

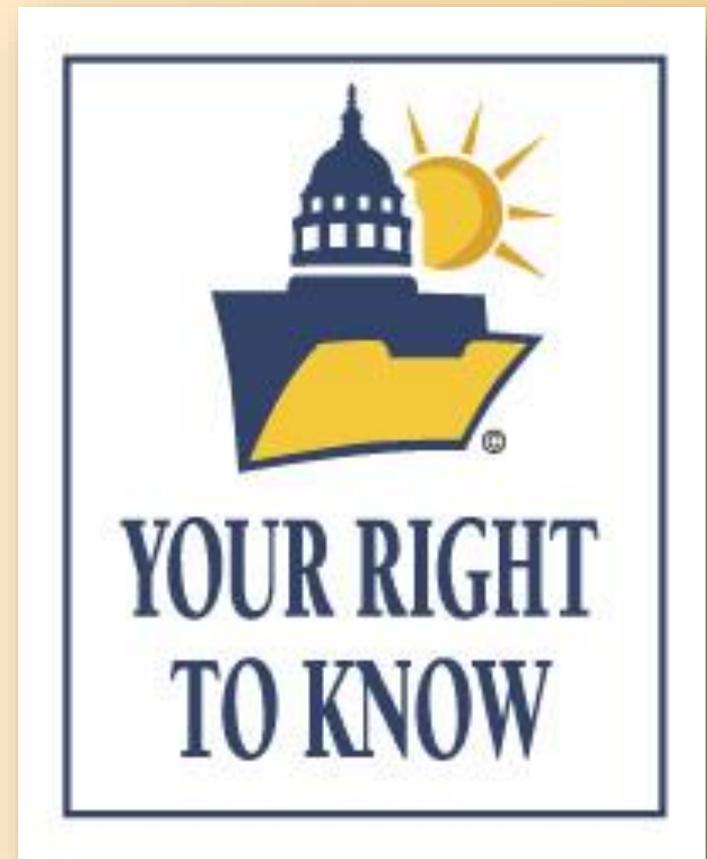


A C H I E V E A N Y T H I N G

Advisory Board and Committee Training

- Public Meeting & Public Records
- Ethics
- Meeting Procedures

PUBLIC MEETINGS & PUBLIC RECORDS



Public Meetings - Definition



A meeting is any gathering, e.g. conversation, text, e-mail, phone call etc. whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission.

Public Meetings - Application



Are declared to be public meetings open to the public **at all times**



The board or commission must provide **reasonable notice** of all such meetings



No resolution, rule or formal action shall be **considered binding** except as taken or made at such meeting

Public Meetings - Penalties



Misdemeanor of the second degree

- Maximum **\$500 fine, 60 days confinement**



Punishable by noncriminal fine up to **\$500**



Removal from office



The court shall assess a reasonable **attorney's fees** against such agency

NEWS

Sebastian council members arrested on Sunshine Law violations

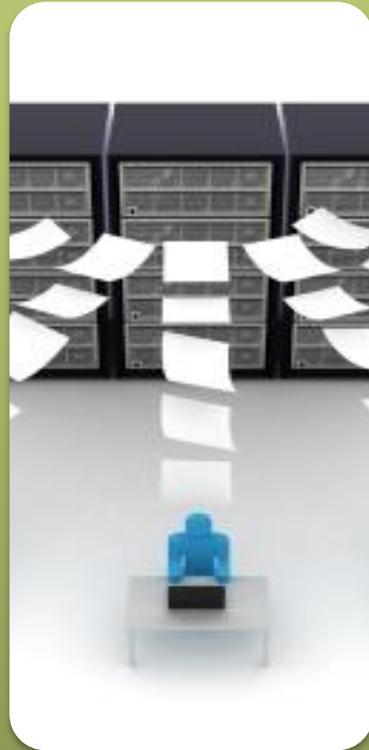
By **Meghan McRoberts** | June 16, 2020 at 7:28 PM EDT - Updated June 17 at 12:28 PM

Two Sebastian council members have been arrested on criminal charges related to their involvement in an illegal meeting in April where they tried to remove multiple top city officials from their positions.

On April 22, the Sebastian city manager postponed a regular council meeting where the removal of the mayor was a topic of discussion. The postponement was advertised on the city's website.

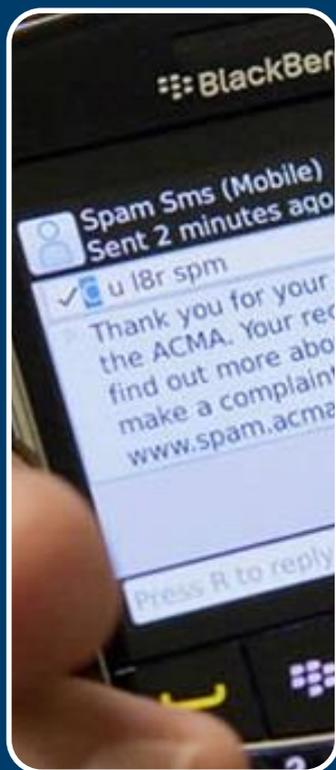
Council members Charles Mauti, Damien Gilliams and Pamela Parris are accused of still holding their own meeting that night, unbeknownst to the public, and voting to fire the city attorney, city manager, and city clerk from office and remove the mayor from his position.

