

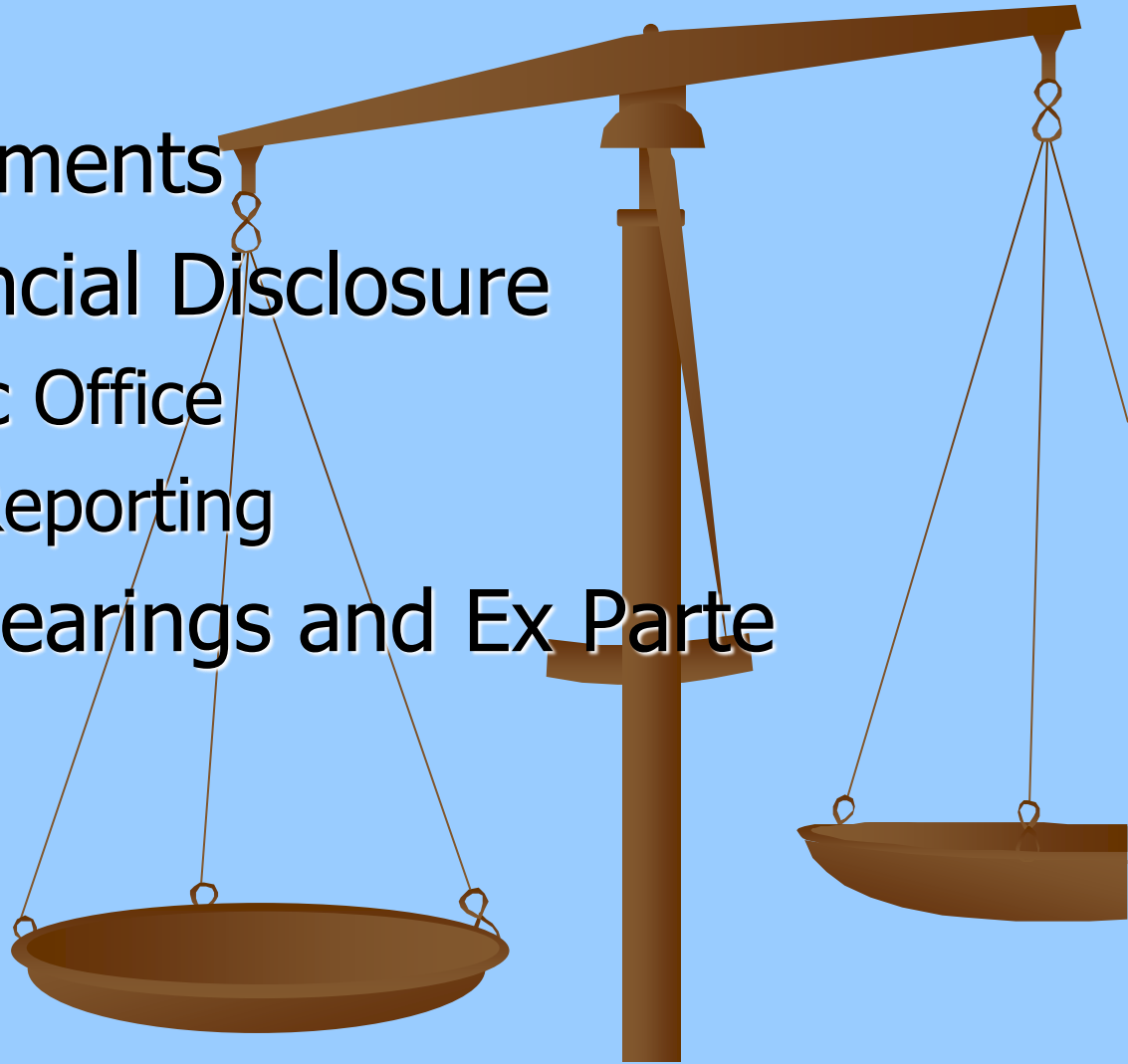
# HISTORIC PRESERVATION BOARD

Orientation Session



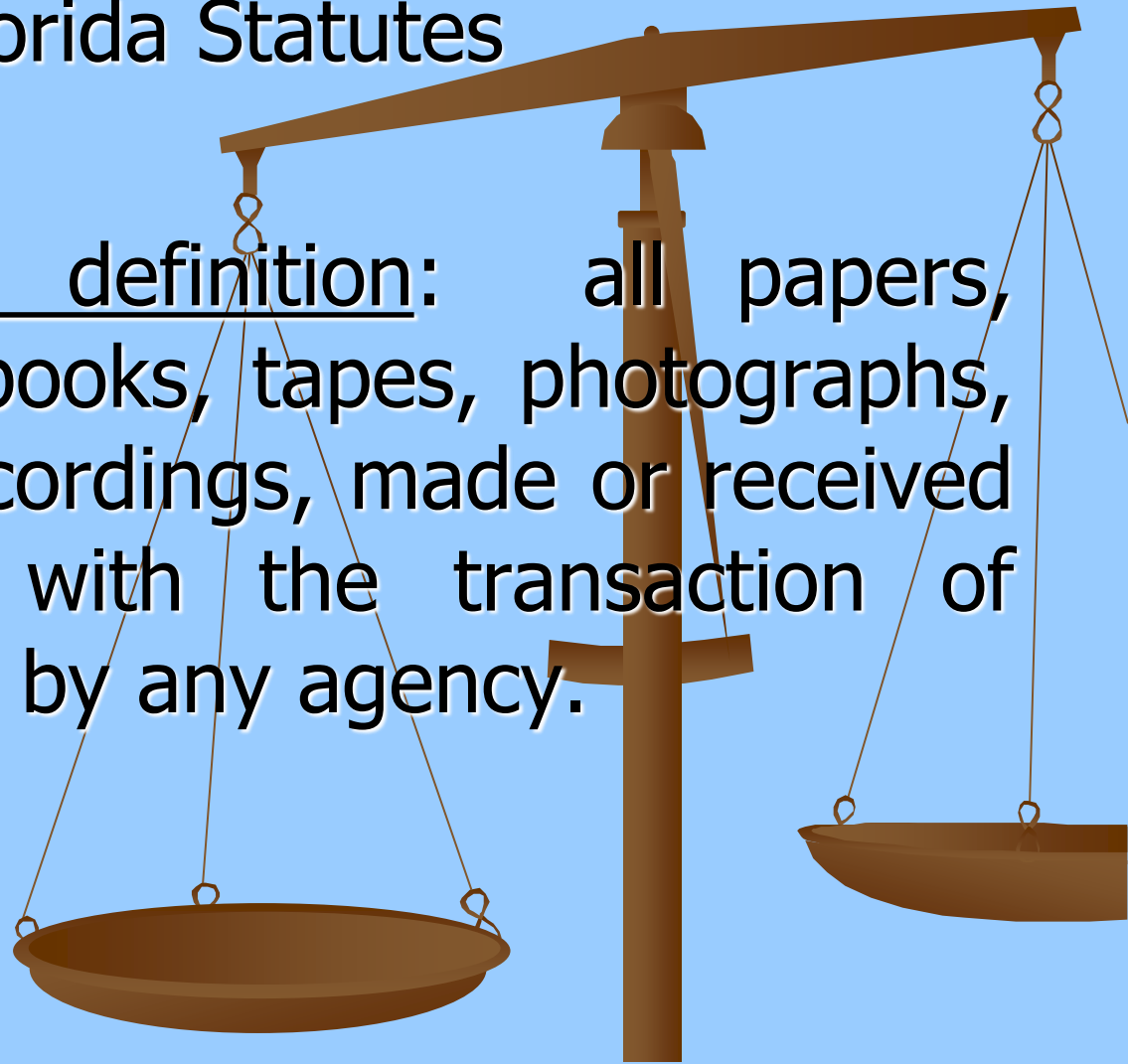
# Agenda

- Public Records Law
- “Sunshine Law”
- Meeting requirements
- Ethics and Financial Disclosure
  - Misuse of Public Office
  - Gift Laws and Reporting
- Quasi-Judicial Hearings and Ex Parte Communication



