

# Boards and Committees

Orientation Session



# Agenda

- City Organizational Chart
- Overview of Board and Committee System
- Public Records Law
- "Sunshine Law"
- Ethics and Financial Disclosure
- Meeting requirements
- Quasi-Judicial Hearings and Ex Parte Communication



# City Organizational Chart

Residents

Mayor & City Council

Boards &  
Committees

City  
Manager

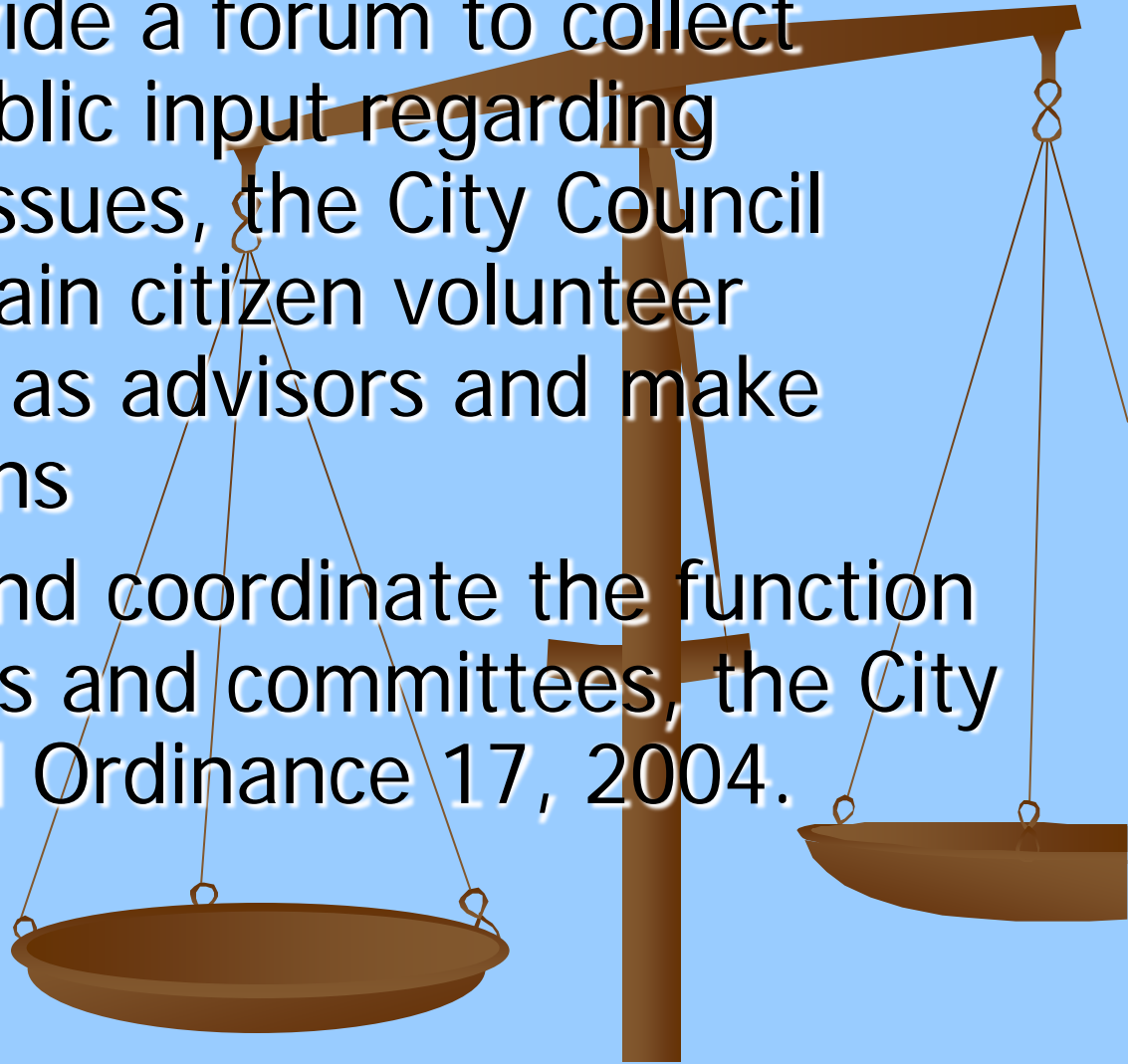
City  
Attorney

City Departments



# Overview of Board and Committee System

- In order to provide a forum to collect resident and public input regarding important City issues, the City Council established certain citizen volunteer boards to serve as advisors and make recommendations
- To streamline and coordinate the function of all City boards and committees, the City Council adopted Ordinance 17, 2004.

