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**From:** Rusty Wells  
**Sent:** Sunday, August 15, 2010 7:17 PM  
**To:** 'Maren DeWeese'  
**Subject:**

Councilman DeWeese -

This email is in response to our meeting Friday morning, and I very much appreciate your giving me this opportunity to take a little time and consider what I feel should be explained and relayed to you. In trying to think about it from your perspective, I can imagine the surprise of your receiving such a vast quantity of material (670,000MB) from the clerk's office on a request that I had informed you I had responded to several days earlier. Upon going through the material and the scope of it (most having nothing to do with the subject of your request), and coming upon the email chain you discussed on Friday, I can well understand your shock.

I am not a computer literate person. I do not own one, and although I have a facebook account which my grandson set up over my objections, I do not use one very extensively for anything. I have had to learn to use this computer at work, obviously, and the city has also provided a blackberry, but I am not very facile at either one.

I resonded to your records request for emails etc. related to the BP oil spill on the day I received it. It took me over 4 hours and the help of an MIS staff member to do it, but I wanted to make sure it was complete and timely, and I realized that the list of words you specified in your request were very broad and would produce a great deal of material not related to your request. As I explained briefly at our meeting Friday, what happened was that the MIS staff went ahead and conducted a word search using your list of words, and transmitted the huge record of data that was produced by it to the Clerk's office. The Clerk assumed that the material had been checked for completeness, confidentiality, etc. that used to be our protocol, but of course it was not done. That is why the bulk of the material provided to you included probably thousands of pages of municipal bond material, and highly confidential correspondence from and to the attorneys representing the city on the airport hotel and Saenger theater cases, among other cases. This material is exempt from public records disclosure while the cases are pending, and while you would be entitled to it as a councilmember, the public is not and its release should not have occurred.

And of course, the package you received also contained personal email to and from me. From our discussions about records requests which someone made for email between you and Jeff earlier this year, you know that personal correspondence is not a public record, and it does not have to be produced in response to a request.

The email that you focused on is a brief exchange between me and a staff member late in the day of city council committees on April 19. In order to assess it, it is important to understand that the committee meetings that day were long (starting at 1:30) and somewhat disorganized, with the Mayor taking several items out of order from the committee agendas. As a personal point, I had made plans to attend a family event at 6:30, thinking that it could be accommodated with committees starting at 1:30 that day, and I had let Susan go home at about 5-5:30 to get her daughter, and therefore had to stay to the end of committees. So, the context was that when I wrote the messages that I did, I had been at the office for almost 12 hours (and the weekend preceding that Monday), was tired and somewhat frustrated, and was anxious for an appropriate opportunity to step out in the hallway and call my family. The juvenile language that my good friend and I used in that email exchange that you now have is a reflection of the fact that we were simply tired and anxious for our workday to end. It was our attempt to commiserate with one another, and nothing more.

On Friday, you expressed the opinion that the email exchange reflected disrespect for the council as a whole and its processes (inclusive of committee meetings). I would like to do whatever I can to assure you that that is not the case. I've worked here for a long time and for the past 2 years, Susan and I have managed to take care of legal responsibilities that historically have required four lawyers to discharge. By working long hours and weekends as a matter of routine, we are saving some \$400,000 from this department's budget over prior years when the staff was twice its current size. And, as you are aware, this has been one of the most interesting times to work for the city, with a sea change in the composition of council, a new charter, a conversion of the structure of our government, a communitywide consolidation effort, and a hugely complicated project and its financing getting off the ground across the street. I believe that even in this extremely down economy, the City Council is in fact revitalizing our city and I am very, very proud to be a small part of it. In short, it's just not possible to disrespect what you have chosen to do with your life or disrespect the people who employ you and rely on you as their attorney. Please don't confuse disrespect with whining to a friend or a family member over attending a long and gruelling meeting. I love working for this city and am ever grateful to the members of council who allow me to do it.

Finally, and most important, I do sincerely apologize to you for upsetting you and causing you the concern that you expressed on Friday. I can't erase it, but I hope this explanation can succeed in showing you a motivation alternative to disrespect, and one that I hope you can accept along with my apology.

Again, Maren, thank you for letting me spend a little time this weekend reflecting on what happened before providing you with this response. If you feel we should discuss it more, I would certainly like to.

Rusty

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