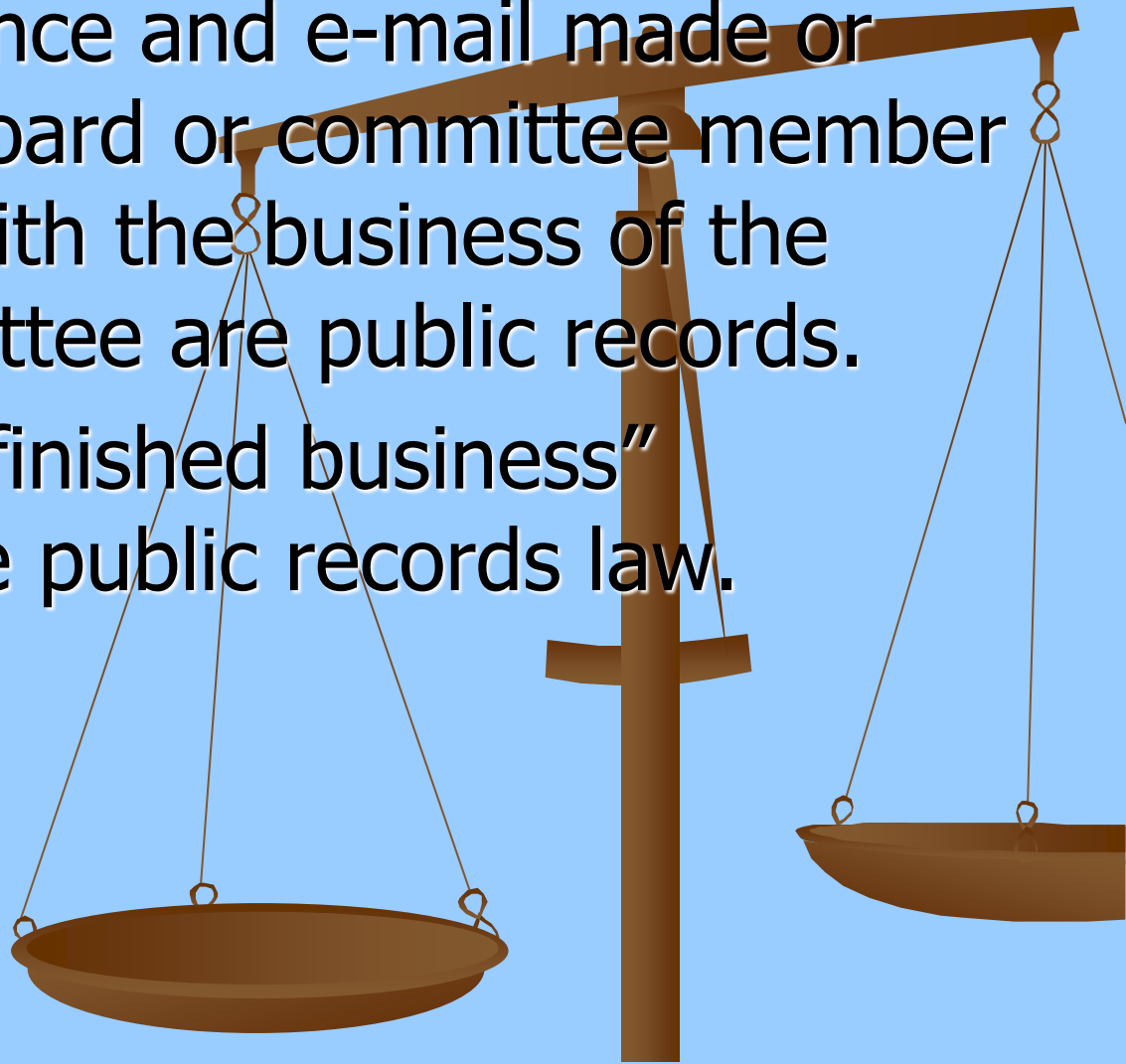
# Public Records

- Chapter 119, Florida Statutes
- \*\*\*Very broad definition: all papers, letters, maps, books, tapes, photographs, films, sound recordings, made or received in connection with the transaction of official business by any agency.



# Public Records

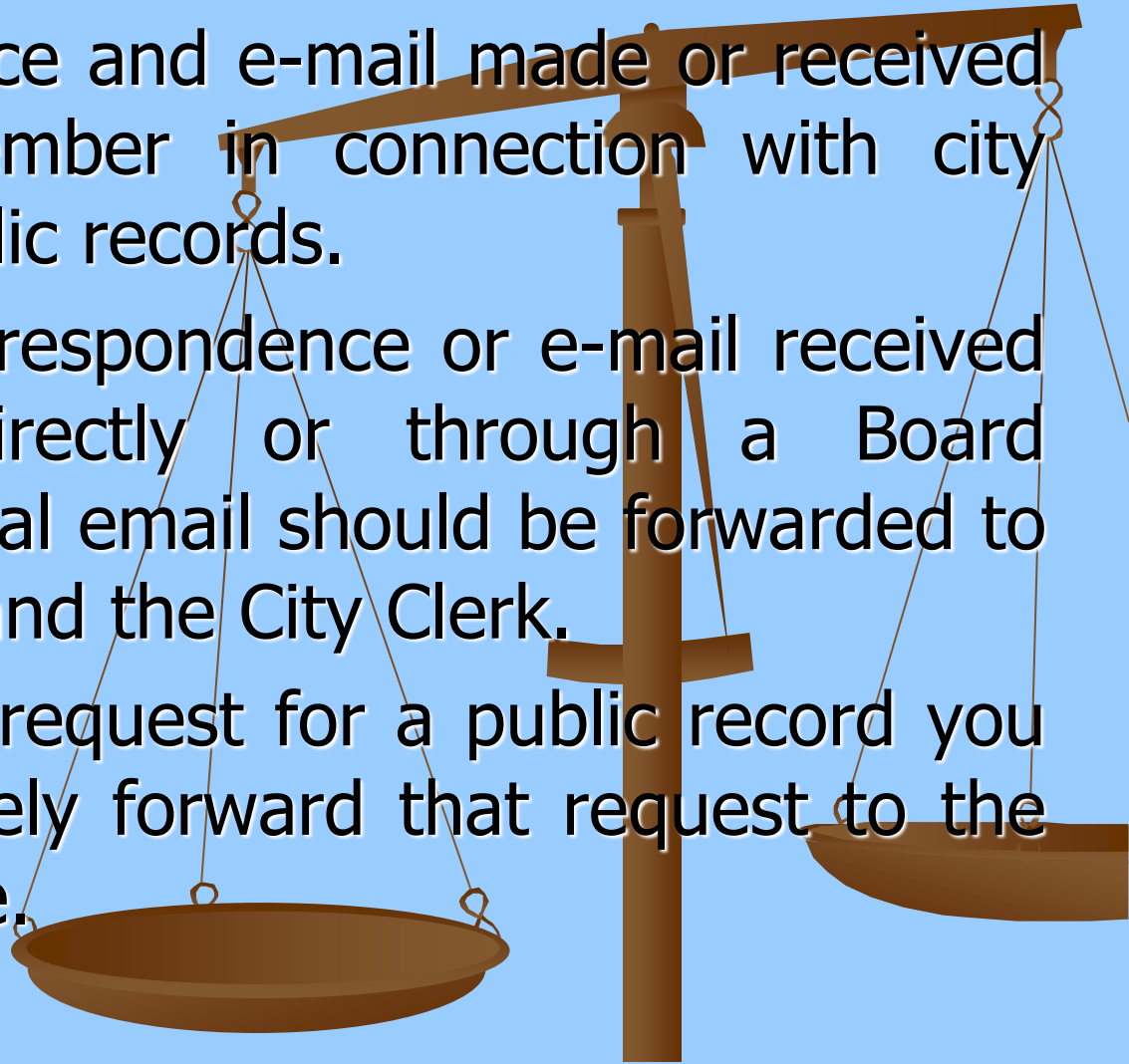
- All correspondence and e-mail made or received by a board or committee member in connection with the business of the board or committee are public records.
- There is no “unfinished business” exception to the public records law.





# Public Records

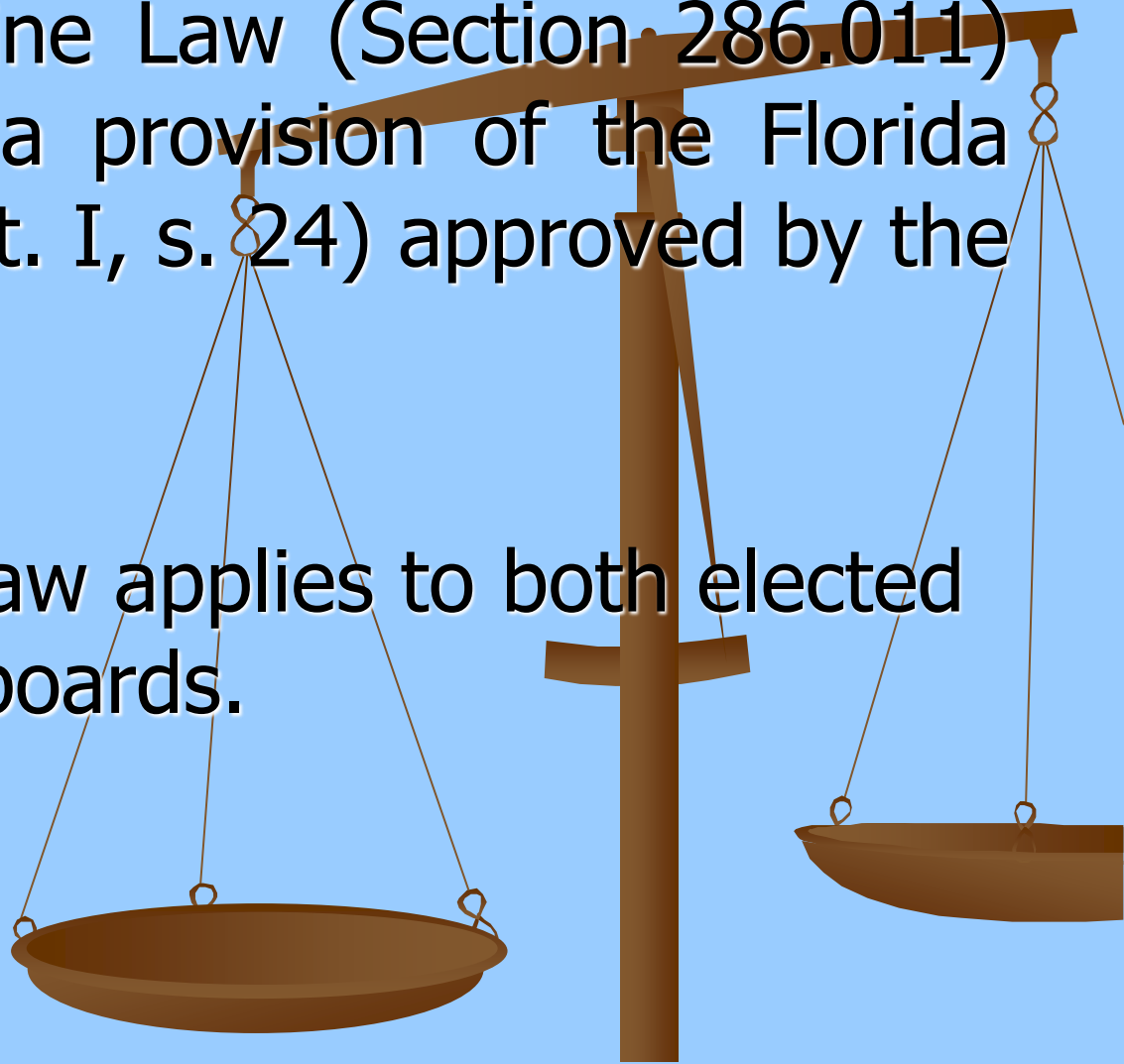
- Each board member has their own city email address.
- All correspondence and e-mail made or received by a board member in connection with city business are public records.
- A copy of all correspondence or e-mail received directly or indirectly or through a Board Member's personal email should be forwarded to your city e-mail and the City Clerk.
- If you receive a request for a public record you should immediately forward that request to the City Clerk's Office.