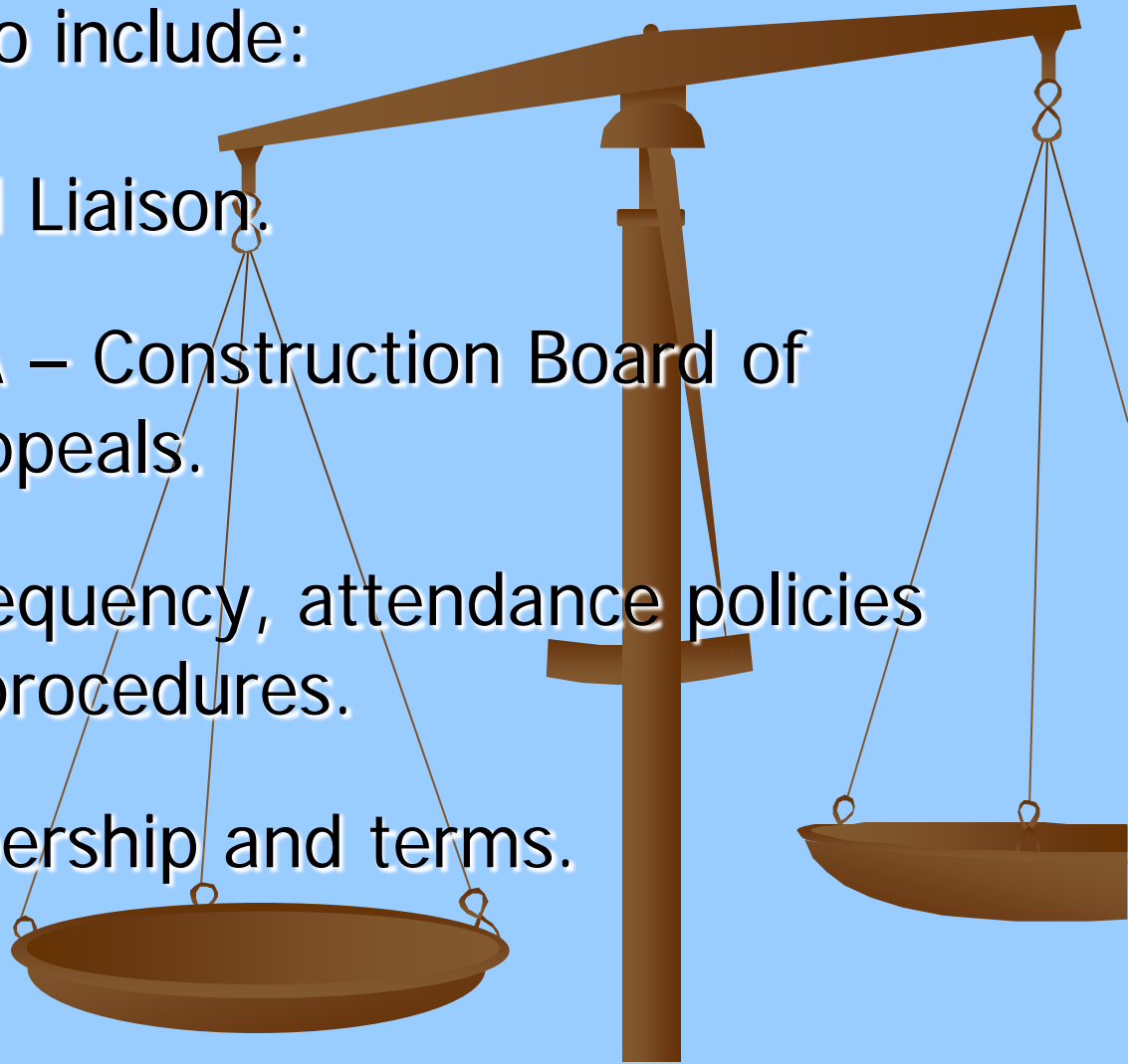


- Ordinance 17, 2004 repealed all existing code sections relating to all boards and committees
- Adopted new uniform procedures for all boards and committees
- Required new appointments effective October 1, 2004



# Code Revisions

- In 2005, 2008, 2009, and 2011 revisions to the Code were made to include:
- The role of Council Liaison.
- Establish the CBAA – Construction Board of Adjustment and Appeals.
- Amend meeting frequency, attendance policies and appointment procedures.
- Advertising, membership and terms.



