempt to receive certain public records that he believes exist, and he has sought them from Fanning Springs City Clerk Sheila Watson. On Tuesday

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night, he said he is still not seeing the records he has sought -- for in excess of a month.

During the Tuesday night meeting, Morrell had a chance to respond to the \$22.50 charge levied against the city by the attorney.

He told the City Council that if the attorney billed for his request of information, this was the first he had heard about it.

"I had requested some information from the city clerk," Morrell said, "which she (City Clerk Watson) gave me a price for. It was much too large. I protested it. I sent an email back to the city clerk, the mayor and a copy to the city attorney.

"I have never received a response from that email yet," he continued. "It's been over a month. I do not believe that this ordinance predating something two years ago (the raise to \$14,000-a-year for the mayor's salary, which was under discussion when Morrell spoke to the City Council) to make an illegal act legal will stand up in a court of law."

City Attorney White said the ordinance to have given and to continue to give the mayor \$14,000 a year will withstand the full light of an inspection by a court.

Retroactive ordinances are legitimate, she explained, when the intent of the legislative body is clear. The failure to have this ordinance earlier is merely due to an oversight by the parties who would have been responsible to make that happen a couple of years ago.

When Morrell was told that the budgets reflect the intent to increase the mayor's salary, he countered that he has seen omissions in the financial records of Fanning Springs before. He asked if there was an audio recording of the conversation leading to this belief that the City Council back then wanted to give the mayor \$14,000 a year.

"I have no faith at all in the financial statements," Morrell said, "or in anything in that (Fanning Springs city annual) budget."

Former Mayor Cheryl Nekola said she felt that Clerk Watson and others handled the matter of a raise for the mayor as she thought the charter required back then, when she was mayor.

Nekola said the raise she first sought had been more, but after discussion she conceded that the city could only afford to increase the annual salary to \$14,000 for the mayor of Fanning Springs. The former salary was \$12,000 per year. The current mayor's salary is \$14,000 a year.

**(Publisher's note:** Since being a professional journalist starting in the late 1970s and serving all over the state of Florida, no attorney working for any government entity has ever billed me or the agency they worked for, for the hours that he or she, or they, spent providing me with insight as I sought to help people understand facts, evidence, truth and the like.

Interestingly, to ask the question of an attorney if that attorney bills to answer questions from the press may start the meter to be billed. What appears to possibly be a nickel and dime attack on Fanning Springs' taxpayers via legal fees from reading an email does not appear to be resolving the city's possible clerical problems with providing of public records to the public in a timely manner. However, to find what appears to be true -- is this really a nickel and dime attack? -- appears to prove to be too expensive to find what is true. A conversation {for free} with another attorney at the Gainesville firm, who works for a public taxing authority, reflects that if there is substantial work required, then the attorney will bill for the service.)

## IN OTHER NEWS

\* Fire Chief Ron McQueen reported there were 18 calls during the 24 hours of Hurricane Hermine affecting Fanning Springs. Downed trees and power lines were the majority of those calls.

\* Mayor Lancaster announced the Dec. 3 Festival of Lights Boat Parade will include a first prize of \$1,000; a second prize of \$300 and a third prize of \$200, which he believes may inspire more boaters to enter.

\* Mayor Lancaster said a 100-room Country Inn Suites is potentially going to be built in Fanning Springs. Rumors of other motels building in the city have since gone by the wayside.

\* The city's plan to provide water to the city of Old Town is progressing, and that city to the north may soon have city water service pumped from the wells of Fanning Springs.