

# COUNCIL MEMORANDUM

Council Meeting Date: August 20, 2015



## LEGISLATIVE ACTION ITEM

**SPONSOR:**

City Council Member Charles Bare

**SUBJECT:**

A Vote of "No Confidence" for the City Administrator

**RECOMMENDATION:**

That City Council discuss a vote of "No Confidence" for the City Administrator, Eric Olson.

**AGENDA:**

X  Regular   Consent

Hearing Required: Public   Quasi-Judicial   No Hearing Required  X

**SUMMARY:**

Mr. Eric Olson began his employment with the City of Pensacola in September of 2013 when he was offered a newly-created Initiatives Coordinator position in the Office of the City Administrator. His starting salary was \$65,000. In August of 2014, less than one year later, Mr. Olson was offered the newly-created Assistant City Administrator position. This occurred as City Administrator Colleen Castille left the city. Mr. Olson's salary was increased to \$100,000. In that same month, Tamara Fountain was reclassified as the Chief Operations Officer. In March of 2015, Mr. Olson was promoted to be the City Administrator, and his salary was increased to \$133,000. There was no public search process conducted for any of Mr. Olson's three assignments with the city.

Section 5.02 of the City of Pensacola Charter provides authority for the hiring of a City Administrator. It also specifies the fact that the "City Administrator shall have had relevant management, executive, or administrative experience." This should be expected for a position that is "in charge of the daily operations of the City." The ability to effectively manage a diverse seven hundred person staff is a challenging task worthy of someone who has significant management and/or administrative experience, preferably in local government.

Mr. Olson's resume demonstrates very little managerial or administrative experience. His last position prior to joining the city of Pensacola was with a local non-profit. Prior to that, his military career was spent primarily on staff jobs which involved no command or management of personnel. Mr. Olson may have been ideally suited for a newly-created initiatives coordinator position, but his experience was not sufficient to meet the Charter requirements for the City Administrator.

In a recent statement, Mayor Ashton Hayward told media outlets that former Chief Operations Officer Tamara Fountain was in charge of constituent services. This fact is corroborated by the Fiscal Year 2016 Proposed Budget in which an organizational chart lists this function under the Chief Operations Officer. Therefore, public records requests and constituent-related services should have been handled by the Chief Operations

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Officer prior to her departure. Mr. Olson's behavior in July of 2015 defies this delineation of duties. Mr. Olson contacted North Hill Preservation Association President Melanie Nichols' supervisor to make him aware of Ms. Nichols use of her military email account to send emails to the city. During the conversation, Mr. Olson told the supervisor that the city would be making changes to its email policy internally and he asked him if he could do the same on his end.

In an interview with WEAR, the local ABC affiliate, Mr. Olson defended his action by stating, "Anyone that knows me knows that I place a high value on public service and on doing the right thing. So, when I see something that's wrong and I know it's wrong and it's persistent and I know I can do something about it, I'm going to act. If that's a bad trait in a public official so be it."

Five days after speaking with Ms. Nichols' supervisor, Mr. Olson sent an email to city employees making them aware that "it is a violation of federal agency policies if an employee of one of those agencies uses his or her email account to conduct personal business." In the email, he told employees, "If you receive inquiries from someone using a .mil or other federal email domain that is not related to official Government business please politely remind the sender to communicate from his or her personal account." This directive requires that city employees monitor email and enforce other government's laws. Not only is this improper, but why did this directive come from Mr. Olson rather than the person who was in charge of constituent services, the Chief Operations Officer.

Mr. Olson's actions targeted a constituent who has been very active in our community on a number of issues. Ms. Nichols stated that the use of her military account was allowed by her supervisor and the legal department of her employer. This would have been very easy to ascertain if Mr. Olson had spoken with Ms. Nichols or, even better, asked the person who was in charge of constituent services to contact Ms. Nichols and make her aware of his concern.