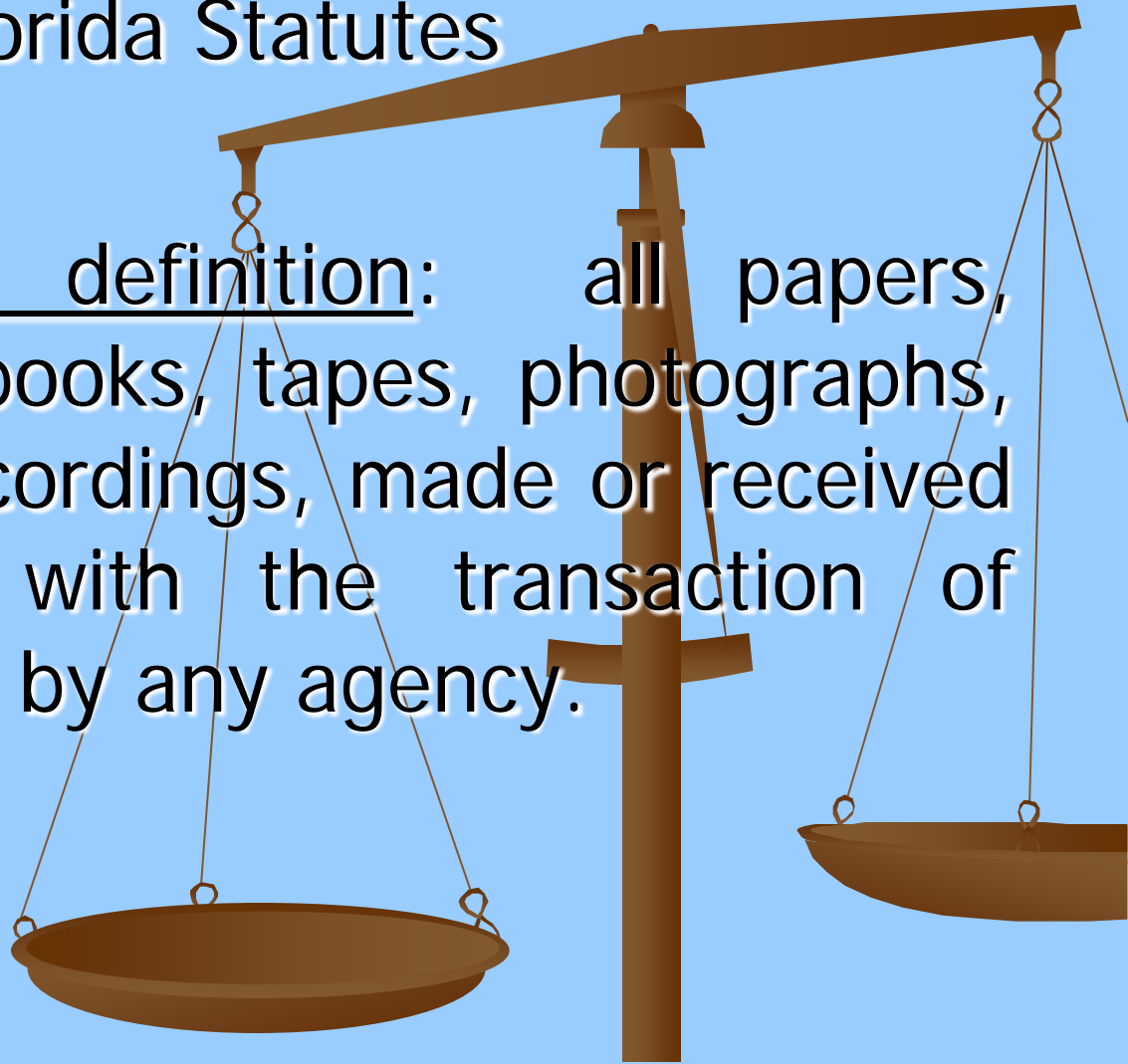
# ■ Current Boards and Committees:

