



**HISTORIC PRESERVATION BOARD**

**Chair: Kim Head**

**Co-Chair: Hannah Ammar**

**Secretary:**

**Treasurer: Jangi Borhi**

**Mary Frances Howard**

**Joan Foglia**

**Liz Andert**

**FrankKrens**

**Town Council Liaison: Tony Davit**

***Agenda***

***Agenda***

**April 3, 2024**

**3:00 PM**

**COMMUNITY CONFERENCE ROOM  
614 MAIN STREET, BUILDING 100  
WINDERMERE, FL 34786**

**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 Historic Preservation Board:

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 Historic Preservation Board 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 Historic Preservation Board 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. PUBLIC FORUM/PUBLIC COMMENT (3-Minute Limit)**
- 3. SPECIAL PRESENTATION**
  - a. Government in the Sunshine/Public Records/Ethics Presentation: Robert Smith (Attachments)**
- 4. ADJOURN**

THE TOWN OF  
*Windermere*



# Government in the Sunshine, Public Records and Ethics



# Topics

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



# Form of Government

- 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.



# Citizen Board

- Sec. 11.04.01. - Generally.
  - All citizen boards created to administer this Land Development Code shall be governed by the following provisions:
    - (1) Board membership and officers.
      - a. Each board shall have a minimum of five members, and the maximum number of members shall be determined by each board.
      - b. Each member shall reside in the town with the exception of the downtown business committee where each member shall be required to hold a current local business tax license.
      - c. Each member shall be appointed to a three-year term, except that, depending on number of members, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. Members may be reappointed for subsequent three-year terms.



## Citizen Board Cont.

- d. When a position becomes vacant before the end of the term, and if there are less than five members, the town council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. If there are five or more members, the town council may appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- e. Members may be removed without notice and without assignment of cause by a majority vote of the town council.
- f. Reserved.
- g. Each board shall create whatever subcommittees or ad hoc subcommittees it deems needed to carry out the purposes of the board.



## Citizen Board Cont.

- h. The majority of the board shall annually appoint the membership of the board. The chairperson of the board shall appoint the membership of each ad hoc subcommittee from members of the board, other residents and other interested parties. A majority of the members of any ad hoc subcommittee shall reside in the town.
- i. Citizen boards shall appoint a member to serve as secretary to the board and recorder of all board records. This member shall provide all records to the town clerk, custodian of all board records, on a timely basis after their approval by the board.
- j. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the town council.





## Citizen Board Cont.

- k. The town council shall appropriate funds to permit each board to perform its prescribed functions.
- l. If any member fails to attend three successive meetings without cause or carry out the requirements of their membership the board shall declare the member's office vacant and notify the town manager.
- m. The town shall keep a file of interested volunteers which shall be consulted at the end of a member's term.



# Board Procedures

- (2) Board procedures.
  - a. Each board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Land Development Code, other Town ordinances, and State Law.
  - b. Each board will establish their own meeting frequency but shall meet at least once a quarter, unless cancelled by the board or its chairperson, and more often at the call of the chairperson or the Town Council.
  - c. Each board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
  - d. A simple majority shall constitute a quorum.
  - e. Each decision of a board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

# Historical Preservation Board



- Sec. 11.04.03. - Historic preservation board.
- - (a) Establishment. The historic preservation board is hereby established as a citizen board.
  - (b) Membership. The town council should, whenever possible, appoint a representative from each of the following areas of expertise:
    - (1)History.
    - (2)Real estate; real property appraisal.
    - (3)Urban planning.
    - (4)Law.
    - (5)Engineering; building construction.

# Historical Preservation Board



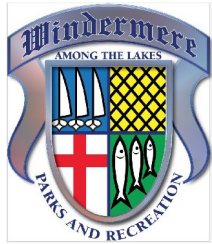
- (c) General functions, powers and duties. It shall be the responsibility of the board to.
  - (1) Update official inventory of archeological sites, historically, culturally or architecturally significant buildings or districts, plan for their preservation and submit to the town council recommendations and documentation needed.
  - (2) Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures and programs to reflect urban neighborhood conservation policies and goals.
  - (3) Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation and use of historic, architectural, archeological and cultural resources.
  - (4) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.

# Historical Preservation Board



- (5) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement and preservation of cultural resources.
- (6) Advise the town council concerning the effects of local government actions on cultural resources.
- (7) Review and recommend sites, buildings, structures, objects and districts, both public and private, for listing on the local register of historic places.
- (8) Make a recommendation to the town council whether to approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this Land Development Code.
- (9) Notify the town manager who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this Land Development Code.

# Parks & Recreation Board



- Sec. 11.04.04. - Parks and recreation board.
  - (a) Establishment. The parks and recreation board is hereby established as a citizen board.
  - (b) Membership. The members of the board shall be residents and persons interested in or experienced in the recreation area.
  - (c) General functions and duties. The board shall coordinate public (county commission and school board) and private efforts to provide and improve recreational opportunities by every appropriate means. Grants and donations should be solicited.

# Sunshine Laws





# Sunshine Law

- Basic requirements
  - Meetings must be open and accessible to the public.
    - Must be handicap accessible
  - Meetings must be noticed.
    - 7 Days in advance unless otherwise approved
  - Written minutes must be taken
    - Not verbatim





# Sunshine Laws

- Agendas
  - Agendas must be published 7 Days prior to the meeting. Coordinate with Town Staff. Agendas will be posted on the Town website and advertised on social media and Town App.
  - Only items on the Agenda can be voted upon
  - Should a Committee or Board Member wish to add an item on the Agenda, it should be discussed at the end of the meeting to add to the next Agenda.
  - Each meeting is required to allow for Public Comment. Usually restricted to 3 minutes but can be allotted more based on Committee or Board approval.
- Meeting Requirements
  - Must have an in person quorum. Majority of the voting members
  - Only members present at quorum meetings can vote.
  - Committee or Board Member may attend via Zoom or Phone but only if there is an in person quorum and the member participating via Zoom or phone can only make comments but cannot vote.



# Sunshine Law

- Things to remember:
  - If 2 or more Committee or Board Members need to discuss Board related business, a meeting must be officially noticed.
  - Do not call, text or e-mail each other on Board related business – all discussions must be in an open, noticed meeting. This includes social media, WhatsApp and other social media platforms
  - 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 Liaisons

- 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]



# Sunshine Law

- Meetings do not include:
  - Individual discussions with a Town Councilmember or Staff
  - Individual discussions with State Legislators or Other Elected Officials
  - Please remember the “go between rule”
  - Discussions with staff
  - Discussions with another Board or Committee Member on matters that will never involve a vote of the town council



## Sub Committees

- A Board or Committee may form a subcommittee. These committees fall under the Sunshine Law requirements. (Advertise Meetings, Agendas, Minutes, etc.)



# Public Records Law

- 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.



# Public Records Law

- 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

- 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.





# Public Records Law

- 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



# Ethics

- Applies to:
  - Council Members
  - Committee members
  - Certain employees
- Do not use your position with town to secure anything special for yourself, your family, friends, or anyone else.



# Ethics

- 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.]



# Ethics

- 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.]
- 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.



# Ethics

- 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

- 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.



# Gifts

- 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



# Gifts

- 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.]
  - Gifts disclosed ... by lobbyists and vendors:
    - All gifts to you worth over \$25.
    - Disclosed quarterly ... by the lobbyist or vendor, not you.



# Ethics



- Florida Commission on Ethics
- Available for advice: ethics / gifts / financial disclosure
- Phone: 850.488.7864
- Website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us)

Questions?