Mr. Olson's conduct has had a negative effect on the relationship between the city and constituents. As stated on page 108 of the City's Human Resources Policy Manual, "The continued success of City government is dependent on the trust of residents, businesses, and others we serve. We are committed to preserving that trust. Each employee must recognize that the actions of any one employee can enhance or damage the reputation of all City employees. Each employee owes a duty to the City of Pensacola to act in a way that will merit the continued trust and confidence of the public." Mr. Olson's actions were not those of someone who was trying to maintain the public trust.

Mr. Olson's actions have eroded citizen confidence in the government that is supposed to serve them. His conduct is a direct violation of the following component of the City's Ethical Standards and Code of Conduct: "Adversely affecting the confidence of the public in the integrity of the City of Pensacola." Yet Mr. Olson believes his actions were just. He believes that policing other people's workplaces is more important than the core functions he was assigned including police, fire, parks and recreation, public works and financial services.

Mr. Olson's actions represent dereliction of duty and a disregard for the ethical standards not only of the City of Pensacola but those expected of all public officials. The International City/County Management Association Code of Ethics (Tenet 3) states that its members should "be dedicated to the highest ideals of honor and

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integrity in all public and personal relationships in order that the member may merit respect and confidence of the elected officials, of other officials and employees, and of the public.” It further states in relation to public confidence that “members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.” These standards of ethical behavior should be applicable to all public officials.

Through his actions, Mr. Olson has diminished the confidence citizens have in the Office of the City Administrator and, ultimately, the Mayor. As servants of the people, this Council should act to demonstrate our shared belief that we are not confident in Mr. Olson’s ability to serve as the City Administrator of the City of Pensacola. Mr. Olson’s lack of relevant experience in management and administration is critical. More importantly, his crusade in pursuit of damaging the integrity and reputation of a hard-working constituent is intolerable. Finally, his creation of a new policy related to receipt of email from government email accounts may also be a violation of state law.

In a statement published on August 15<sup>th</sup> by the Pensacola News Journal, First Amendment Foundation President Barbara Peterson stated that “It is not the city administrator’s responsibility to enforce federal law. He is required, however, to comply with state law and I think his directive to city employees to tell requestors... they should be using a personal email address is ridiculous and could constitute a violation of the Public Records Law. Some local governments and state agencies have policies prohibiting employees from using government computers for personal business — is the city administrator going to start policing those who are in violation of those policies? How is he going to do that?”

Ms. Peterson went on to say that, “This is none of the city administrator’s business and rather than interfering with anyone’s constitutional right of access, he should be working hard to make sure city employees comply with the Public Records Law rather than erecting barriers to that right.”

The citizens of Pensacola should feel confident that the administration of our city is working for them. As we continue to ask citizens to step forward into leadership positions and work hand-in-hand with city officials, we must ensure that our actions are positive. Our citizens must not live in fear of retribution when they serve their community. The Council must act to let the Mayor know that we are not pleased with the actions of his City Administrator. A No Confidence vote will send a clear message to the Mayor and demonstrate that this Council is committed to serving the citizens of Pensacola.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

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None

**STAFF CONTACT:**

None

**ATTACHMENTS:**

- 1) Page 108 and 109 of the Human Resources Policy Manual
- 2) Page 7 from City of Pensacola Charter
- 3) Eric Olson's Resume
- 4) Eric Olson Initiatives Coordinator Appointment
- 5) Eric Olson Recommendation for Personnel Action – Assistant City Administrator
- 6) Eric Olson Recommendation for Personnel Action – City Administrator
- 7) July 7<sup>th</sup> email from Eric Olson to City Employees

**PRESENTATION:**

None

The continued success of City government is dependent upon the trust of residents, businesses, and others we serve. We are committed to preserving that trust. Each employee must recognize that the actions of any one employee can enhance or damage the reputation of all City employees. Each employee owes a duty to the City of Pensacola to act in a way that will merit the continued trust and confidence of the public.

In general, the use of good judgment based on high ethical principles will guide each of us with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed with the immediate supervisor, or with a City official specifically charged with the responsibility of providing guidance such as the Human Resources Administrator or the City Attorney's Office.

Compliance with this policy of ethics and standard of conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct can lead to disciplinary action, up to and including termination of employment.