# “Sunshine Law”

Florida's Sunshine Law (Section 286.011) is founded on a provision of the Florida Constitution (Art. I, s. 24) approved by the voters in 1992.

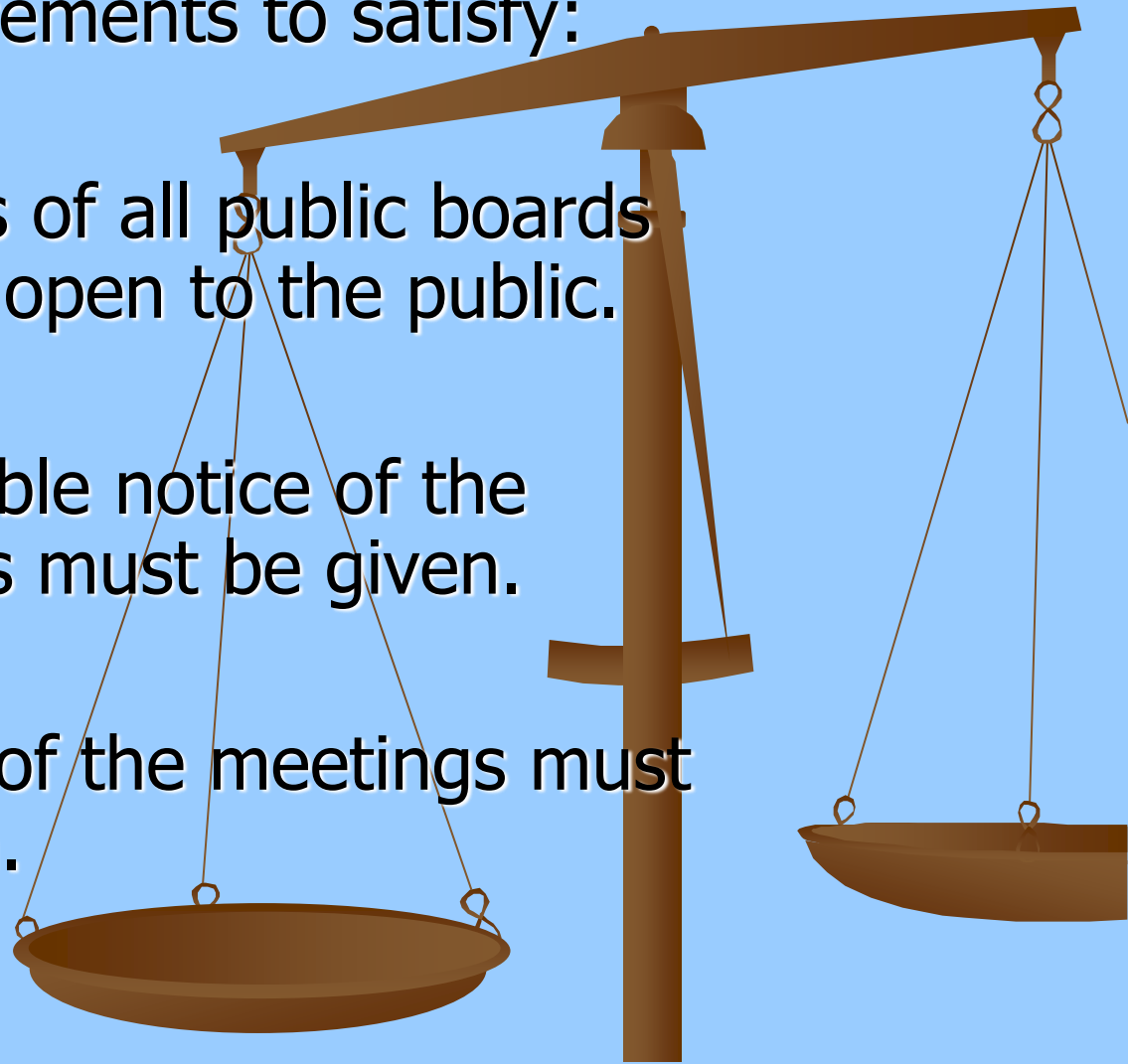
- The Sunshine Law applies to both elected and appointed boards.



# “Sunshine Law”

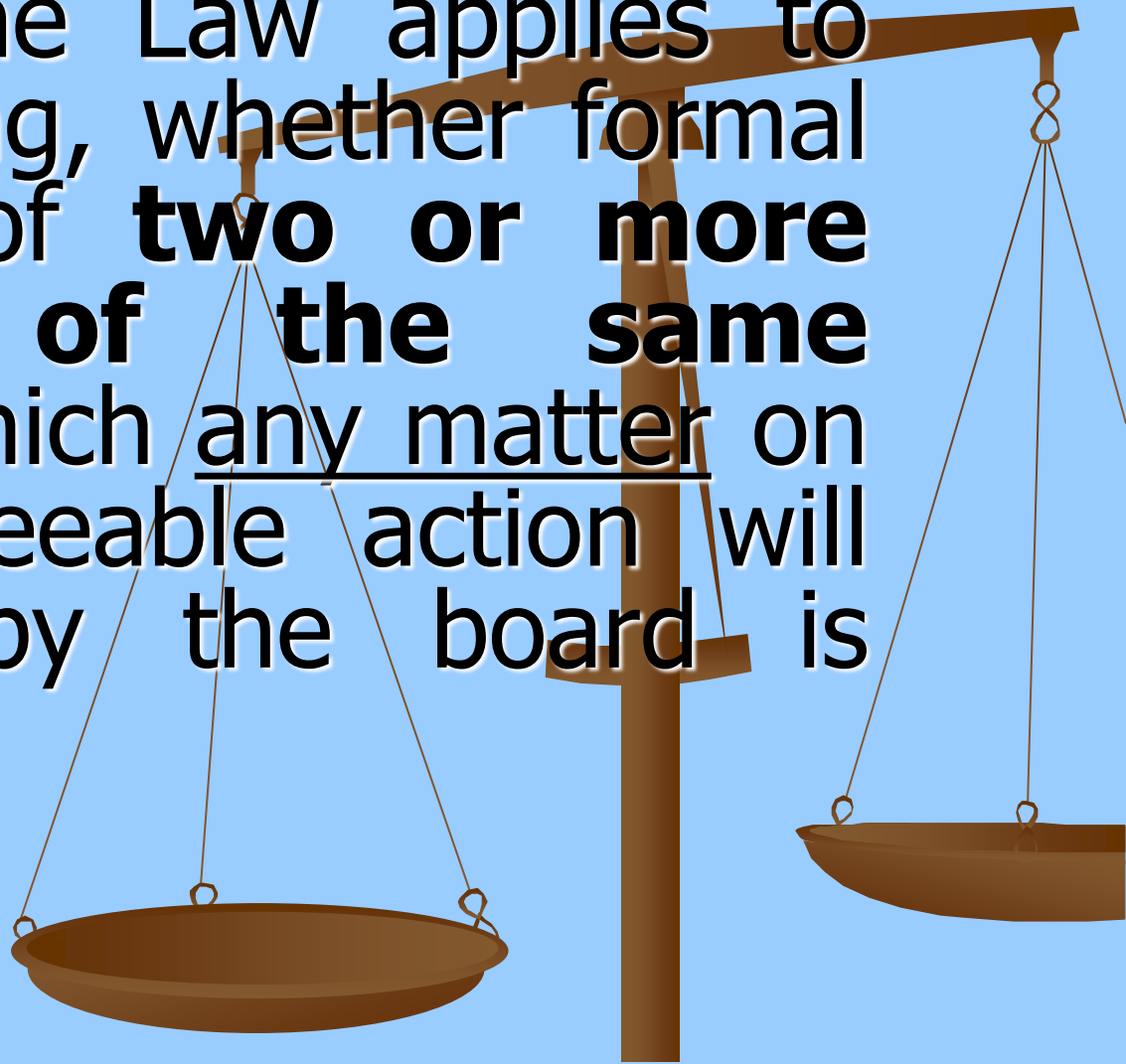
- Three basic requirements to satisfy:

- 1. Meetings of all public boards must be open to the public.
- 2. Reasonable notice of the meetings must be given.
- 3. Minutes of the meetings must be taken.



