

C'mon, Vogue

Vogue likes to put numbers on its covers: 150 best looks for every body type. 587 fall outfits and ideas. 55 swimsuits for every shape and size. But the mag's September issue chose not to tally the number of years that have passed since it last put a black woman on the cover (21) or the total number of African Americans who have ever appeared on it (3). Instead, the issue with Halle Berry on the cover promised 726 pages of sumptuous fall fashions.

One Groovy Ace

"I don't want to narc them out to the tax collector."
 — **St. Augustine Mayor Joe Boles**, using the lingo



of a '60s drug dealer to explain why he's reluctant to require people who rent out their homes short-term to register with the city. He also said he feared the county property appraiser might yank their homestead exemptions.

The Happy Hookers

— Name of a crocheting circle that meets at St. Johns County Council on Aging. The group drew inspiration from Xaviera Hollander's 1971 bestseller on her life as a prostitute.



Infernal Sunshine

St. Augustine will pay an untested business with no clear plan to put on its 450th birthday celebration — all to avoid state Sunshine Laws

Last week, the St. Augustine City Commission voted to take the job of celebrating the city's 450th anniversary out of the Sunshine and into the hands of a newly created private nonprofit. Commissioners unanimously approved a contract with the hastily formed First America Foundation Inc. to produce the celebration, despite the fact that the group has existed only since July, has never planned even a kid's birthday party and has offered no specifics about how it might spend its lump sum payment of \$275,000.

Why did the city enter into the dubious deal? Because First America Foundation is an independent entity, and will therefore be unconstrained by the state's Sunshine Law,

which would require everything from the party's planning process to its expense reports to be open to public view.

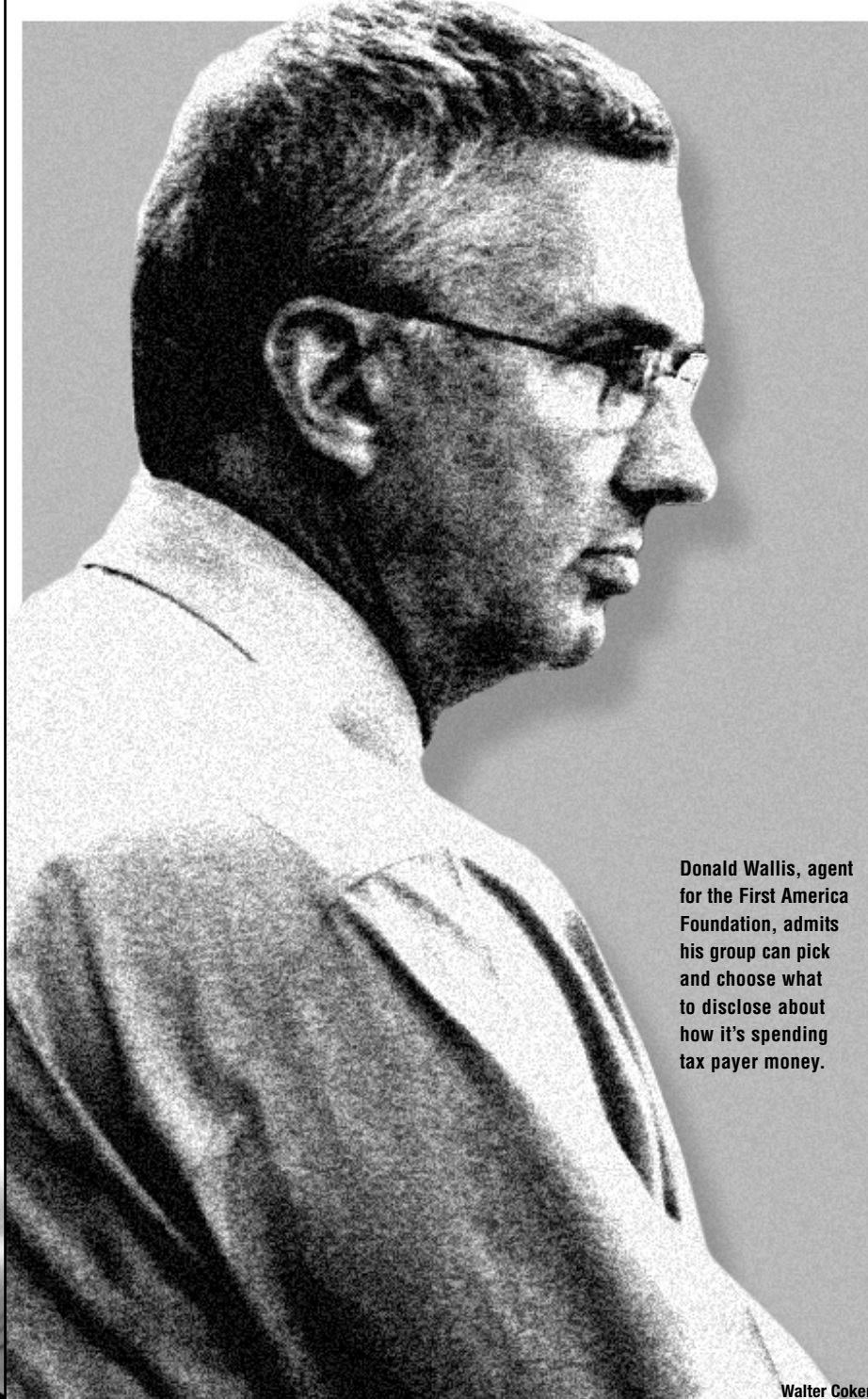
City Attorney Ron Brown told Folio Weekly after the vote that evading the requirements of the Sunshine Law is essential if the city wants a good party. He notes that governments are no good at wooing corporate donors, planning slick marketing campaigns or organizing mammoth events. It takes a private company that isn't hamstrung by open meeting laws and open books. For instance, Brown says, while AT&T might give money to a nonprofit, it won't give money to a government. And it won't discuss donations or make commitments if those disclosures have to be done at a public meeting.