The actions were voided as the legality of the meeting was under review.



ALL DOCUMENTS, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, **regardless of the physical form**, characteristics, or means of transmission, **made or received** pursuant to law or ordinance or in connection with the **transaction of official business** by any agency.

Public Records



Electronic messages from **private computers or phones** that are written or received in connection with official business are public records and are subject to disclosure

Public Records



Don't Forget About a Request for Public Records

Newly elected Manatee County Commissioner James Satcher sued over public records request

Emily Wunderlich Sarasota Herald-Tribune

Published 4:02 p.m. ET Dec. 8, 2020 | Updated 4:48 p.m. ET Dec. 8, 2020



Newly elected Manatee County Commissioner James Satcher is being sued for allegedly failing to respond to a public records request.

Public Records Requests



Public Records Act is liberally construed in favor of disclosure



The City Clerk is the Custodian of Public Records



Forward the requests for public records to the Liaison and the City Clerk

Public Records - Retention



As an advisory board member, you are responsible for forwarding documents you receive to the staff liaison.

Staff will then transfer the records to the server.

Public Records



Inability to Comply with a Request is NO Excuse



Venice settles Sunshine Law suit

By Earle Kimel
Staff Writer

Posted Jan 13, 2020 at 4:29 PM

Agreement calls for the city of Venice to cover court costs and attorney fees for De Novo Law Services and have a third-party audit of its texts every two years.

VENICE — It took less than 40 minutes for the Venice City Council to approve a \$45,321 consent final judgment to settle a 2018 suit that alleged the city violated the Sunshine Law because it could not properly produce text messages in response to a Freedom of Information Act Request.



➤ Florida Statutes Sections 112.311-112.3261

Prohibited Conduct

Solicitation or acceptance of gifts

- Shall not accept **anything of value, favor, or service** based on understanding that vote, official action, or judgment will be influenced



Unauthorized compensation

- Shall not accept compensation, payment, or thing of value, when you **know or should know, it is given to influence** vote or official action
- Applies to public officer's **spouse and minor children**

Misuse of Public Position

- Shall not corruptly use or attempt to use official position to obtain a **special privilege or benefit** for self or others

Prohibited Relationships

Doing Business with the City

- Shall not purchase, rent, or lease any realty, goods, or services to the City

Conflicting Employment or Contractual Relationship

- Shall not hold any employment or contractual relationship with a business or agency regulated by or doing business with the City
- Shall not hold any employment or contract which will pose a frequently recurring conflict between private interests and official duties



State law mandates that a member who is present **may not abstain** from voting unless:



- (1) A conflict of interest exists, as set forth in the ethical statutes; or
- (2) In a quasi-judicial proceeding, to assure a fair proceeding free from potential bias or prejudice

Voting Conflicts of Interest



PROHIBITED from Voting (State Law)

- If the item would inure to public officer's special private gain or loss (almost always means a **financial interest**)
- Applies to public officer and **relative** and **business associate**
- Must file written voting conflict in advance of vote, but if not possible, then must orally announce at meeting and file conflict paperwork within 15 days after vote



Who Is a Relative?

Spouse (fiancée and partner)

Anyone with same residence

Parent (in-law and step)

Child (in-law and step)

Sibling (in-law, step, and half)

Aunt/uncle

First cousin

Niece/nephew

Grandparent (step)

Grandchild (step)

Great grandparent (step)

Great grandchild (step)

Penalties



- Impeachment
- Removal from office
- Suspension from office
- Public censure and reprimand
- Civil penalty not to exceed **\$10,000**
- Restitution of any pecuniary benefits received



MEETING PROCEDURES

Quorum & Motions



Quorum = Majority



Motion should be a clear statement about a decision



Requires a second



Discussion opens, beginning with the person who made the motion



The board now debates the motion

Discussion



Stay on topic -
Talking about
something else
is out of order



Time limits per
item and per
speaker can
apply (and may
be modified any
time with a two-
thirds vote)



Each board
member speaks
once per motion
unless no one is
waiting to speak

Alternate Members

City Code Sec. 4-2

In the absence of a regular member, and alternate shall take the place of the regular member and may participate and vote in the meeting as a regular member.

The first alternate shall take the place of the first absent regular member, and the second alternate shall take the place of the next absent member. If both a regular member and the first alternate are absent, the second alternate will take the place of the absent regular member.

An alternate may participate in a meeting ONLY when taking the place of a regular member.

Requests of Staff Liaisons



All requests for reports or research from city staff shall be made only by formal approval of the entire board.



Upon approval, the chairperson may request research and/or reports through the staff liaison only.



All requests shall be approved by the city manager, if his/her staff serves as the liaison, or the city clerk, if his/her staff serves as the liaison.



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