



MINUTES

City Commission Workshop: Sunshine Laws

4:00 PM – Thursday, May 01, 2025 – City Hall

Call to Order: 4:06 p.m.

Acknowledgement of Quorum and Proper Notice

PRESENT: Commissioner George Asbate, Vice Mayor Gary Ashcraft, Commissioner Michael Holland, Commissioner Emily Lee and Mayor Willie L. Hawkins

1. Workshop Item with Discussion and Direction

City Charter

Sasha Garcia, City Attorney, presented to the City Commission an overview of Ethics, Sunshine Laws, and Public Records for municipal government. She reviewed the City's statutory powers under the Florida Constitution. She referenced the City Charter (available online in Municode) and noted that a charter is an essential and fundamental element of every Florida municipality as no municipal government may be created nor may exist without a charter. Due to their importance, Charters cannot be changed by ordinance only by a public referendum. She explained that the referendum must be approved by the majority of the registered voters of the community. She reviewed the City's Charter and explained the role of the City Manager and the communication paths between Commissioners and staff, especially concerning actionable items. She emphasized the need for Commissioners to direct questions regarding actionable items to the City Manager. She noted this helps to minimize violations of the Sunshine Law. She asked for any questions regarding the City Charter.

The Commission asked about Interim Commissioners and if there is a limit to the authority provided to an interim commissioner. Attorney Garcia stated they have the same authority as any acting Commissioner.

The Commission asked if it would require a referendum to amend the Charter to include a timeline for appointment of an interim commissioner with Attorney Garcia stating that any changes to the Charter have to be approved by referendum.

Tom Carrino, City Manager, stated that they can change the Code of Ordinances through an ordinance that sets out a process to be followed.

Discussion was held regarding whether a timeline should be imposed for appointment of an interim commissioner.

Attorney Garcia expressed support for keeping the flexibility and commented on the previous appointment. She noted that if they want to put in a time line it could be incorporated into the Elections section of the Code of Ordinances rather than the Charter.

The Commission discussed changing the date for the investiture of newly elected commissioners.

Mr. Carrino commented on the changes that were made in 2016 to the Charter.

Further discussion was held regarding setting a deadline for appointment of an interim commissioner. Attorney Garcia indicated she would research what other cities are doing and make some recommendations.

Ethics

Attorney Garcia reviewed the fundamental principles of the Florida Ethics Law as set out in Chapter 112, Part III to prevent and avoid a conflict of interest for public officers and employees. Ms. Garcia highlighted the statutory subjects including solicitation or acceptance of gifts, unauthorized compensation, doing business with one's agency, misuse of public position, conflicting employment or contractual relationship, disclosure or use of certain information, voting conflicts, and restriction on employment of relatives. She reviewed what constitutes an illegal gift and stated it includes anything of value that could have an influence. She noted legal and reportable gifts of \$100 or less and must be reported if it has a value of more than \$25. She highlighted that even if a particular gift is legal, the public perception of the gift should be considered, including curing an improper gift and paying the value of the gift to the giver within 90 days.

The Commission asked if there was a restriction against a former Commissioner working for the City until a certain amount of time after leaving office with Ms. Garcia responding negatively.

Ms. Garcia reviewed the prohibition of doing business with one's agency when acting in an official capacity, conflicting employment or contractual relationships, misuse of public position or any property or resource to secure a special privilege, benefit or exemption, misuse of privileged information, and nepotism. She explained what constitutes a voting conflict of interest and gave directions on how those should be handled.

Purpose of the Sunshine Law

Attorney Garcia reviewed the purpose of the Sunshine Law and who is covered by the Sunshine Law as it applies to elected and appointed boards and commissioners, regardless of voting ability. She noted this also applies to advisory bodies, individual members appointed to negotiate, narrow or make decisions, and private entities, if they are acting as a replacement for the public agency. She noted there are exceptions. She discussed how private individuals may be subject to the Sunshine Law due to representing the City.

Attorney Garcia reviewed the requirements for conducting meetings in the Sunshine, including the open-meeting requirement, advance notice requirement, agenda, minutes and other records, parliamentary procedures and requirement to vote. She noted interactions involving City business must be disclosed and made known to the public.

Discussion was held regarding elected officials from one agency speaking with a member of another agency.

Attorney Garcia discussed policy making for meetings with formal decisions should be made in an orderly, timely manner with adequate input from the public. She noted the resolution in 2019 adopting the Governance Guidelines and Rules of Order for public meetings. She discussed meeting types including legislative and non-legislative (workshops, organizational meetings, informal discussions, and changes to meeting schedules). She noted that public input may be limited during workshops. She advised of open meeting requirements and the modes of communication that may occur in any manner regardless of location of meeting.