- Art in Public Places Advisory Board
- Parks and Recreation Advisory Board
- Planning, Zoning and Appeals Board
- Police and Fire Pension Boards
- Budget Oversight Committee



# Public Records

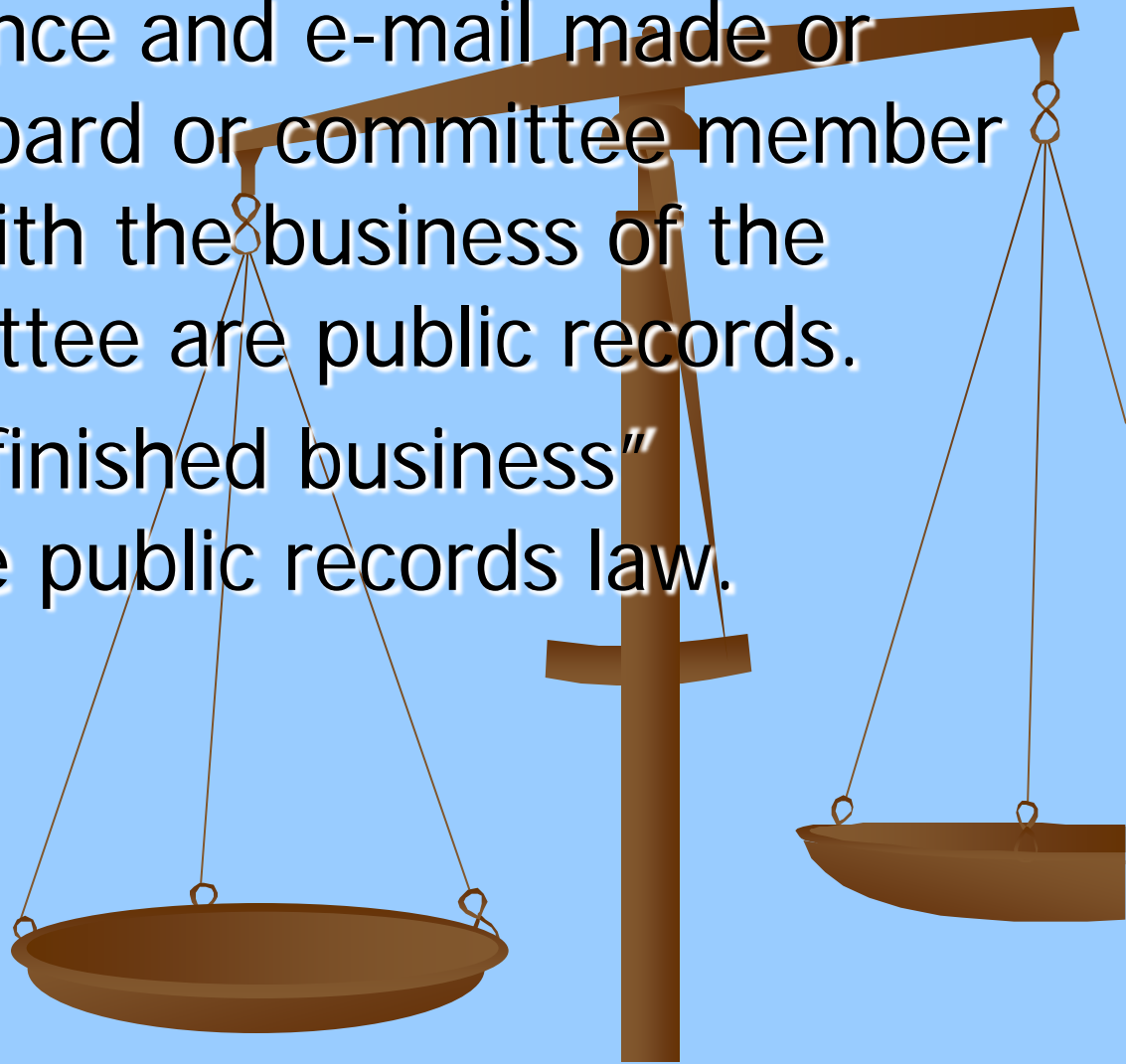
- Chapter 119, Florida Statutes
- \*\*\*Very broad definition: all papers, letters, maps, books, tapes, photographs, films, sound recordings, made or received in connection with the transaction of official business by any agency.





