

THE TOWN OF
Windermere



MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE

Mayor Jim O'Brien

Council Members

Andy Williams

Tony Davit

Mandy David

Tom Stroup

Brandi Haines

Agenda

Agenda

February 27, 2024

6:00 PM

TOPIC: TOWN COUNCIL VIRTUAL WORKSHOP

TIME: FEB 27, 2024 06:00 PM EASTERN TIME (US AND CANADA)

JOIN ZOOM MEETING

[HTTPS://ZOOM.US/](https://zoom.us/)

MEETING ID: 836 5849 1863

PASSCODE: 276179

ONE TAP MOBILE

+13052241968, 83658491863# US

+13126266799, 83658491863# US (CHICAGO)

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceedings should contact the Office of the Clerk at least 48 hours beforehand at (407) 876-2563.

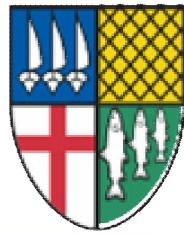
Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversation shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or/who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the

AGENDA

- 1. CALL TO ORDER**
- 2. DISCUSSION ITEM(S)**
- 3. SPECIAL PRESENTATIONS**
 - a. Government in the Sunshine/Public Records/Ethics Presentation: Heather Ramos, Gray-Robinson (Attachments)**
- 4. ADJOURN**



THE TOWN OF
Windermere

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Government in the Sunshine Public Records Ethics:
A Briefing for the Windermere Town Council

February 27, 2024

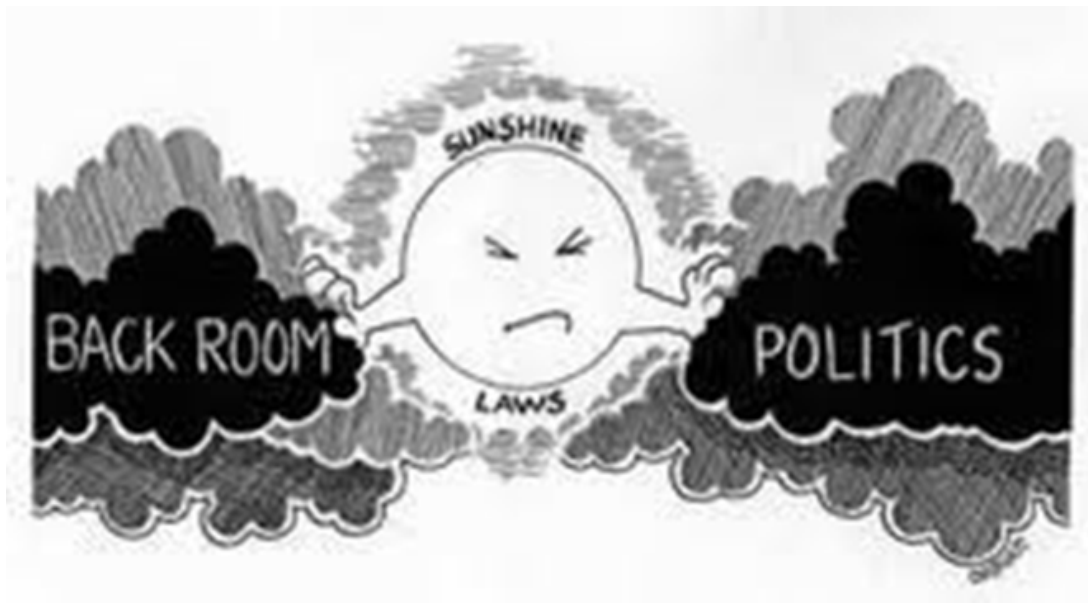
PRESENTED BY

Heather M. Ramos
Orlando Deputy Managing Shareholder
heather.ramos@gray-robinson.com
407.244.5670

Topics

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1. Form of Town Government
2. Government in the Sunshine Law – Chapter 286, Fla. Stat.
3. Public Records Law – Chapter 119, Fla. Stat.
4. Code of Ethics – Part III of Chapter 112, Fla. Stat.