Attorney Garcia commented on the public meeting requirements. She recommended not using social media to avoid posting their individual positions as this could be viewed as an attempt to circumvent the public process. She noted that it is incumbent upon members to avoid any action that could be construed as an attempt to evade the requirements of the law. She emphasized they should not discuss issues that may come before them privately. She advised them not to post position statements on social media pertaining to City business.

Discussion was held regarding not making comments on social media with a suggestion that they could have the City's Communications Supervisor respond to comments on the City's social media sites.

Attorney Garcia reviewed violations of public meeting requirements and legal precedent. She discussed advance notice requiring reasonable timely notice to the public, noting that it does not necessarily require a newspaper advertisement or preparation of an agenda. She highlighted agenda requirements, including consent agenda and new business. She reviewed minutes requirements including the votes recorded in the minutes. She explained the requirement that members of the public be provided an opportunity to address any appointed or elected body during the decision-making process and prior to the body taking official action.

Attorney Garcia reviewed requirements to vote and major exemptions from public meetings law, including pending litigation, settlement negotiations, strategy sessions, expenditures, labor negotiations-bargaining team, risk management committee, security system meetings and negotiations with a vendor.

Attorney Garcia reviewed parliamentary procedures and prevention of Sunshine Law violations providing specific examples, including use of evasive devices and circulation of written reports/statements to elicit responses or positions of other board/committee members on issues. She stated all communication must be on record. She added they should avoid commenting to one another during meetings as well as texting or emailing others during meetings. She noted that the cameras above them will show if a Commissioner is on the phone and those may be subject to a public records request. She indicated it could also be perceived as being disrespectful to the public.

Attorney Garcia cited the need to make sure they are acting on those items on the agenda and not taking inordinately long to make a decision. She stated they do need to allow sufficient time for public input. She added the presiding officer can regulate comment to avoid repetitive, irrelevant or disruptive comments or behavior.

Attorney Garcia reviewed the email distribution process for the commission emails and stated they need to avoid hitting "reply all".

Mayor Hawkins commented on the use of the "commission" email and then it being forwarded to the commissioners.

Mr. Carrino explained that if someone emails the "commission" email then Elis Forman or another staff member monitors that in box and forwards the emails. He stated that no one is monitoring the individual commissioner emails.

Mayor Hawkins expressed concern regarding those forwarded emails as if they hit "reply" it goes back to the staff member not to the original sender.

Attorney Garcia expressed concern about changing that procedure due to the possibility of overlooking a public records request.

Christine Halloran, City Clerk, explained that the "commission" email is an inbox. If they just hit "reply" it will go back to the staff member.

Elis Forman, City Manager Executive Assistant, explained how the process is used.

The Commission asked if there is a delay in the commissioners receiving those emails with Mr. Carrino explaining staff endeavors to get them out as quickly as possible; however, they may be delayed in the event staff is out of the office.

Ms. Forman explained that most days either herself, Mary Montez or Christine Halloran keep tabs on the inbox and forward it, unless it comes in after hours.

Mr. Carrino noted a complaint that someone sent an email on Friday night after 5:00 p.m. that was concerning the Saturday workshop, and the Commission did not receive it until Monday after the workshop.

Discussion was held regarding the commission email and staff filtering the incoming emails to avoid forwarding spam. Ms. Halloran explained they also copy emails that pertain to a specific department to that department.

Further discussion was held regarding the email process. Commissioner Asbate asked that the website have their individual emails not the commission email. He indicated the individual emails could also be copied to the City Clerk.

Attorney Garcia confirmed that the emails are not edited. Staff does not tamper with the body of an email. They merely filter out junk email. She noted that all of the emails are a public record, and the City Clerk has access to those. She stated that if any emails regarding City business go directly to the Commissioners personal emails those are public records as well.

The Commissioners agreed that their individual emails would go on the website and would automatically be sent to the commission email.

Discussion was held regarding the handling of threatening emails with Mr. Carrino indicating he would discuss the emails with IT. It was suggested that the City Manager, Miranda Burrowes, Christine Halloran, IT and the Mayor meet and discuss a good way to handle the emails.

Public Records Act

Attorney Garcia reviewed the public records act providing for access to government records as a constitutional right in Florida and violations of the public records act, including legislative rulings. She provided recommendations for prevention of public records act violations. She noted the format of records requests should be considered to comply with requests. She stated that anything that is circulated pertaining to City business is a public record.

It was confirmed that, if a Commissioner receives a threat, it should be forwarded to staff and the Police Department. It was suggested that anything that comes into their personal device should be forwarded to the City to be archived.

Attorney Garcia explained the penalties for deleting public records requests that have not met retention.

Discussion was held regarding how to handle various public records. It was also held regarding the possibility of Commissioners having City phones.

Attorney Garcia encouraged Commissioners to provide City staff copies of anything they receive regarding City business regardless of format so they can keep it pursuant to the State records retention requirements.

2. Adjournment: 5:35 p.m.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

WILLIE L. HAWKINS
Mayor/Commissioner