

May 4, 2006

To: Mayor Frank Melton
Jackson City Clerk Cedric Morgan

Re: Outstanding Public Records Requests

Dear Mayor Melton and Mr. Morgan:

I have spoken to both of you one-on-one about the Jackson Free Press' concerns over the many public-records requests that we have submitted since this administration took office last July.

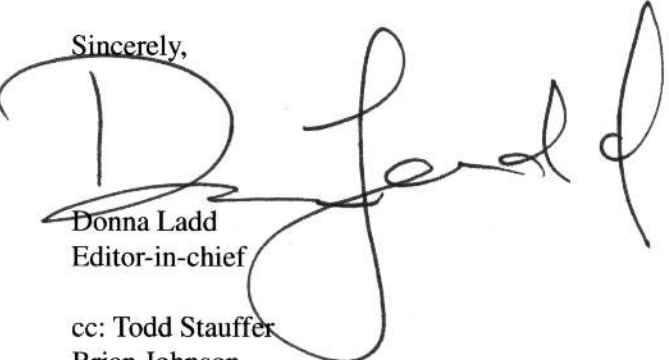
We have found that city employees routinely refuse to provide us even very basic public information that can be given on demand, as required by law, telling us to "file open-records requests." Once we do that, we have routinely been told that any and all requests will take 14 days to respond to—which is, in fact, the *maximum* amount of time allowed by law for information that is not readily available.

Even after 14 days, we may or may not be provided information as requested, or even a reason for why we cannot have it. We have even been told repeatedly that city employees simply do not understand why we want it. I am sure you both are aware that it is not up to public officials to ascertain or approve of why we are requesting information to which the public is entitled.

As Mr. Morgan requested the last time I spoke with him, my assistant editor has assembled a list of the requests we have pending and their status. As you can see, many of these requests are long overdue, even dating back to September 2005. I would like a response to each of these requests immediately as required by law. As Mr. Morgan and I agreed, it is up to city officials to either provide the information immediately on demand, or tell us why there will be a delay of up to 14 days in providing that information. The spirit of the Open Records Act is violated every time we are kept waiting for 14 days for something that is readily accessible, and it is grossly violated every time our requests are ignored or ridiculed.

I anxiously await your speedy response to all of our requests, and trust that going forward, they will be handled in a very different way. I am anxious to work with both of you to ensure that the city administration is open and accountable to the people of Jackson.

Sincerely,



Donna Ladd
Editor-in-chief

cc: Todd Stauffer
Brian Johnson
David McCarty, Esq.

From: Brian Johnson
To: Donna Ladd
Re: Open Records Requests

Date: 04/26/06

Below are all public records requests the Jackson Free Press has filed with the City of Jackson that have not been filled. The first entry is the date the information request was made, the second is the subject matter requested and the third is the outcome.

- 09/29/05 — City Council working meeting, July 21, 2003. — I have discussed the status of this request with the city clerk's office at least six times. Most recently, in January of this year, more than three months after the city was required to produce the tape, I asked about it one more time. Deputy City Clerk Patricia Gilbert told me that it was not on audio tape, as the clerk's office originally told me. It might be on videotape. She promised to call me, and then never called, as previous clerks never called either. Note that under the Johnson administration, The Clarion-Ledger brought suit against the city and others under the Open Meetings Act and Public Records Act, successfully arguing that the improperly denied them access to public meetings and minutes of those meetings.
- 11/04/05 — Salaries, bios and resumes of city administrators — The city provided salaries for most of the requested administrators but excluded Dale Danks because he is contractually employed. The city refused to provide any resumes or bios.
- 12/05/05 — All releasable contact and demographic information of city employees, including name, title, salary, department, date of employment, gender, ethnicity, date of birth — The city made no reply.
- 12/05/05 — Shirlene Anderson's resume — The city refused to release this information.
- 12/13/05 — The names of police officers who had been recently terminated and the reasons why they were fired — The city made no reply.
- 12/14/05 — Crime stats for 2004-2005 — The city made no reply.
- 01/05/06 — Weekly Comstat figures for 2005-06 — The city responded that Comstat figures are for internal use only. There is no exemption under the Open Records Act for crime statistics.
- 01/05/06 — The contract of Dale Danks — The city never made any response. Note that the city earlier refused to release Danks' salary because he was contractually employed.
- 01/26/06 — Documentation relating to Frank Melton's license to carry a firearm — On 03/09/06, well after the 14 working days the law gives the city to respond had expired, the city replied that this information would have to be acquired from the highway patrol.
- 01/26/06 — The resume and qualifications of Marcus Ward — The city refused to release this information.
- 01/26/06 — The salaries of Dale Danks and Stephanie Parker-Weaver — This request included legal precedent indicating why the JFP was entitled to this information. See *Miss. Dept. of Wildlife, Fisheries and Parks v. Mississippi Wildlife Enforcement Officers Ass'n, Inc.*, 740 So.2d 925 (Miss. 1999), and *Harrison County Development Commission v. Henry W. Kinney* No. 2004-CA-00901-COA (Miss. Ct. App. Jan. 17, 2006). The city replied that it did not have this information, and directed the JFP to ask the Department of Wildlife Federation. Note, first of all, that the legal precedent cited did not mention the

Department of Wildlife *Federation*. Note, secondly, that citing legal precedent has nothing to do with where Dale Danks works. If he works for the city, whether contractually or otherwise, his salary must be released. Finally, the city made no reply to the request for Stephanie Parker-Weaver's salary.

- 02/15/06 — A number of questions regarding the budget — As the list of questions was lengthy, see attached. Although some of this information was released in proposed budget revisions, it was released long after the 14-day working period had expired. In any case, the city made no reply.