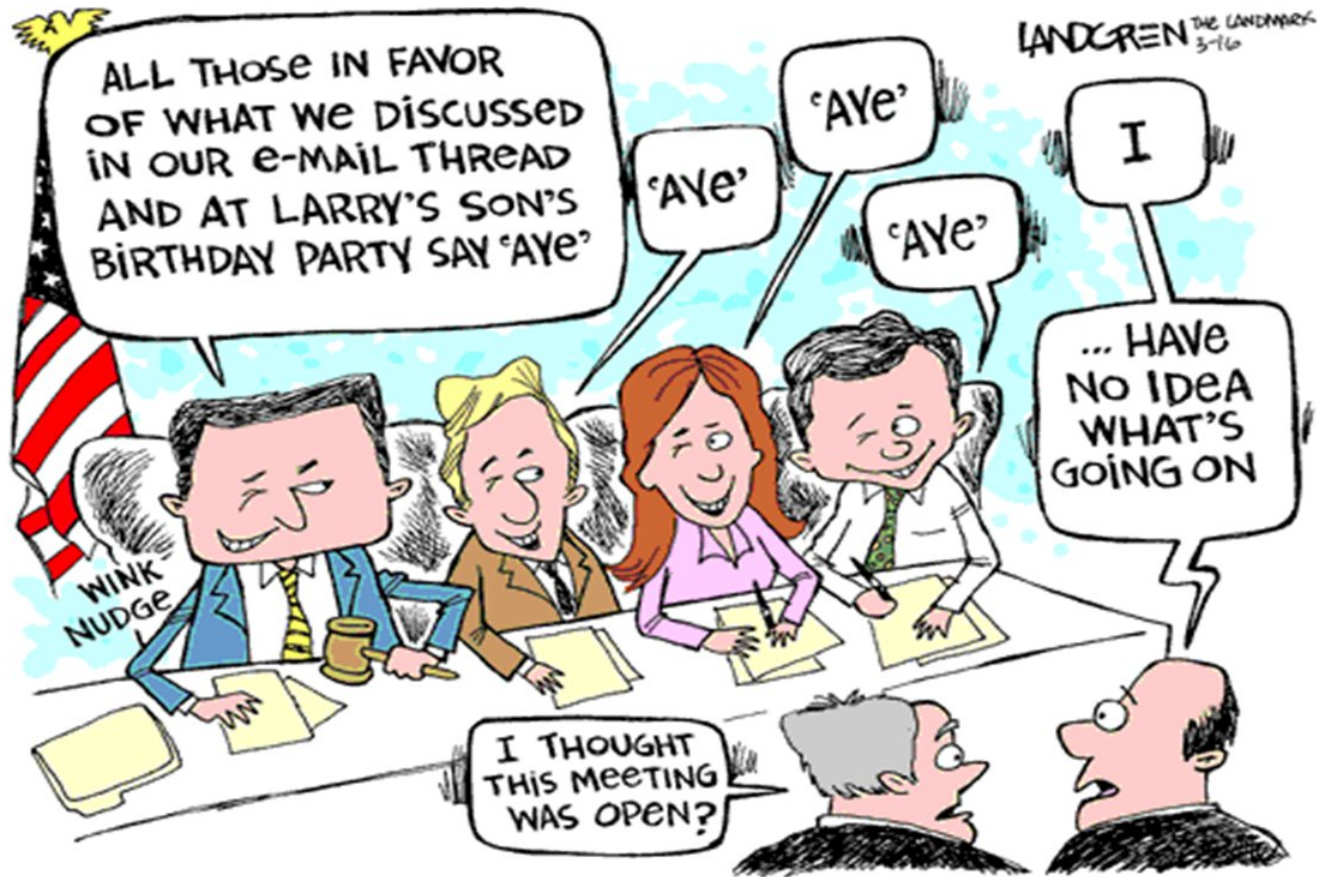


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The Town has a Council-Town Manager form of government. The Council Members set the policies for the operation of the Town. The administrative responsibilities of the Town are carried out by the Town Manager.

