

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
WORKSHOP MEETING
MINUTES**

Town Commission Meeting Room
***4501 Ocean Drive
Wednesday, April 16, 2008
5:00 p.m.
Workshop***

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 5:00 p.m. Mayor Roseann Minnet, Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Clerk June White, and Town Attorney Daniel Abbott.

Town Manager Colon was not present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Department Directors and various board and committee members introduced themselves at Mayor Minnet's request.

3. TOWN ATTORNEY SERVICES - Orientation

a. Sunshine Law

Attorney Abbott distributed a memo dated April 16, 2008, addressed to the Mayor and Commission, regarding the Florida Sunshine Law. He explained the meaning of a "Sunshine" meeting as being a meeting of any board or Commission of any state, county, or municipal agency that are public meetings, open to all. He added that reasonable notice must be provided 24 hours in advance and at least rough minutes should be taken during the meeting. Attorney Abbott stated that The Town Commission, Board of Adjustment, Planning and Zoning Board, as well as committees, advisory boards created by the Commission, must comply with the Sunshine Law. Attorney Abbott explained that the Sunshine Law prohibited two or more members of the same Commission, board or body from discussing any time or matter of public business which may come before the body upon which those members both served.

Vice Mayor McIntee asked how the Sunshine law affected the Walk Around Committee. Attorney Abbott said if the members of the Walk Around Committee were to discuss matters among themselves and then come before the Commission, then their meetings should be noticed.

Commissioner Dodd said that during a Civic meeting, an independent organization, it was stated that Commissioners were not allowed to express their opinion. He explained that private organizations were not required to give notice of their meetings. Attorney Abbott added that had the Town noticed the meeting on the "Sunshine" board then anyone could have spoken.

Attorney Abbot said it was safe to take notice of a meeting and take rough notes to be in compliance with the Law.

Mayor Minnet asked if candidates were subject to the Sunshine Law. Attorney Abbott said they were not, but Commissioners elect were subject to the Sunshine Law from the moment they were elected and before they were sworn in.

b. Public Records Law

Attorney Abbott explained that Public Records Law said that documents created by any public official were subject to the public. He added that something received by a public official did not make it a public record document, such as a joke email, but could be available for public review.

John Olinzock asked what was considered a timely manner and whether it was appropriate to locate only part of the request and suggest that future documentation would be supplied at a later date. Attorney Abbott said if it took some time to fulfill the request it would be alright to turn over what was available and advise the remaining would be provided when available.

It was asked as to whether a form needed to be filled out, and the attorney said a form was not required and the request could be taken over the phone. He added that there was no law that required recording receipt of the request, but it could be noted. Attorney Abbott noted that once a note was made it became public record.

c. Subpoenas Received

Attorney Abbott explained response time regarding Subpoenas was limited and advised the information be forwarded to him immediately. He stated that the order in which a summons or Subpoenas was issued was

to the Mayor first, and in the Mayor's absence, the Vice Mayor, followed by any member of the Commission.

Mayor Minnet inquired of her obligation to review a document when served and prior to signing. Abbott told her to only forward the document to him without review.

d. Board Members' Rights

Attorney Abbott stated the fact that public officials get sued, even when they should not get sued. Attorney Abbott said he was available for elected officials and appointed officials, for any legal questions they had 24 hours a day.

e. Ethics and Conflicts of Interest

Attorney Abbott discussed Ethics and Gifts concurrently. He explained the gift law applied to reporting individuals, elected officials, appointed officials, and public officials. He added that the gift law said that any gift intended to bribe someone was not acceptable. Attorney Abbott explained further that anything under \$100 was not subject to the gift law, but over \$100, and not from a lobbyist or political action committee, quarterly reporting forms needed to be filled out and reported to the State Agency that maintained those files.

Attorney Abbott reviewed the regulations under the ethics for public officials and explained prohibited actions or conduct. He stated that it was prohibited to solicit or accept anything of value; it was prohibited to accept any compensation, payment, or anything of value when it is known that it was given to influence a vote or other official action; it was prohibited to disclose or use information not available to the public. He reviewed restrictions on employment and business relationships as it pertained to doing business with their public agency and / or relatives. Attorney Abbott talked about voting conflicts and said that the conflict would need to be declared verbally and on a state approved form in order to abstain from voting. He said a conflict would be something that would affect the individual financially and advised the individual speak with him prior to addressing the item in question.

Attorney Abbott opened the opportunity for public participation. Barbara Cole was concerned that there was a conflict of interest with two Commissioners also being members of the Volunteer Fire Department and voting on issues relating to the Volunteer Fire Department. Attorney Abbott said that the voters' conflict of interest law stated that if the voter did not stand to gain financially by their vote, there would not be a conflict.

Town Commission Workshop Minutes
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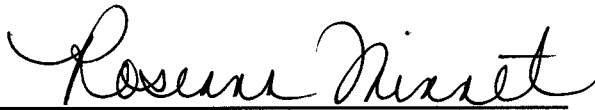
Attorney Abbott announced that if there was any doubt to always come to him for advice. He added that if there was a contractual relationship with someone appearing before the board then the voter should not vote on that item.

f. Gifts

This item was discussed concurrently with item 3e.

4. ADJOURNMENT

Vice Mayor McIntee made a motion to adjourn. With no other business before the Commission, Mayor Minnet adjourned the meeting at 6:00 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

5/13/08

Date