But it's not clear that simply passing off party duties will exempt the First America Foundation from the Sunshine Law. John Rhea, director of the First Amendment Foundation in Tallahassee, notes that the city had already been engaged in planning the celebration, spending more than \$300,000 in the past two years, and hiring Dana Ste. Claire in March 2009 as executive director of The 450 Corps. Therefore, Rhea interprets the contract with First America Foundation Inc. as the city hiring an entity to take over a job that it had previously been performing. And according to the Sunshine Law, if a city hires a private entity to perform a city function, that entity is subject to the Sunshine Law.

City Attorney Brown doesn't agree with Rhea's assessment that First America Foundation Inc. might be subject to the Sunshine Law. Brown argues that the city isn't hiring the nonprofit to perform a government function, merely contracting with it to be a sponsor of the celebration. And he points to a 1992 state Supreme Court case which found that the degree of a government's investment in a project in part governs whether a private entity overseeing that project is subject to open records law. Brown also insists that the city wasn't obligated to put the contract out to public bid. The city is required by state statute to submit to a bidding process for professional services, but Brown says that state statute only spells out four occupations: landscape architect, architect, engineer and surveyor. Party planner isn't mentioned.

The issue recalls the curtain that was drawn across the 2005 Super Bowl planning process by the independent Super Bowl Host Committee. In its contract with the city of Jacksonville, the Host Committee promised to comply with the Sunshine Law. But when The Florida Times-Union, Jacksonville Business Journal, Folio Weekly and even Jacksonville city auditors requested records from the Host Committee, its lawyers (backed by the city's own lawyers) claimed it was exempt (Cover Story, "Stadium Scam," http://bit.ly/stadium_scam). The question was never tested in court, however, and the Host Committee spent millions of public dollars with no accountability.

Donald Wallis, an attorney with Upchurch, Bailey & Upchurch, who is the registered agent for First America Foundation Inc., promised the organization would be "very public" and "transparent," but admitted it could pick and choose what meetings to open and what records to disclose. Essentially, City Commissioners and St. Augustine residents are being asked to trust that taxpayer money will be spent wisely by First America Foundation, and that the 450th celebration will be something the city will be proud of. If city officials don't like what First America is doing, the contract gives them the right to terminate the deal. But it's unclear how city officials would determine whether they're happy with the group's performance, since they won't be privy to its operations.



Donald Wallis, agent for the First America Foundation, admits his group can pick and choose what to disclose about how it's spending taxpayer money.

Walter Coker

And they will have no say in how city money is spent.

Rhea, for one, questions the Commissioners' decision to relinquish oversight of taxpayer dollars. "How logical is that?" he asks. "To turn over in excess of a quarter of a million dollars to a private organization and then be hands off? Is that good government? That is craziness to me."

That craziness became clear at last week's meeting, when Commissioners tried to find out even benign details about First America Foundation before voting to give it money. Vice Mayor Errol Jones asked who was on the Foundation's board of directors and if that organization had a structure. Wallis responded that it was "a very fair question" and that the answer was "No." When Commissioner Nancy Sikes-Kline asked the Foundation to attend a subsequent meeting to submit its bylaws and mission statement, City Attorney Brown cautioned that demanding such control might compromise the Sunshine-free status of the Foundation.

"The idea here is for us to let go," urged Mayor Joe Boles.

Rhea says he had a visceral reaction to any government efforts to circumvent the Sunshine Law. "When people are trying to avoid the Sunshine Law, the reason the Sunshine Law is there is for accountability and public oversight. My immediate reaction is, 'Why?'"

Rhea notes that open government isn't just about watchdogging public money. It's about respecting the rights given to Floridians in the state constitution. "The public has a constitutional right to access to records and to meetings," he says. "It doesn't really matter whether their representatives think it is a good idea that they have access. They have a constitutional right."

Rhea also cautions that the city's decision could be expensive. Already, some local city activists have threatened to file suit to challenge the city's vote. If that happens, and the suit is successful, it would mean a lot of wasted time and money. The contract would be voided, along with any action taken by First America Foundation Inc.