# “Sunshine Law”

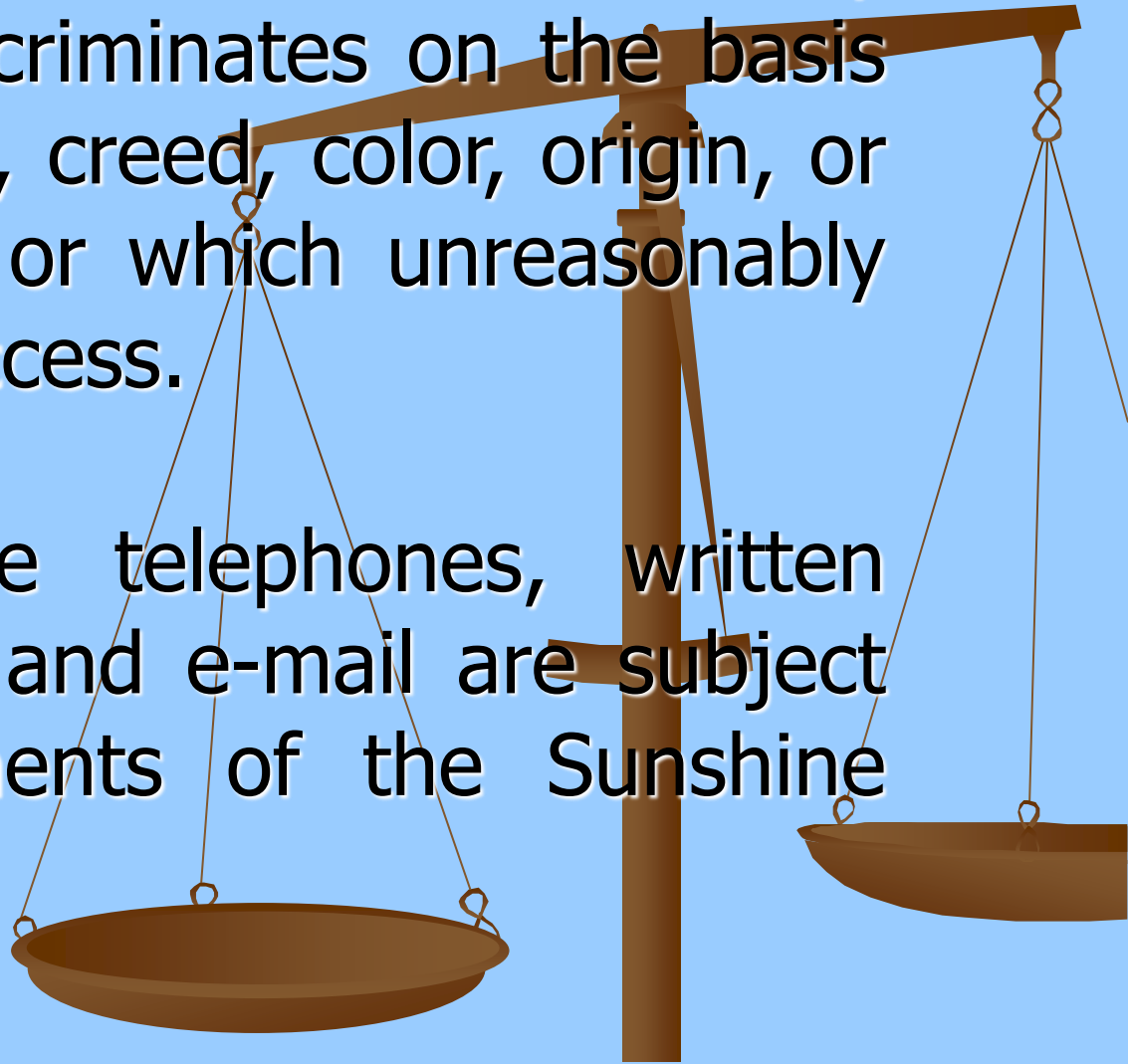
- The Sunshine Law applies to any gathering, whether formal or casual, of **two or more members of the same board** at which any matter on which foreseeable action will be taken by the board is discussed.



# “Sunshine Law”

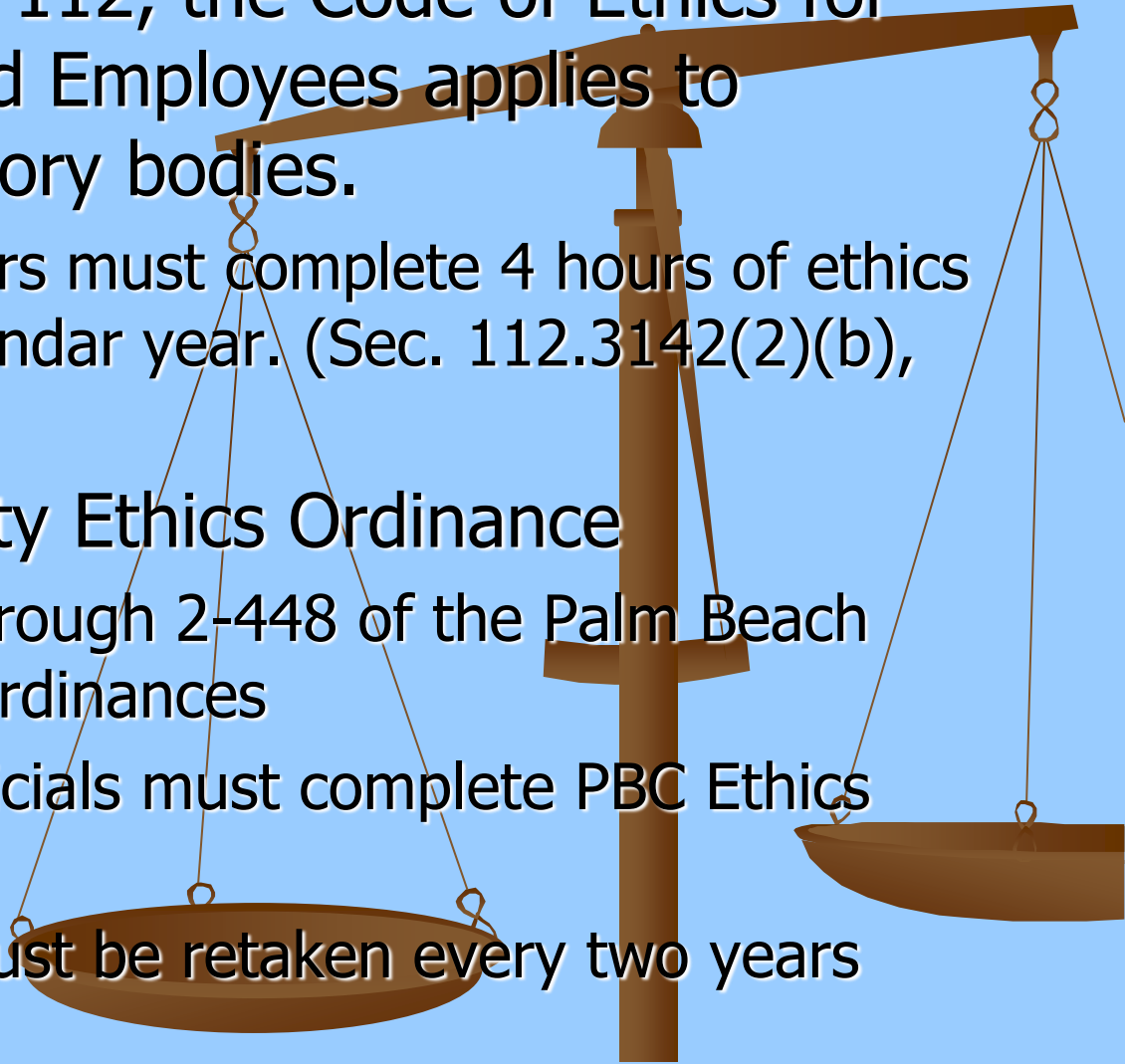
Public meetings cannot be held at any facility which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which unreasonably restricts public access.

The use of the telephones, written correspondence, and e-mail are subject to the requirements of the Sunshine Law.



# Ethics and Financial Disclosure

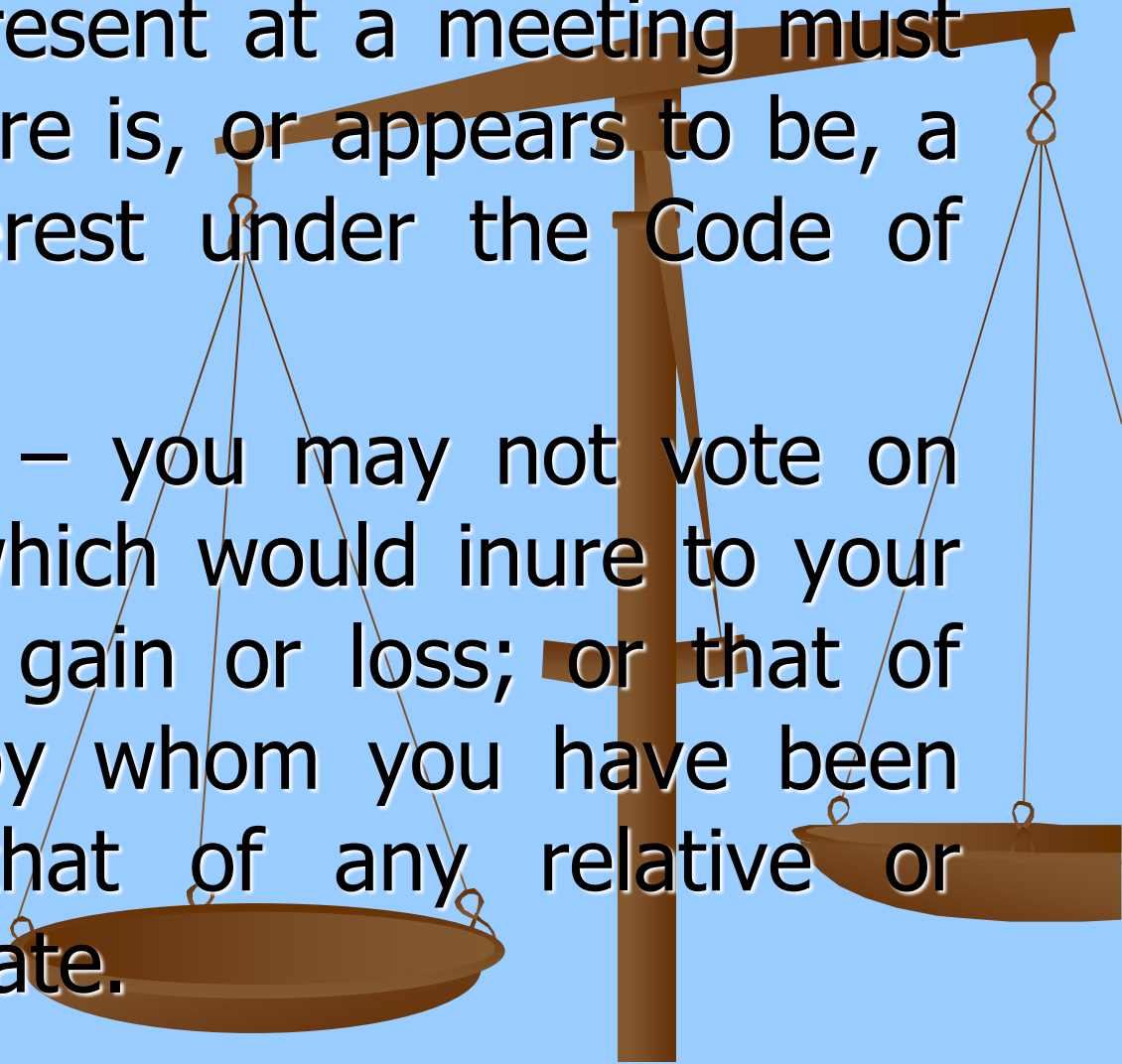
- Fla. Stat. Chapter 112, the Code of Ethics for Public Officers and Employees applies to members of advisory bodies.
  - City Commissioners must complete 4 hours of ethics training each calendar year. (Sec. 112.3142(2)(b), Fla. Stat.)
- Palm Beach County Ethics Ordinance
  - Sections 2-441 through 2-448 of the Palm Beach County Code of Ordinances
  - Newly elected officials must complete PBC Ethics Training
  - Ethics Training must be retaken every two years