Article III. - FORM AND POWERS OF GOVERNMENT, TOWN CHARTER

SUNSHINE LAW



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Basic requirements

- Meetings must be open and accessible to the public.
- Meetings must be noticed.
- Written minutes must be taken.

§286.011 Florida Statutes



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Sunshine Law

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Applicable to:

- The Town Council
- Committees of the Town Council

When such committees have been delegated “decision-making authority” as opposed to mere “information gathering or fact-finding authority.”

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Things to remember:

- If 2 or more Council Members need to discuss town related business, a meeting must be officially noticed.
- Do not call, text or e-mail each other on town related business – all discussions must be in an open, noticed meeting.
- You cannot have a person act as a “go-between.”
- Whispering and passing notes at a noticed meeting could be considered an unnoticed meeting if discussing town business.
- Before, during, or once a meeting is adjourned, don't talk about town business.
- Members of the public must be provided an opportunity to address the council during the decision-making process, and before a decision is made.

Council Members attending committee meetings:

- A Council Member may attend and participate in a committee meeting without prior notice of attendance. If it is known that two or more Council Members “are planning to attend and participate, it would be advisable to note their attendance in the notice of the meeting.” [AGO 1999-55, September 16, 1999]
- “It is not a violation of the Government in the Sunshine Law for elected city commissioners to attend other city board meetings and comment on agenda items that may subsequently come before the commission for final action. However, the city commissioners in attendance at such meetings may not engage in a discussion or debate about these issues among themselves..” [AGO 2000-68, November 17, 2000]

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Sunshine Law

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Meetings do not include:

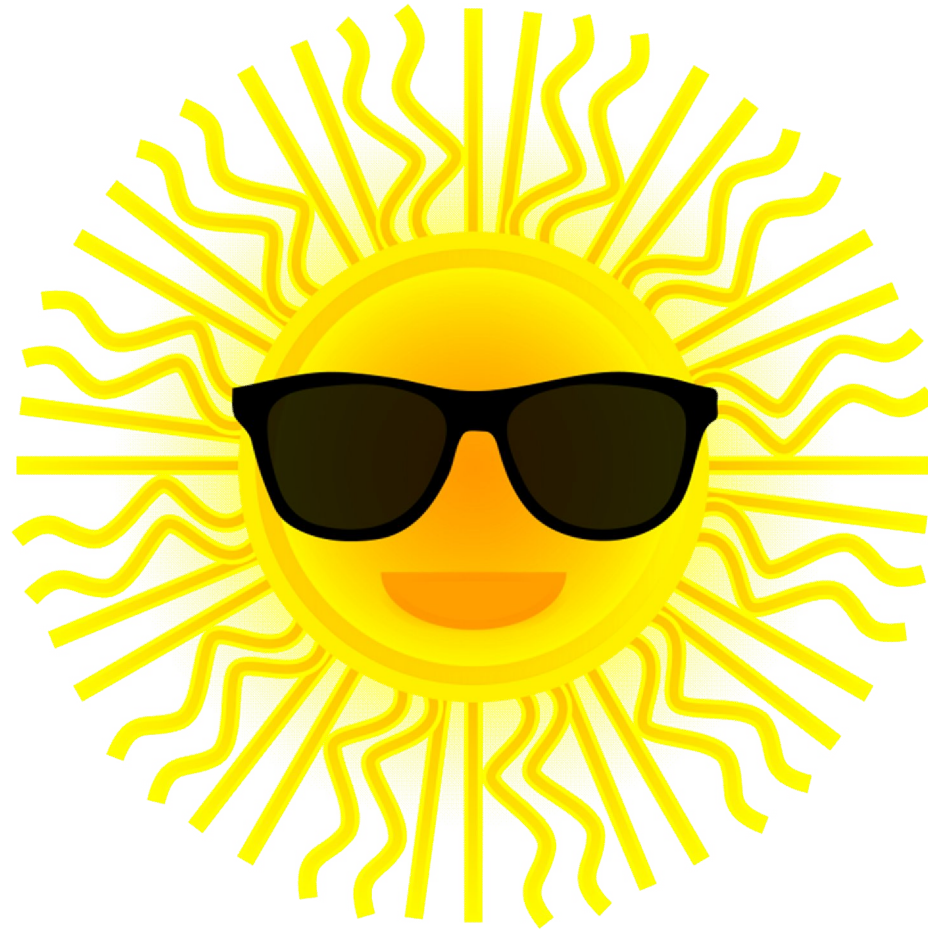
- Discussions with a County Commissioner
- Discussions with state legislators
- Discussions with staff
- Discussions with another Council Member on matters that will never involve a vote of the town council