#### B. Compliance with Existing Statutes and Regulations

Chapter 112, Florida Statutes, provides a legislative scheme for regulating the conduct of public officers and employees of all government agencies in the State of Florida. These statutes cover the solicitation or acceptance of gifts, doing business with one's own agency, the receipt of unauthorized compensation, salary, or expenses, the misuse of a public position, engaging in conflicting employment or contractual relationships, the disclosure or use of certain information not generally available to the public, and restrictions on the employment of relatives. These statutes provide for civil penalties including fines, dismissal from employment and other disciplinary action, paying restitution to the employing agency, and criminal penalties for specified offenses involving a serious breach of the public trust.

The City of Pensacola expects all employees to scrupulously conform their conduct to these statutes, and any violation of these statutes will be considered as disciplinary offenses by the City. The City of Pensacola will provide orientation and ongoing training regarding these important statutes.

#### C. Ethical Standards and Code of Conduct

In addition to the requirements and penalties contained in the applicable Florida Statutes, the City of Pensacola has adopted the following standards of conduct and ethics, which are applicable to all employees of the City. The general standard of conduct is that each employee should avoid any action which might result in or create the appearance of:

1. Using his or her public office for private gain;
2. Offering preferential treatment to any person;
3. Impeding the efficiency or economy of the City of Pensacola government;

4. Compromising the independence or impartiality of his or her office;
5. Adversely affecting the confidence of the public in the integrity of the City of Pensacola; or
6. Receiving compensation from any source other than the City of Pensacola for performing official duties for any work performed on behalf of or in connection with official City business.

These standards of conduct, while stated in general, are intended to guide the behavior of all City employees at all times. In order to provide more specific guidance in particular circumstances, the following specifications of conduct are provided as well:

1. Employees are prohibited from directly or indirectly soliciting or accepting gifts, loans, rewards, promises of future employment, or personal services that would or could create the appearance of a conflict of interest in the performance of official duties. Under this regulation, requesting or soliciting gifts or loans from subordinate employees is prohibited. However, this prohibition is not intended to affect the following:
  - a. Long-established practices and acts of charity such as donating leave to a leave pool benefiting co-workers, or the solicitation of charitable contributions for co-workers or others in need.
  - b. Employee recognition practices of the City of Pensacola and of the business community toward City employees.
  - c. Invitations to public events extended to City employees.
  - d. Awards, plaques, certificates, mementos, or similar items given in recognition of an employee's civic, charitable, political, professional, or public services.
  - e. The offer of food and beverages involving a value of less than one hundred dollars (\$100), as authorized in Chapter 112, Florida Statutes.
  - f. The established practices of City employees engaged in fundraising or the solicitation of goods and services in support of such organized City-sponsored activities as Landlord Appreciation Day and the Employee Appreciation Luncheon.
2. City employees are prohibited from using or allowing a family member to use the employee's City employment to coerce or give the appearance of coercing any person to provide a benefit to himself or herself, or another person, particularly one with whom the employee has family, business, or financial ties.
3. No City employee may accept an honorarium from anyone seeking to influence the governmental decision-making of the employee or of the City, or who seeks to encourage the passage, defeat, or modification of any proposal

**ARTICLE V**  
**APPOINTED CITY POSITIONS**

**Section 5.01. City Clerk.**

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council.

**Section 5.02. City Administrator.**

There shall be a City Administrator who shall be appointed by the Mayor, and who shall serve at the pleasure of the Mayor. The City Administrator shall be in charge of the daily operations of the City. Prior to appointment by the Mayor, the City Administrator shall have had relevant management, executive, or administrative experience.

**Section 5.03. City Attorney.**

The City Attorney shall serve as the chief legal adviser to, and shall represent, elected or appointed officials, boards and commissions, and employees in the course and scope of their official duties or employment, respectively. The City Attorney shall represent the City in legal proceedings and shall perform any other duties prescribed by State law, by this Charter, or by ordinance or resolution. The Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council.

**Section 5.04. Departments.**

The Mayor shall determine, consistent with this Charter, the organization of the City government and prescribe the duties and responsibilities assigned to the various departments.