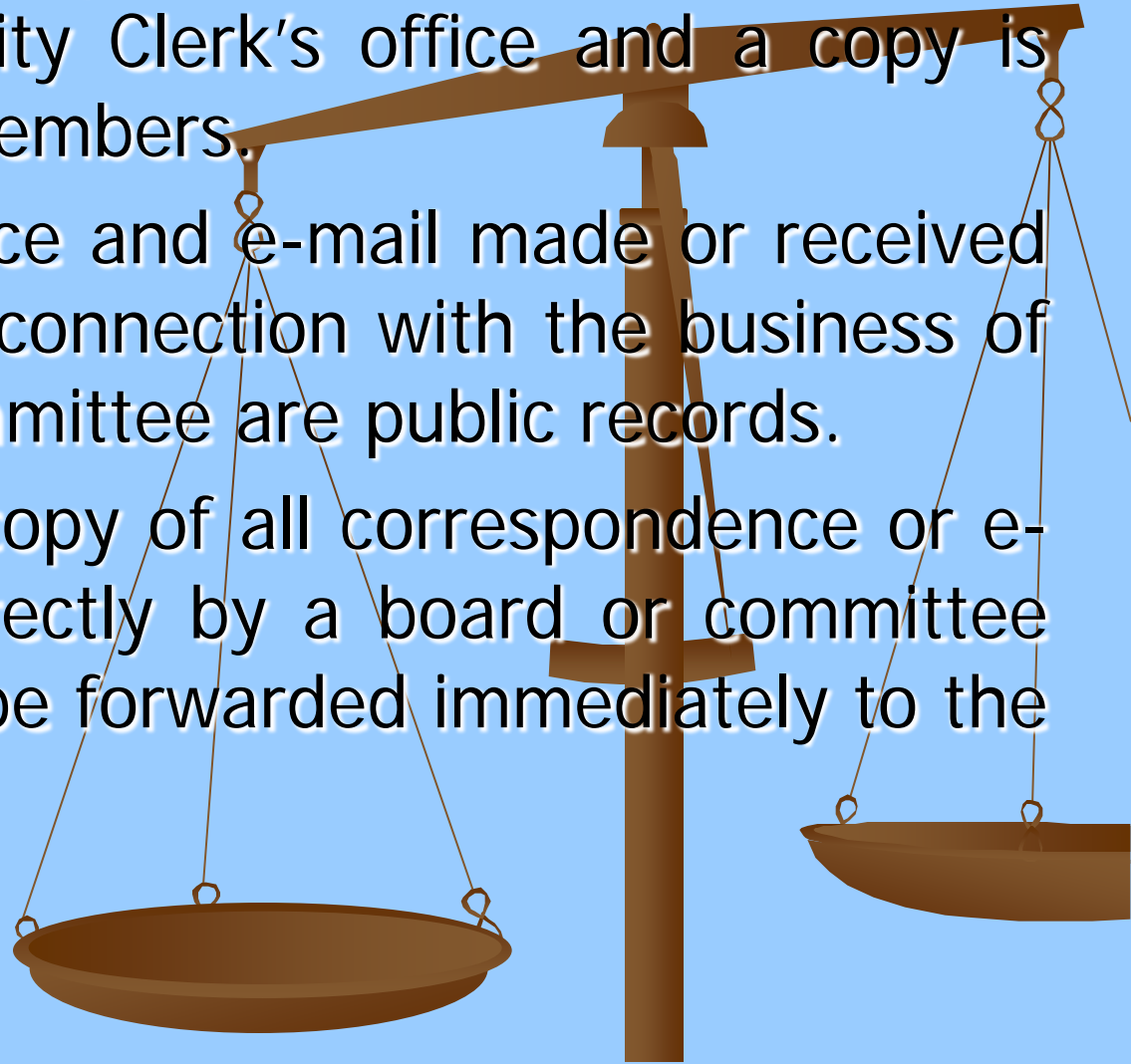
# Public Records

- 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.