# Ethics and Financial Disclosure

## ■ Voting Issues

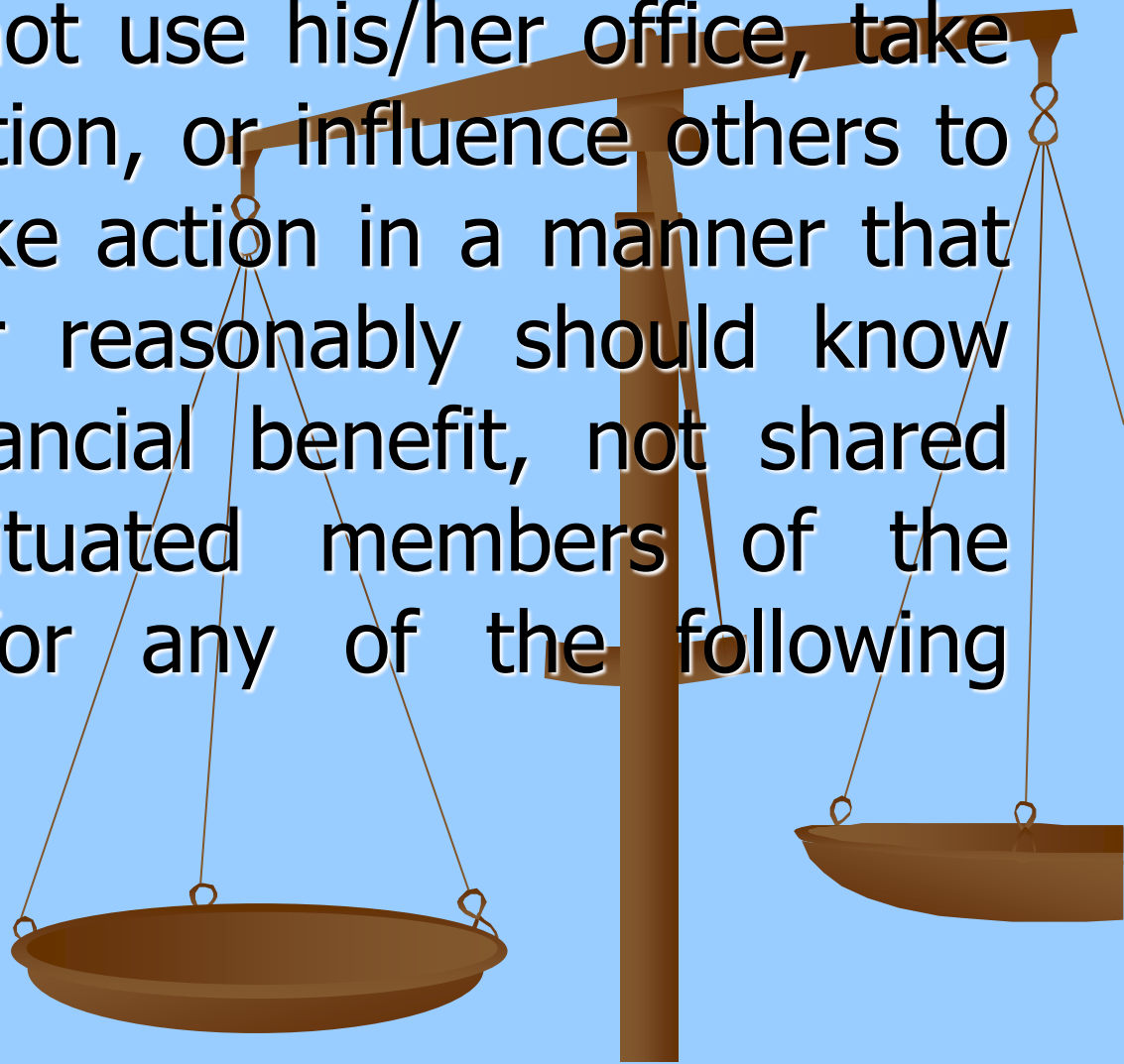
- All members present at a meeting must vote unless there is, or appears to be, a conflict of interest under the Code of Ethics.
- Voting Conflict – you may not vote on any measure which would inure to your special private gain or loss; or that of any principal by whom you have been retained; or that of any relative or business associate.





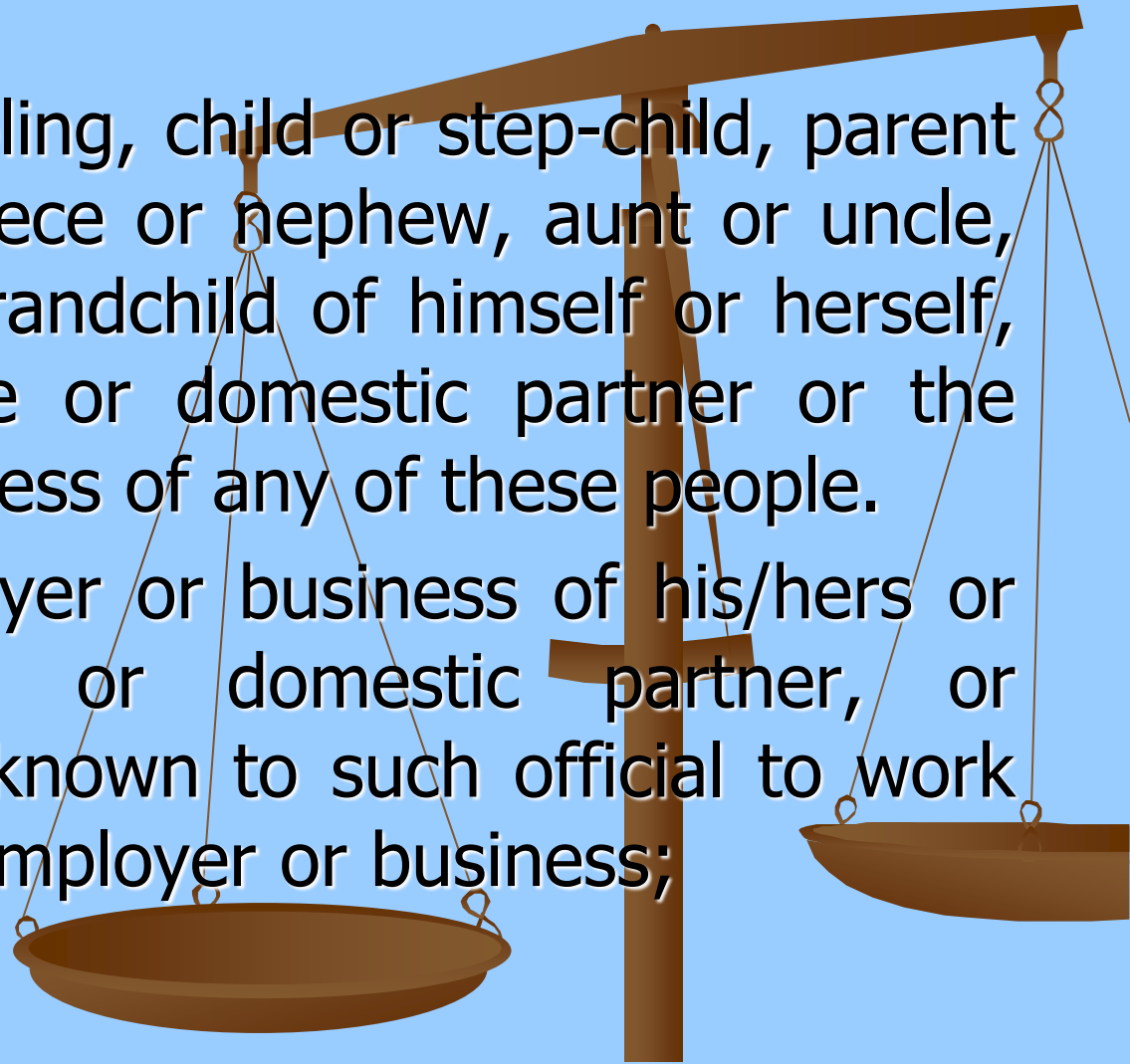
# Misuse of Public Office

An official shall not use his/her office, take or fail to take action, or influence others to take or fail to take action in a manner that he/she knows or reasonably should know will result in financial benefit, not shared with similarly situated members of the general public for any of the following persons:

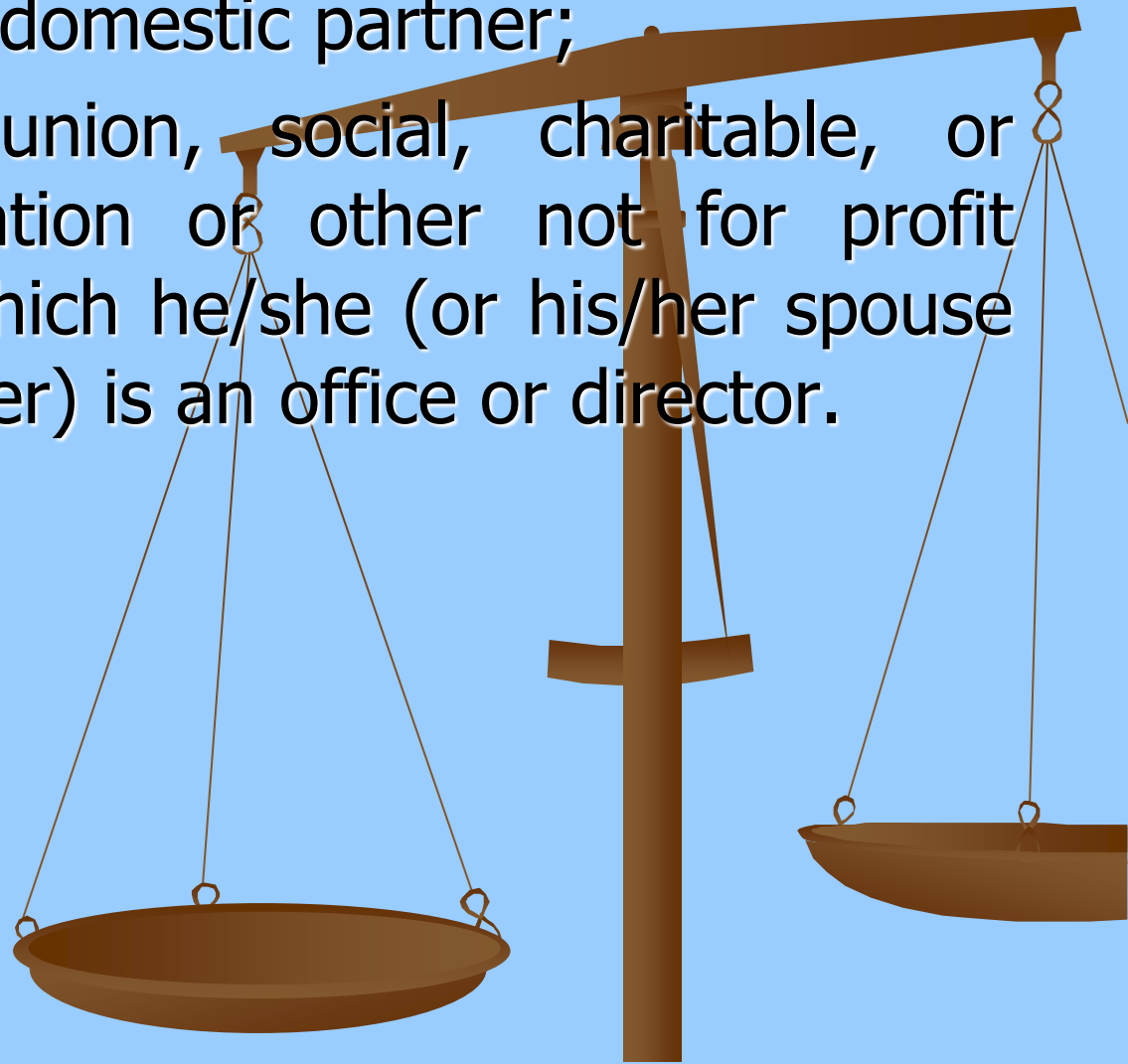




- Himself or herself;
- Spouse, domestic partner, household member, claimed dependent or the employer of any of these people;
- Sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, aunt or uncle, grandparent or grandchild of himself or herself, or his/her spouse or domestic partner or the employer or business of any of these people.
- An outside employer or business of his/hers or his/her spouse's or domestic partner, or someone who is known to such official to work for such outside employer or business;

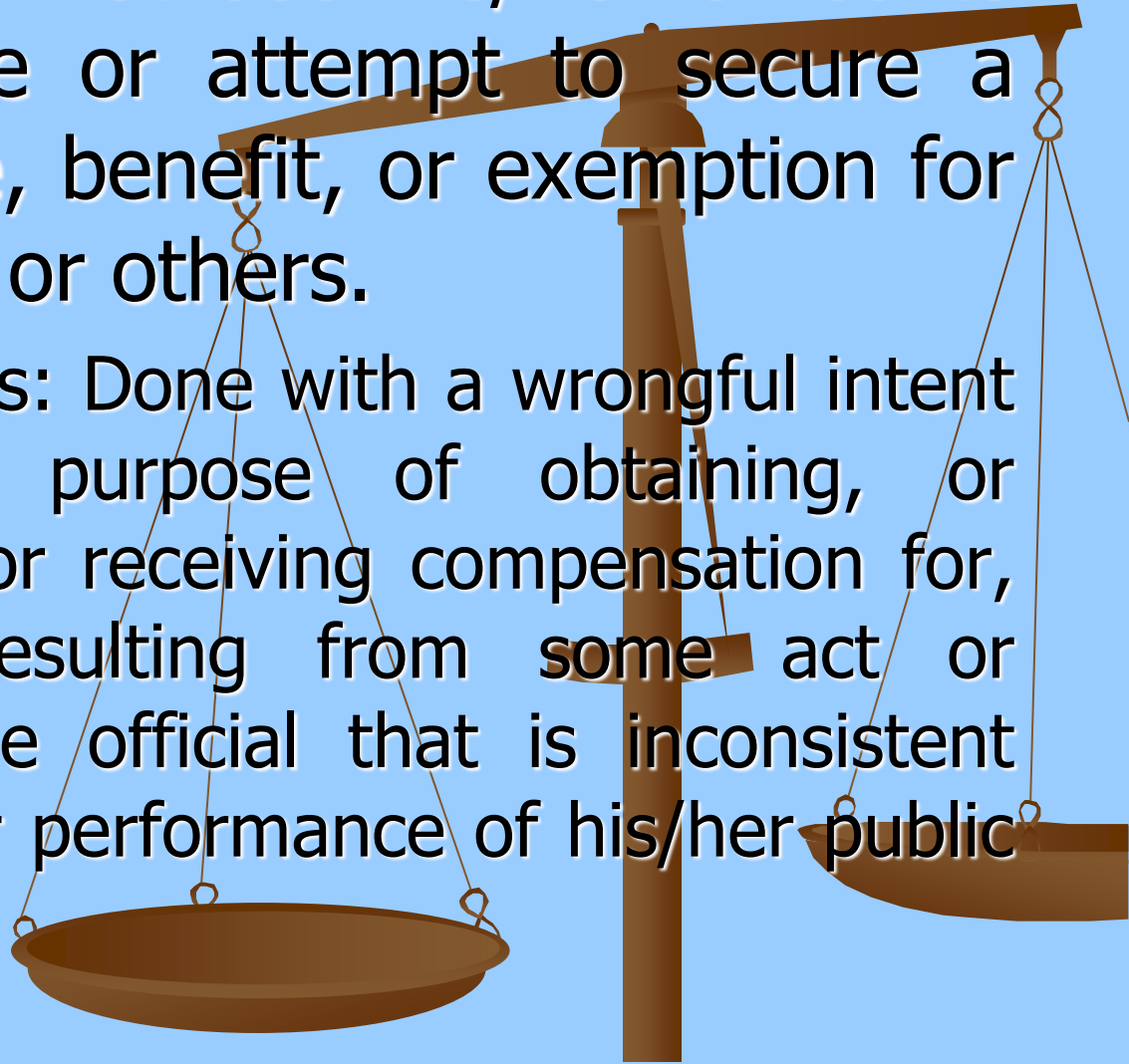


- A customer or client of the official's outside employer or business;
- A substantial debtor or creditor of his/hers or his/her spouse or domestic partner;
- A civic group, union, social, charitable, or religious organization or other not-for profit organization of which he/she (or his/her spouse or domestic partner) is an officer or director.