**Section 5.05. City Boards, Commissions and Authorities.**

(a) ***Establishment.*** Unless otherwise provided by law, City Council shall establish or terminate by ordinance, such boards, commissions and authorities as it may deem advisable from time to time.

(b) ***Membership and Removal.*** Unless otherwise provided by law, City Council shall determine procedures, membership and removal from City boards, commissions and authorities.

8/23/13  
8:45 AM ✓

# Eric Olson



Accomplished former naval officer with over 25 years experience in diplomacy, education, and aviation. Significant experience working on international executive level staffs with strength in building cohesive teams across disciplines and cultures. Proven success managing budget and finance responsibilities for public organizations. Combines exceptional leadership, management, and communication skills with sharp analytical and problem solving abilities. Thrives in challenging, fast-paced organizations that require independent accountability, creativity, and decisive action. Strong record of grassroots community involvement.

## KEY QUALIFICATIONS

Budgeting	Leadership	Community involvement
Program management	Masters in International Public Policy	Risk management
Strategic planning	Trilingual (English, French, German)	Written, oral communications
Research and analysis	Public speaking	Attention to detail

## CAREER HIGHLIGHTS

### Veteran Outreach Coordinator

Habitat for Humanity, 300 W. Leonard St., Pensacola, FL 2011 – Present

One of only ten AmeriCorps members nationwide selected to develop a pilot program for Habitat for Humanity to expand its capacity to engage Veterans and active duty military personnel as volunteers and homeowners through the successful integration of public, private, and non-profit agencies across all program activities.

#### Key Highlights

- Established a housing continuum of care training and referral network with the local VA clinic, Volunteers of America, and Families Count to improve the movement of Veterans from transitional to permanent housing.
- Gathered and analyzed data on Veteran housing requirements and resources to create a framework plan for delivering Habitat housing solutions to Veterans nationwide.

### Liaison Officer

La Force Maritime de Réaction Rapide Française (FRMARFOR), Toulon, France 2008 – 2011

Seconded to the French Navy's NATO High Readiness Force staff to provide subject matter expertise in crisis management and strategic planning and to serve as an Operations and Plans Officer for the French Navy's carrier group staff.

#### Key Highlights

- Formulated emergency response plans involving both governmental and non-governmental organizations for events ranging from counter-piracy to disaster relief.
- Program Manager for 250 person exercise staff responsible for organizing and directing a prototype European-led military exercise in Africa.
- Project manager for the evaluation and assessment of NATO military exercises and operations.
- Taught courses on NATO operational planning and design to a 110 member multinational staff.
- Served as the Liaison Officer for NATO's Maritime Command Headquarters in Naples, Italy and French maritime forces operating in the Mediterranean

### Associate Professor

University of Oklahoma, Naval ROTC, 290 W. Brooks St., Rm 12, Norman, OK 2005 – 2008

Appointed to serve as an associate professor of naval science to provide overall unit direction and guidance for a national educational scholarship program for university students leading to an officer's commission in the U.S. Navy or Marine Corps.



#### Key Highlights

- Formulated admissions policies, evaluated student application packages, granted scholarships, assessed student progress and, when necessary, suspended or revoked scholarships.
- Determined staffing requirements, oversaw personnel processes such as hires, evaluations, promotions, transfers, terminations, and disciplinary measures.
- Administered seventeen government, university, and private financial accounts.
- Generated additional scholarship funding by leveraging an alumni network to solicit individual and corporate donations through a tax free university foundation.
- Taught courses in leadership, management, and naval history.
- Assisted in the establishment of a cross-disciplinary university leadership program.

#### Defense Attaché

US Embassy, Tallinn, Estonia

2002 – 2005

Chosen to be the principal political-military advisor to the U.S. ambassador and provide assessments of the plans and intentions of state and non-state actors internally, regionally, and globally and their impact on U.S. security policy and military operations.

#### Key Highlights

- Produced intelligence reports that were used as the basis for U.S. policy decisions in the region during the critical period leading to Estonia's membership in NATO and the European Union.
- Led negotiations with cabinet level officials that produced agreements to fill critical U.S. requirements for security personnel and explosive ordnance disposal capabilities in Iraq and Afghanistan.
- Developed public relations strategies that influenced public opinion in favor of Estonian cooperation with American initiatives.
- Authored the embassy plan for visits by senior dignitaries, including the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.
- Program Manager for the NATO Partnership for Peace program.
- Served on the International School of Estonia Board of Governors.