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Sunshine Law

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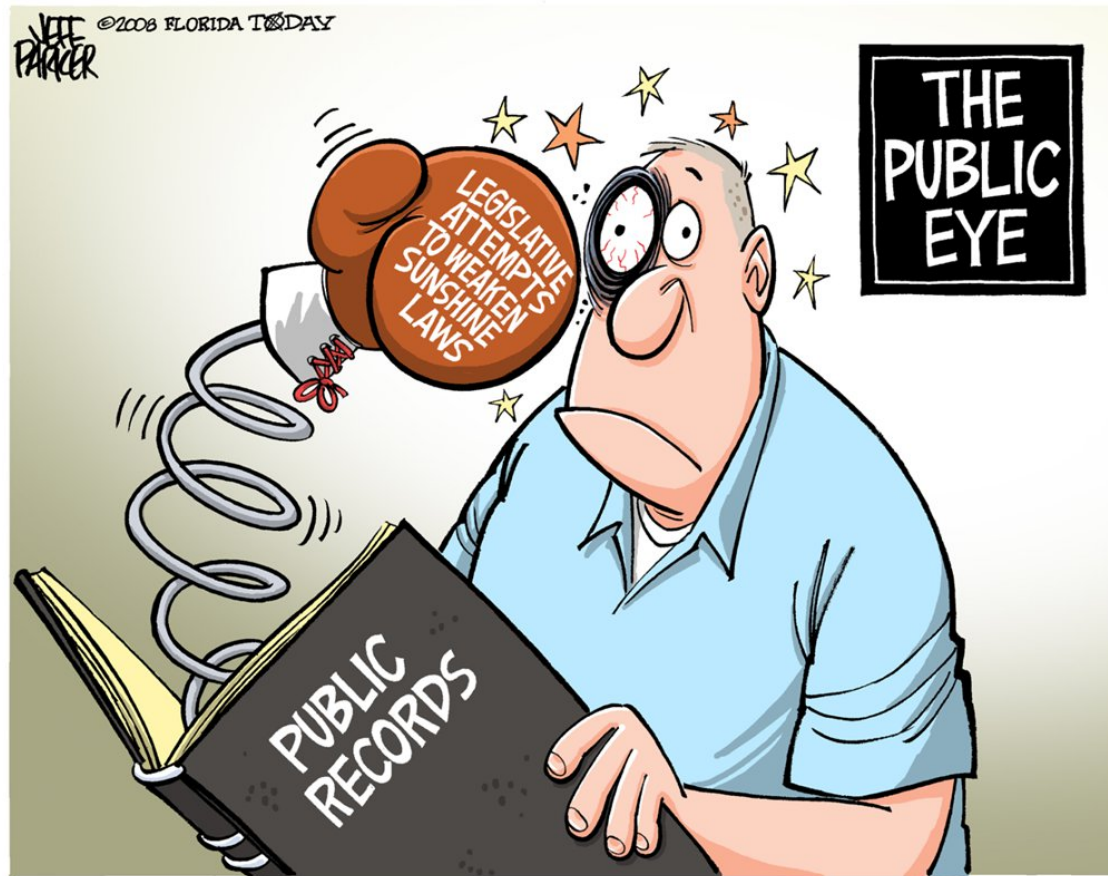
Questions?