Warns Rhea, "It's a very risky path." □

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Walter Coker's Through the Lens



East Adams Street, Jacksonville, August 4

Bouquets & Brickbats

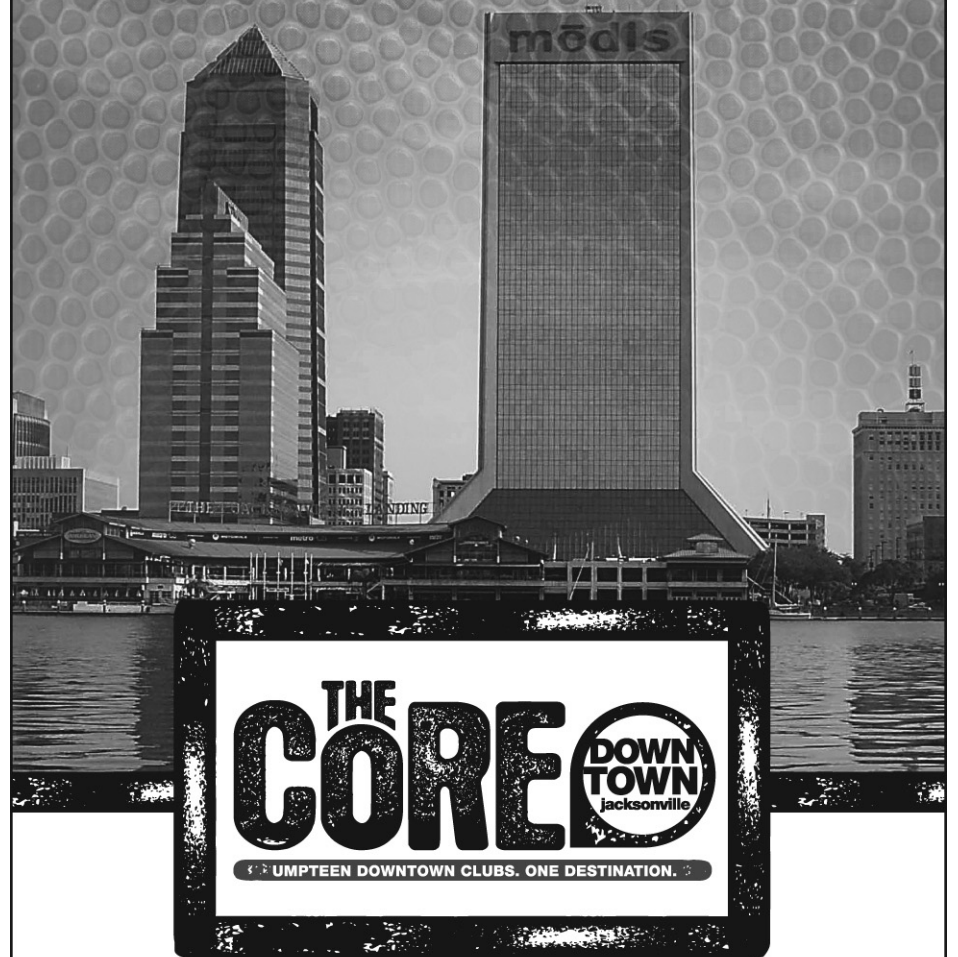
Bouquets to Jax Recycle for giving Jacksonville's homeless population the means to get around. Jax Recycle fixes and refurbishes donated bicycles and then gives them, along with helmets and locks, to residents of Community Connections and the Sulzbacher Center. Last week, the group donated 11 bicycles and the pedal power that comes with them to Sulzbacher residents.

Brickbats to the Jacksonville City Council for voting to give away a quarter of the stadium naming rights' profit to the Jaguars with no guarantee that the team will stay through the five-year deal. Although City Councilmember Ronnie Fussell noted that the \$4 million-a-year giveaway isn't going to influence the team's future one way or the other, the council approved the giveaway on the premise that it would help prevent the team from leaving.

Bouquets to Ponte Vedra resident Laura Weisman for organizing a clothing trade for charity. On Aug. 20, anyone who brings 10 gently used clothing items to the Ponte Vedra Cultural Center, 50 Executive Way, from 4-7 p.m. may buy anything else for \$2 per item. Otherwise, items may be purchased for \$10 apiece. Proceeds benefit Ronald McDonald and Betty Griffin houses.



WE ARE JAGUARS



TEAL TOWN DOWNTOWN

Friday, August 20 @ 9PM

Get down with the bars of The Core to kick off the Jacksonville Jaguars pre-season on Friday, August 20. Rally with The Roar and Jaxson de Ville. Wear teal for free cover and specials all night long. Plus, visit three or more clubs throughout the night for your chance to win pre-season game tickets.

THERE'S ALWAYS A REASON TO PARTY AT THE CORE.
DOWNTOWN IS TEAL TOWN!

f @ thecorejax

* De Real Ting Cafe // Dive Bar // Dos Gatos
The Ivy Ultra Bar // LIT Downtown
Mark's Downtown Club/Lounge
Maverick's Rock N' Honky Tonk