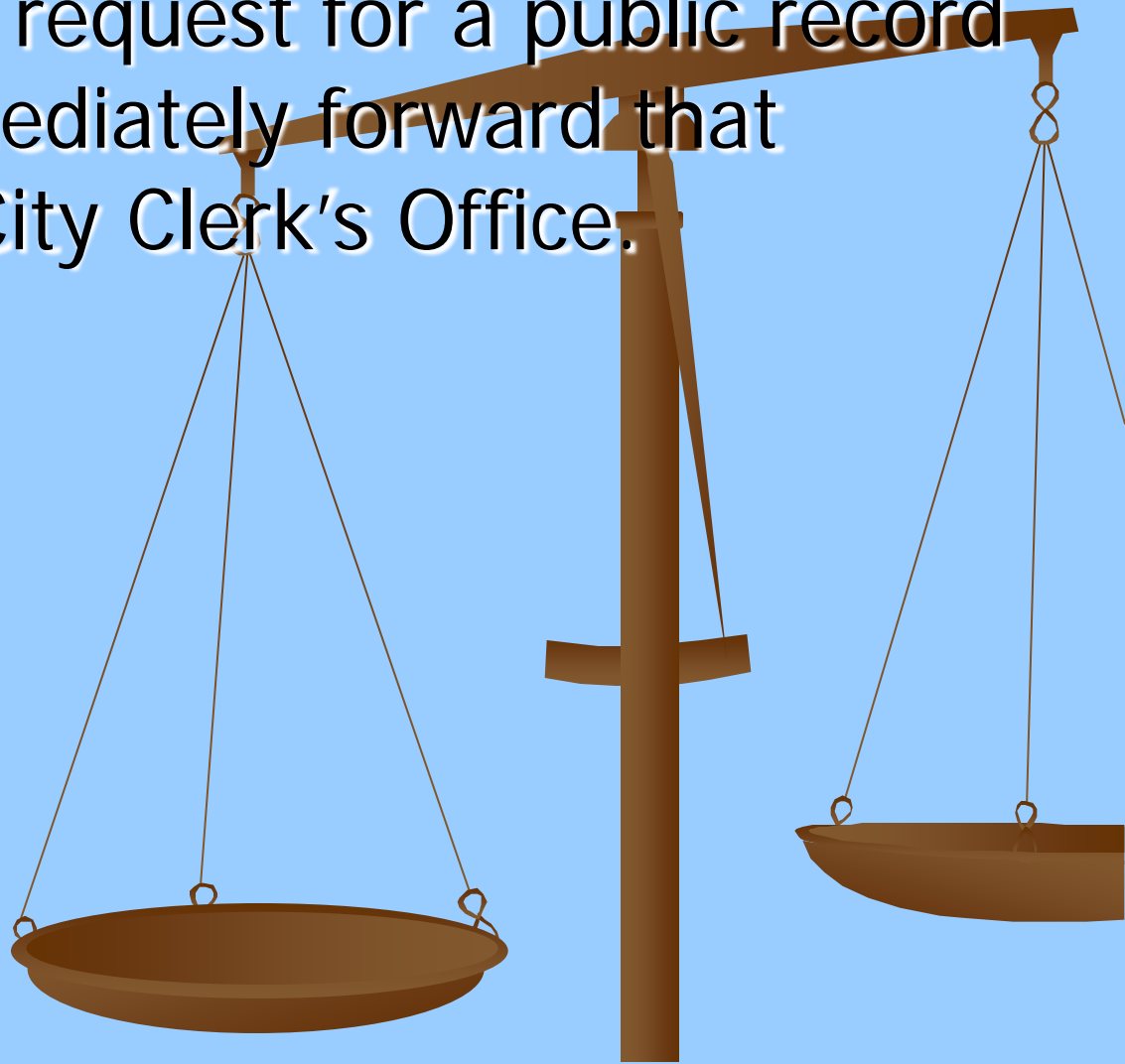
# Public Records

- Each board/committee receives email through the website at [pbgfl.com](http://pbgfl.com). Emails are received directly in the City Clerk's office and a copy is provided to all members.
- All correspondence and e-mail made or received by a member in connection with the business of the board or committee are public records.
- CITY POLICY-A copy of all correspondence or e-mail received directly by a board or committee member should be forwarded immediately to the City Clerk.