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PUBLIC RECORDS LAW

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Public Records Law

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Important things to know:

- Every record made or received in connection with town business is a public record.
- All town council and committee members and town employees must permit inspection and copying of public records.
- NOT limited to traditional written documents.
- Includes texts and emails made or received in connection with official business.
- Includes YouTube videos, Facebook and Instagram posts.



Important things to know:

- Public records must be retained for certain periods of time.
- Public records can only be destroyed in accordance with a specific process under state law.
- The law applies to communications with residents, members of the public, employees, consultants, contractors and legal counsel, and others involving town business, even if it is in your gmail account on your private computer, laptop, or phone. It is the nature of the record – not the location.
- Purely personal e-mails are not public records, but there is no “expectation of privacy” for communications on a town-owned device.

Public Records Law

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Important things to know:

- Public records include metadata.
- There is no “unfinished business” exemption – drafts and notes can be a public record.
- Public records requests may be verbal, written, e-mailed, by any person at any time for any or no reason.
- You cannot require the requester to provide his or her name, and he or she does not have to say why the records are requested.
- If you receive a public records request, let Dorothy know immediately.



Sunshine and Public Records Law

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For violations of the law

- The State Attorney or a Grand Jury can be involved
- Private parties can sue
- Penalties can include:
 - Jail time – 1 year in jail for a knowing violation
 - Fines – \$500 for an unintentional violation
 - Attorney's fees
 - Trial
 - Nasty press coverage



Questions?



CODE OF ETHICS



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The following is a [brief summary](#) of the Ethics Code. If you are in a situation where something may apply to you, please ask!



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What to remember:

- Do not use your position with town to secure anything special for yourself, your family, friends, or anyone else.



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Caution areas:

- Doing business with town
 - you or your family should not do business with town.
 - you or your family should not do business with a business or agency doing business with the town. [Sec. 112.313(3), Fla. Stat.]
- Secondary employment – there cannot be any conflict with your town position. You cannot take a job with a company doing business with town. [Sec. 112.313(7), Fla. Stat.]
- Using information – Don't use information (now or in the future) which you learned from your town position to gain a special advantage for you or your family or anyone else. [Sec. 112.313(8), Fla. Stat.]

Caution areas:

- Honoraria – you cannot accept a payment to speak or write for an organization. Reasonable expenses can be paid. [Sec. 112.3149, Fla. Stat.]
- Nepotism – you cannot hire, promote, or advocate for your relatives to get a job with town. [Sec. 112.3135, Fla. Stat.]



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General Rules About Voting:

- You must vote on all town issues.
- Unless you have “conflict of interest” or there appears to be a “possible conflict of interest.” [Sec. 286.012, Fla. Stat.]
- “Abstentions” are not allowed.



Voting Conflicts:

- Must disclose if, on any issue, the Council's vote would benefit...or hurt...
 - You
 - Your relative
 - Your business partner
 - Your employer
 - Your client/customer
 - The parent company, subsidiary company, or sister company of...
 - Your employer
 - Your client

Ethics

Voting conflict:

- MUST abstain:
 - conflict of interest
- MAY abstain:
 - appearance of a conflict of interest
- If you abstain for either reason, file Form 8B

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F. S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