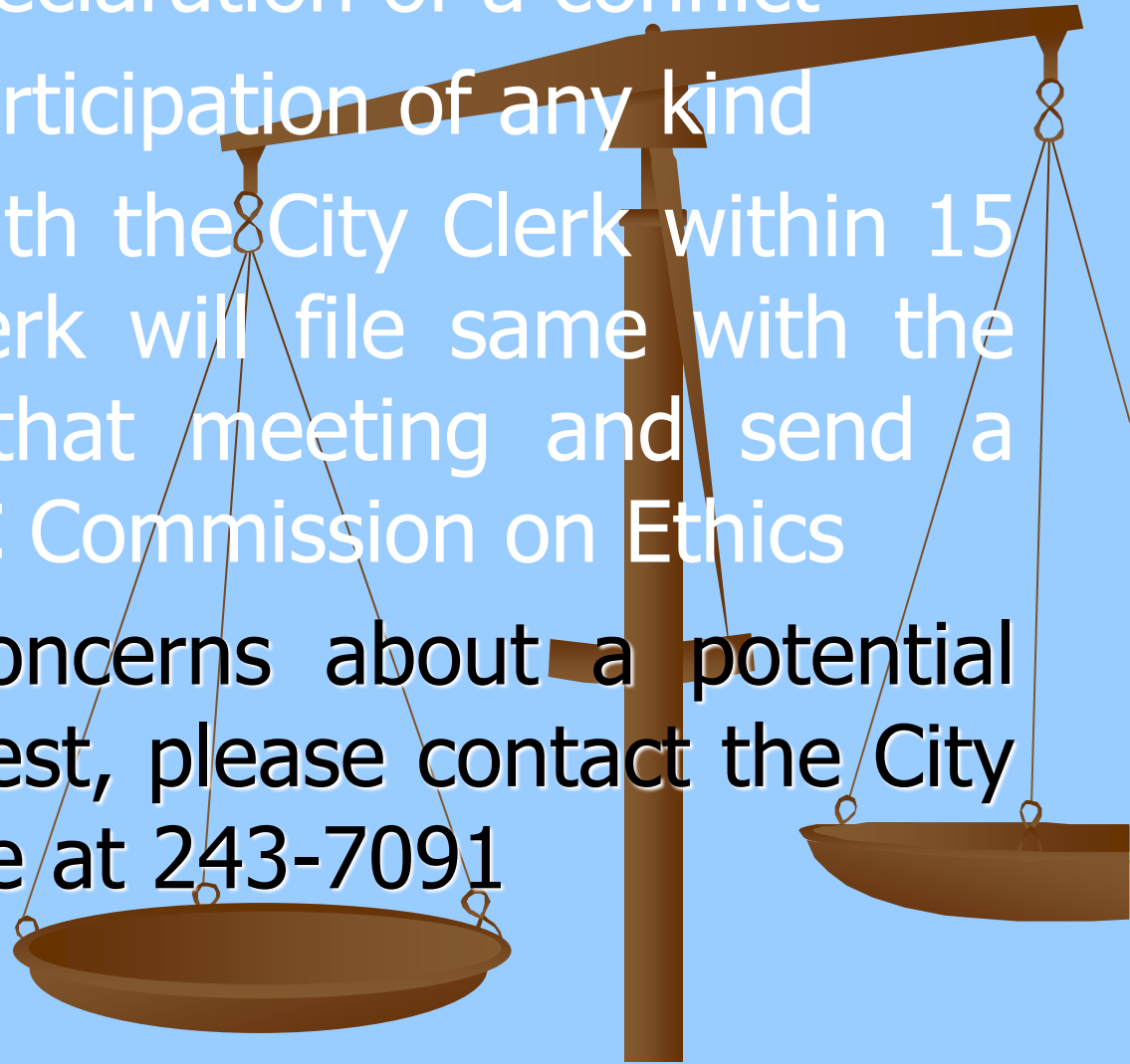
# Corrupt misuse of Public Office

- An official shall not use his/her office to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself/herself, or others.
  - Corruptly means: Done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of the official that is inconsistent with the proper performance of his/her public duties.



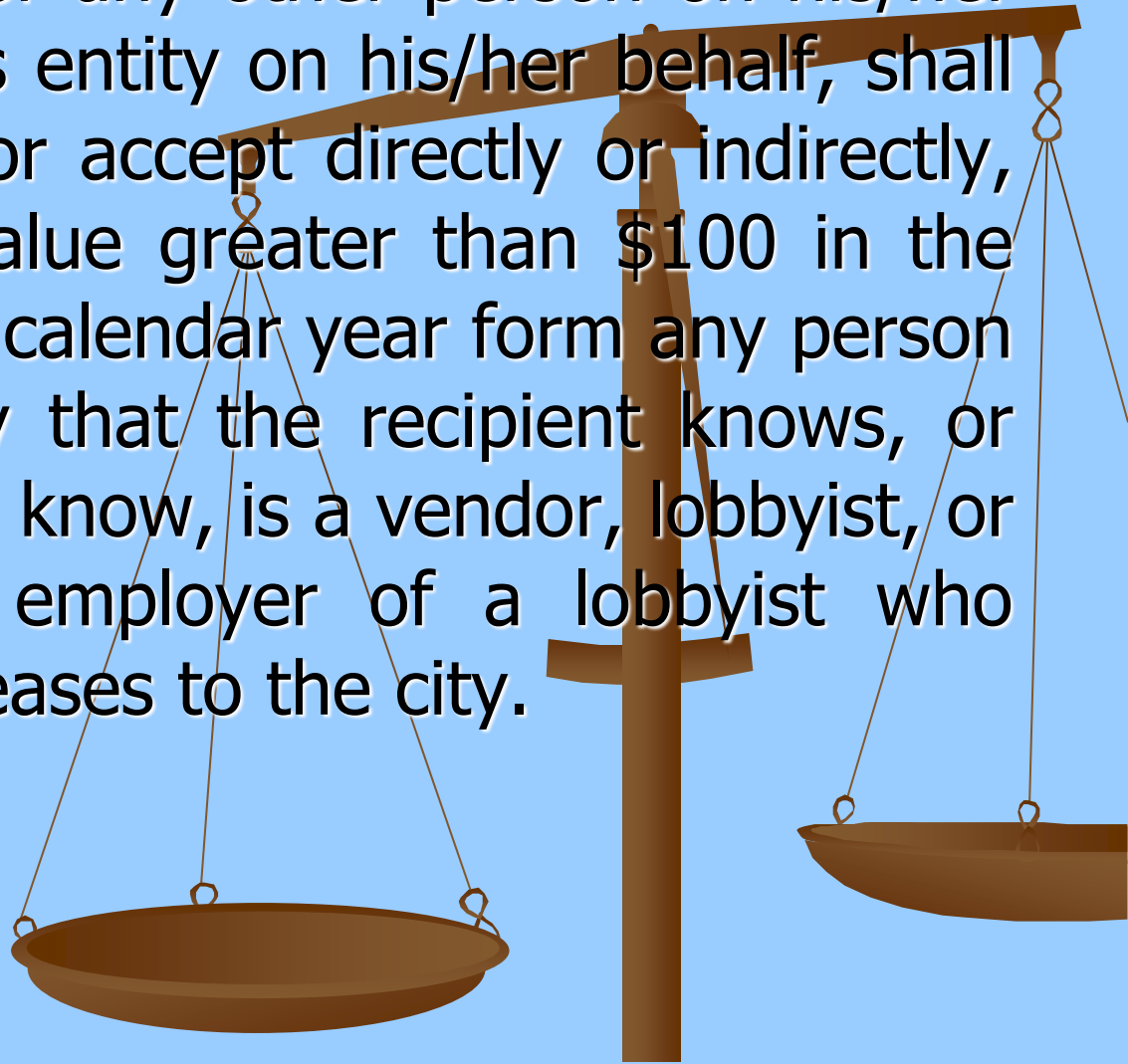
# Voting Conflict – what to do?

- Make the oral declaration of a conflict
- Abstain from participation of any kind
- File Form 8B with the City Clerk within 15 days – City Clerk will file same with the minutes from that meeting and send a copy to the PBC Commission on Ethics
- If you have concerns about a potential conflict of interest, please contact the City Attorney's Office at 243-7091



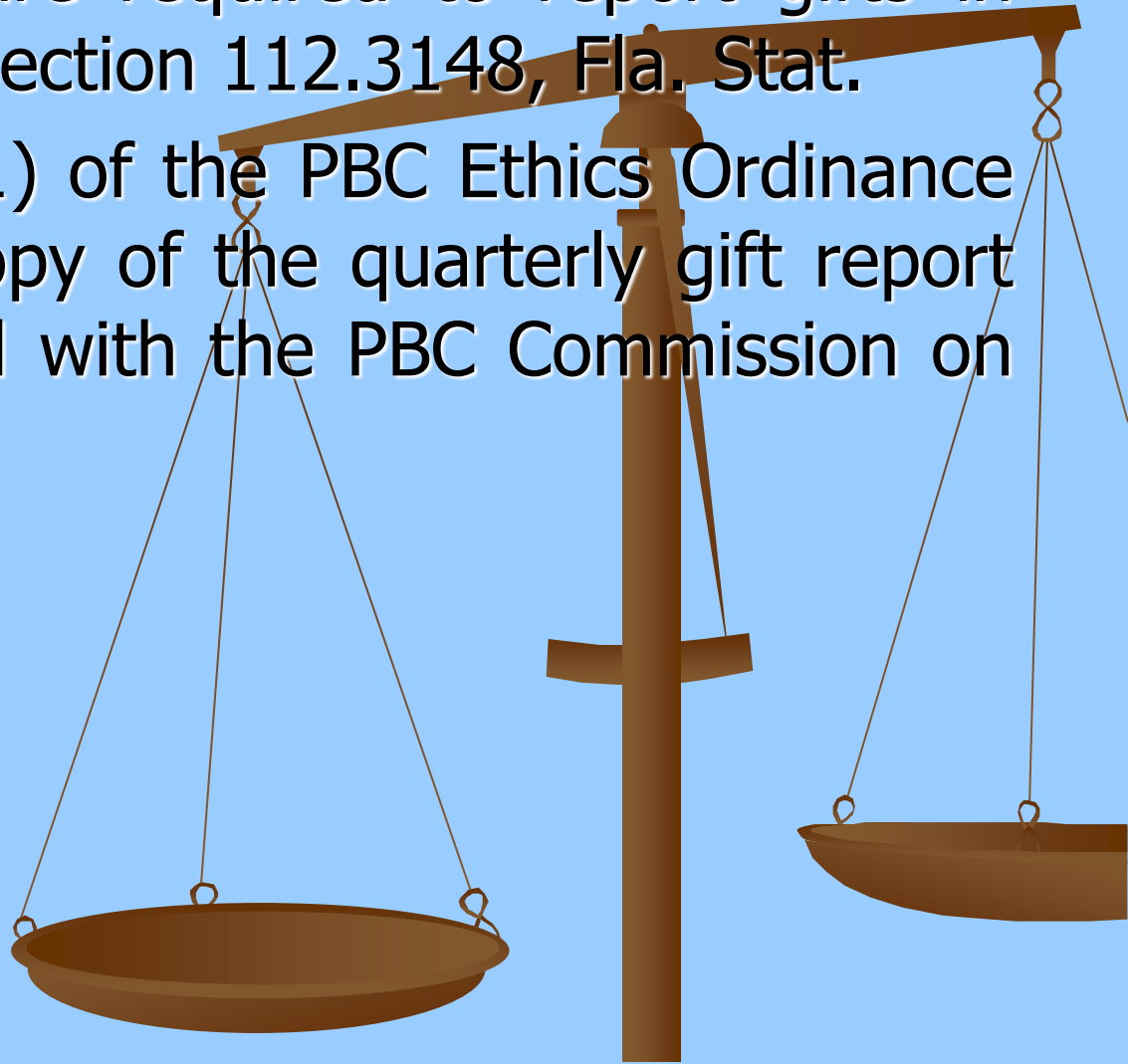
# Gift Law

- Board Members, or any other person on his/her behalf or business entity on his/her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value greater than \$100 in the aggregate for the calendar year from any person or business entity that the recipient knows, or reasonably should know, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the city.