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#### ADDITIONAL EXPERIENCE

Independent Contractor, Educational Testing Consultants, Concord, NC (2011)

Regional Desk Officer, Defense Intelligence Agency, Clarendon, VA (2000)

Aviation Squadron Operations Officer, US Navy, Patrol Squadron FIVE, Jacksonville, FL (1997-99)

Aircraft Carrier Combat Direction Center Officer, US Navy, USS Kitty Hawk, Coronado, CA (1994-96)

George and Carol Olmsted Foundation Scholar, University of Leipzig, Leipzig, Germany (1992-94)

Naval Flight Officer, US Navy, Patrol Squadron FOUR, Barbers Point, HI (1987-91)

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#### EDUCATION AND PROFESSIONAL DEVELOPMENT

- Master of International Public Policy, The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, Washington, DC.
- Olmsted Scholar, University of Leipzig, Leipzig, Germany.
- Cox Scholar, East China Normal University, Shanghai, China.
- Bachelor of Science, United States Naval Academy, Annapolis, MD.

- U.S. Navy: Specialized training in aviation, maritime operations, foreign military sales, leadership, management, strategic planning, and communication.
- Defense Language Institute: German, Estonian, and French language training.
- U.S. Department of Defense, Defense Attaché Training Course: specialized training in intelligence collection, personal and organizational security, and diplomatic protocol.

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#### **COMMUNITY INVOLVEMENT**

- Learn to Read Northwest Florida, English as a Second Language tutor.
- Escambia County Jail, Veterans' Dorm volunteer.
- Escambia County poll worker.
- Community Emergency Response Team member.
- Escarosa Coalition on the Homeless, Point in Time survey volunteer.

THE CITY OF PENSACOLA  
RECOMMENDATION FOR PERSONNEL ACTION  
APPOINTMENT

LD

8 ✓

Effective Date	9/16/2013
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Non-classified	Contractual	X
OPS/Extra Personnel Services (Temp) Duration of employment must be specified:	Elected or Appointed	
OPS/Extra Personnel Services (Permanent)		

Name(as shown on SS card)	ERIC WAYNE OLSON	SS#	[REDACTED]	Employee #	004896
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Date of Birth	[REDACTED]	Marital Status	M	Race	W	Sex	M
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Mailing Address	[REDACTED]
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City	[REDACTED]	State	[REDACTED]	Zip	[REDACTED]
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Dept/Activity	CITY ADMINISTRATOR OFFICE	Home Dept #	001-000200
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Job Code/Title	1253-001 INITIATIVES COORDINATOR	Range	C-03
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Hourly Rate	\$31.25	Bi-Weekly	\$2,500.00	Annual Salary	\$65,000.00
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Pension

FRS	x	Fire		Police	
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Deferred Compensation Plans

Social Security	x	457 Social Security Replacement	
FRS 457 Deferred Compensation	x	457 OBRA Extra Personal Services	

Prior City Service

Department		Dates	
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(INFORMATION BELOW NECESSARY FOR DEPENDENT LIFE AND SURVIVOR DISABILITY)

Spouse

Name	[REDACTED]	Date of Birth		Marriage Date	
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Children:

Name	Birth Date

Dept. Director/Administrator Date

Sherr Kuehna 9/17/13  
Human Resources Administrator Date

Revised 9/2013

Mayor/Designee (when applicable) Date

Ar 9/23/13  
Human Resources Reviewer Date

RECOMMENDATION FOR PERSONNEL ACTION

8 ✓

Name	Eric W. Olson	Employee#	004896
Department	City Administrator's Office	Present Class	Initiatives Coordinator
Home Dept	001000200	Effect Date/Time	8/14/2014
Address Chg		Years of Service	
Demotion		LWOP	
Ed Incentive		Military Lv	
FMLA-LWOP		Military LWOP	
Fld Trg		Name Change	
		Cost Distribution Change	
		Promotion	X
		Shift Diff	
		Special Duty	
		Suspension	
		Transfer	
		457 Def Comp	
		Other	
		Appt. of OPS (EPS) to Budgeted Position	