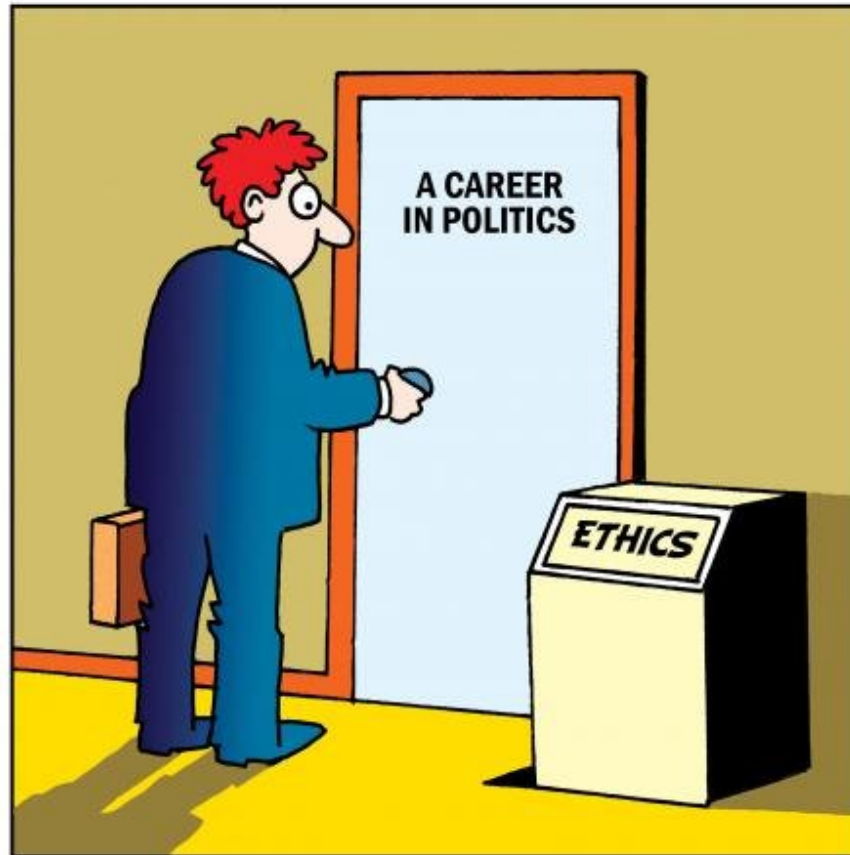
Penalties (employees, officers, candidates):

Impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of one-third salary per month for twelve months, a civil penalty up to \$10,000, restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

Code of Ethics

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Questions?



GIFTS

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What is a gift?

- Money
- Real estate
- Use of real estate
- Tangible personal property
- Intangible personal property
- Use of personal property
- Food or beverages
- Membership dues
- Transportation
- Plants and flowers
- Admission tickets (sports, concerts, cruises, theme parks, etc.)
- Forgiveness of debt
- A preferential rate or price on
- A debt, loan, goods or services
- Any other thing having value
- Any other service having value



Caution areas:

- Taking gifts – taking anything of value for you or your family over \$100 can be an ethics violation. [Sec. 112.3148, Fla. Stat.]
- Asking for gifts – don't ask people working with or associated with town business for anything – lobbyist, vendor, customer, or anyone doing business with town. [Sec. 112.313(2), Fla. Stat.]

Disclosure of gifts by you:

- Any gift which is accepted AND worth over \$100
 - Exceptions:
 - Gifts from relatives
 - Prohibited gifts (i.e., from lobbyists and vendors)



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Gifts disclosed ... by lobbyists and vendors:

- All gifts to you worth over \$25.
- Disclosed quarterly ... by the lobbyist or vendor, not you.



FINANCIAL DISCLOSURE



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Financial Disclosure

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What is disclosed and where?

- Form 6: Full and Public Disclosure of Financial Interests.
- Form 6F: Final Full and Public Disclosure of Financial Interests from January 1 to your last day in office.
- Form 2: All clients you or your firm represents for a fee before a local government.

Must be filed electronically via the Electronic Financial Disclosure Management System (EFDMS).

Sec. 112.3144, Fla. Stat.

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Penalties:

- Fail to file by July 1st: Delinquency notice.
- Fail to file, then, by September 1st: \$25-per-day fine.
- Max fine: \$1,500.
- Civil penalty max: \$20,000.

Note: The Commission on Ethics must notify all persons by email required to file a full and public disclosure no later than June 1st of each year.

Secs. 112.3144, 112.317, Fla. Stat.

Florida Commission on Ethics

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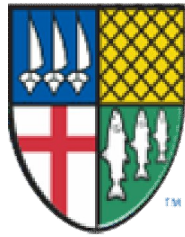
- Available for advice: ethics / gifts / financial disclosure
- Phone: 850.488.7864
- Website: www.ethics.state.fl.us



Florida Commission on Ethics

"A Public Office is a Public Trust"

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THE TOWN OF
Windermere

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Thank You! Questions?

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