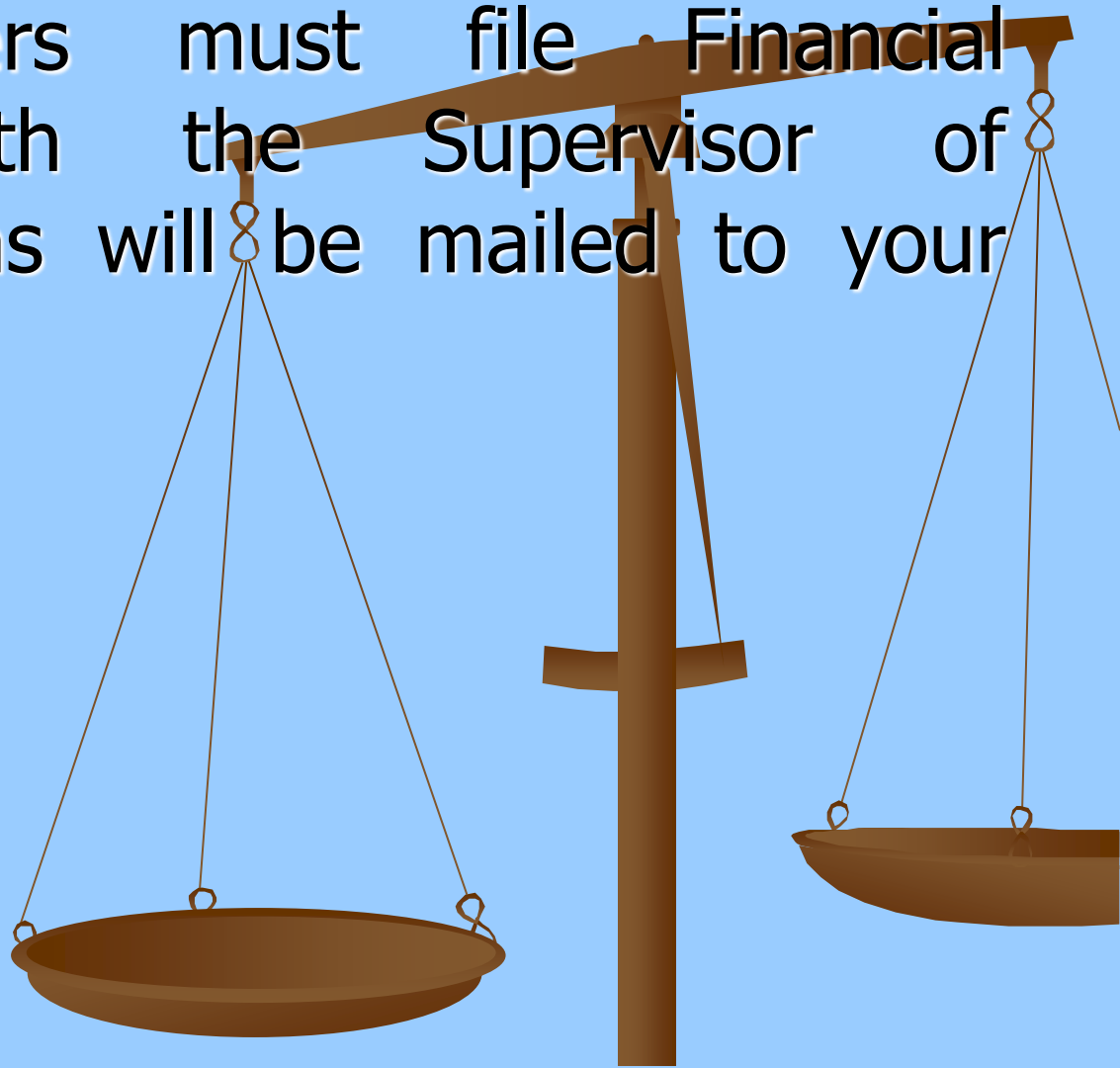
# Gift Disclosure Reports

- Board Members are required to report gifts in accordance with Section 112.3148, Fla. Stat.
- Section 2-444(f)(1) of the PBC Ethics Ordinance requires that a copy of the quarterly gift report must also be filed with the PBC Commission on Ethics.



# Ethics and Financial Disclosure

- Board Members must file Financial Disclosure with the Supervisor of Elections. Forms will be mailed to your home.





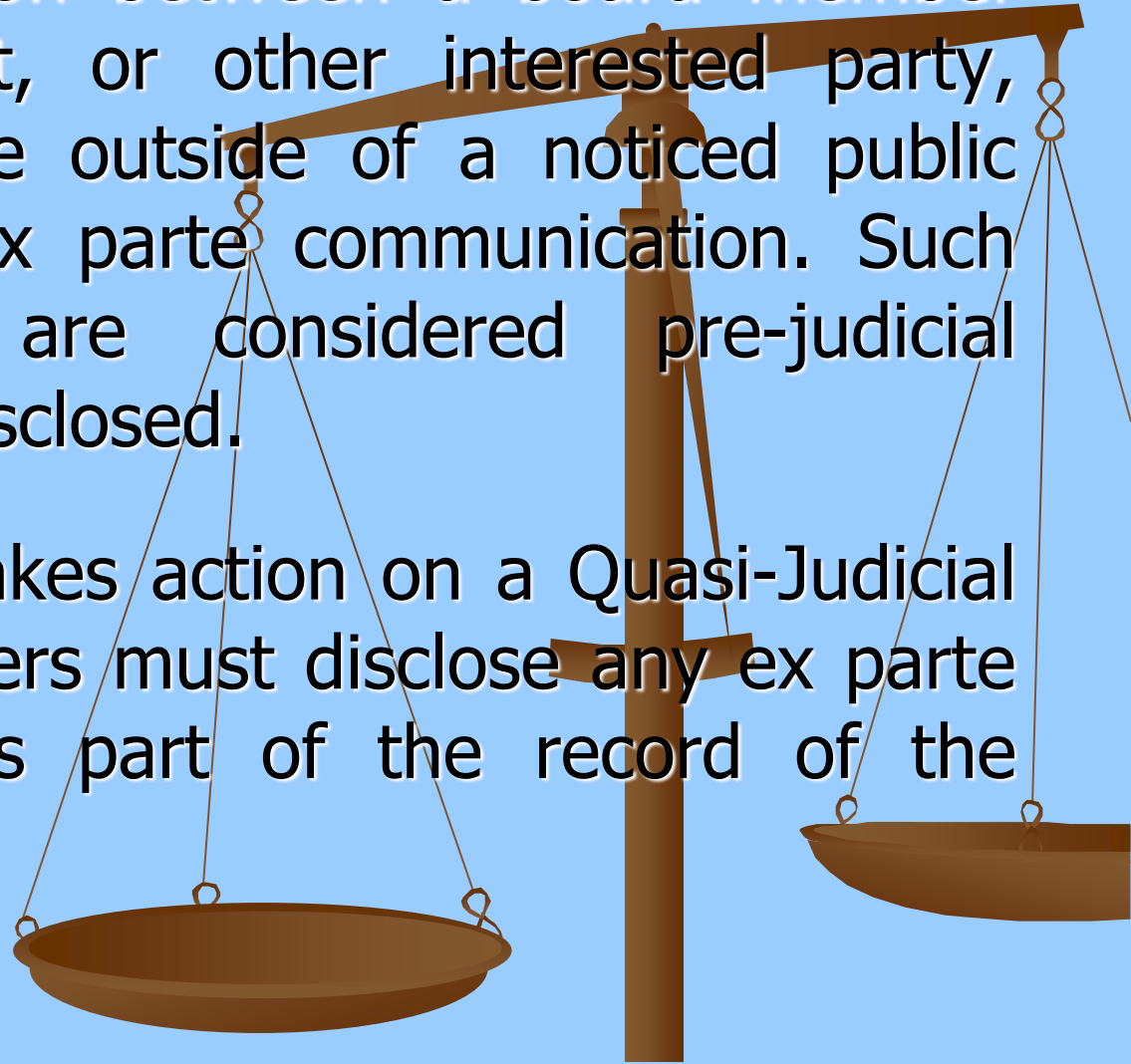
# Quasi-Judicial Hearings

- The Board is charged with fact-finding and decision-making responsibilities that render their decisions quasi-judicial. Quasi-judicial hearings require notice of the public hearing that must be open to the public, at which testimony is given and parties have the right of cross-examination. Thereafter, based upon the evidence and testimony presented the board makes findings of fact and renders a decision based upon the facts adduced at the hearing. Such decisions constitute official acts of the City and are appealable to the circuit court.
- The City Commission, the Planning and Zoning Board, SPRAB, HPB, Code Board, and the Board of Adjustment all conduct quasi-judicial hearings on certain matters.



# Ex Parte Communication

- Any communication between a board member and an applicant, or other interested party, which takes place outside of a noticed public meeting, is an ex parte communication. Such communications are considered pre-judicial unless properly disclosed.
- Before a board takes action on a Quasi-Judicial matter, all members must disclose any ex parte communication as part of the record of the meeting.



# Any Questions?

If you have any questions, please contact:

Katerri Johnson, City Clerk 561-243-7051 or  
[johnsonk@mydelraybeach.com](mailto:johnsonk@mydelraybeach.com)

Lynn Gelin, City Attorney 561-243-7091,  
[gelinl@mydelraybeach.com](mailto:gelinl@mydelraybeach.com)  
[inglese@mydelraybeach.com](mailto:inglese@mydelraybeach.com) or