Bi-Weekly Payroll

Job Code/Title	From	1253-001/Initiatives Coordinator	To	1105-003/Assistant City Administrator
Range	From	C-03	To	C-05
Hourly Rate	From	\$31.25	To	\$48.08
Bi-Weekly	From	\$2,500	To	\$3,846.40
Fire OT Adj	From		To	
Annual	From	\$65,000	To	\$100,006.40

Remarks:

100% Cost Distribution 001-000200.119208  
Home Department/same

PREMIUM PAY

NSD shift Diff	From		To	
SDP/SDPF Spec Duty	From		To	
FTP/FTPF Field Trg	From		To	
CP, CPI, CPM	From		To	
EIF/EIP Ed Inc	From		To	
Sp10, Sp15, Sp20	From		To	

Remarks:

Dept. Director/Administrator Date

Mayor/Designee (when applicable) Date

*[Signature]* 8/26/14

*Edward J. Simon* 8-29-14

*AV* 8/28/14

Human Resources Administrator Date

Human Resources Reviewer Date

THE CITY OF PENSACOLA  
RECOMMENDATION FOR PERSONNEL ACTION

6 ✓ 5

Name	Eric Wayne Olson	Employee#	004896
Department	City Administrator's Office	Present Class	Assistant City Administrator
Home Dept	001000200	Effect Date/Time	03/30/2015

Address Chg	Years of Service	Cost Distribution Change	Suspension
Demotion	LWOP	Promotion	X Transfer
Ed Incentive	Military Lv	Shift Diff	457 Def Comp
FMLA-LWOP	Military LWOP	Special Duty	Other
Fld Trg	Name Change	Appt. of OPS (EPS) to Budgeted Position	

Bi-Weekly Payroll

Job Code/Title	From	1105-003 Assistant City Administrator	To	1100-001 City Administrator
Range	From	n/r	To	n/r
Hourly Rate	From	48.08	To	63.95
Bi-Weekly	From	3,846.40	To	5,116.00
Fire OT Adj	From		To	
Annual	From	100,006.40	To	133,016.00

Remarks:

PREMIUM PAY

NSD shift Diff	From		To	
SDP/SDPF Spec Duty	From		To	
FTP/FTPF Field Trg	From		To	
CP, CPI, CPM	From		To	
EIF/EIP Ed Inc	From		To	
Sp10, Sp15, Sp20	From		To	

Remarks:

Dept. Director/Administrator Date

*Edward J. Sivan* 4-10-15

Human Resources Administrator Date

Revised 08/2013

Mayor/Designee (when applicable) Date

*[Signature]* 4/10/15  
AS H/13/15

Human Resources Reviewer Date

From: "Eric Olson"

Subject: Email Protocol

Date: July 7, 2015 at 10:46:04 AM CDT

To: "Amy Miller", "Brian Cooper", "Dan Flynn", "David Alexander III", "Derrick Owens", "Dick Barker Jr", "Don Suarez", "Edward Sisson", "Ericka Burnett", "Jerry Moore" < , "Latasha Buchanan", "Lysia Bowling", "Marcie Whitaker", "Matt Schmitt", "Sherry Morris", "Steve Smith", "Steve Wineki", "William Weeks"

Cc: "Tamara Fountain", "Zach Michael", "Judith Colburn"

As a reminder – it is a violation of federal agency policies if an employee of one of those agencies uses his or her email account to conduct personal business. The clearest example in our area is when employees at area military installations use their .mil (navy.mil, dod.mil, etc.) email accounts to correspond with City employees about matters that are not for official Government business. If you receive inquiries from someone using a .mil or other federal email domain that is not related to official Government business please politely remind the sender to communicate from his or her personal account.

If you have any questions about this please get with me to discuss. Be sure to forward this reminder to your staffs as well.

r/

Eric Olson

City Administrator

City of Pensacola