# Public Records

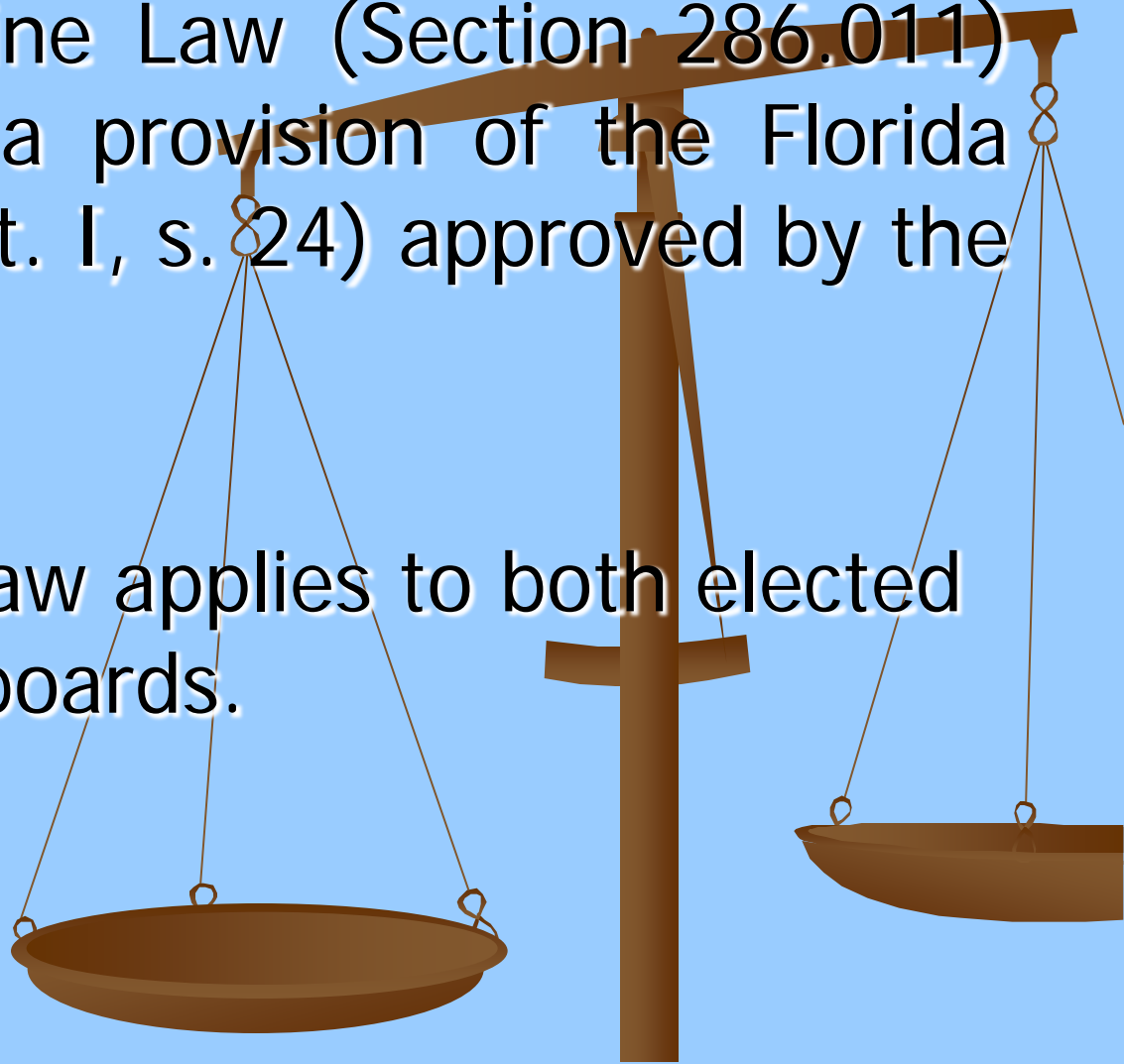
- If you receive a request for a public record you should immediately forward that request to the City Clerk's Office.



# “Sunshine Law”

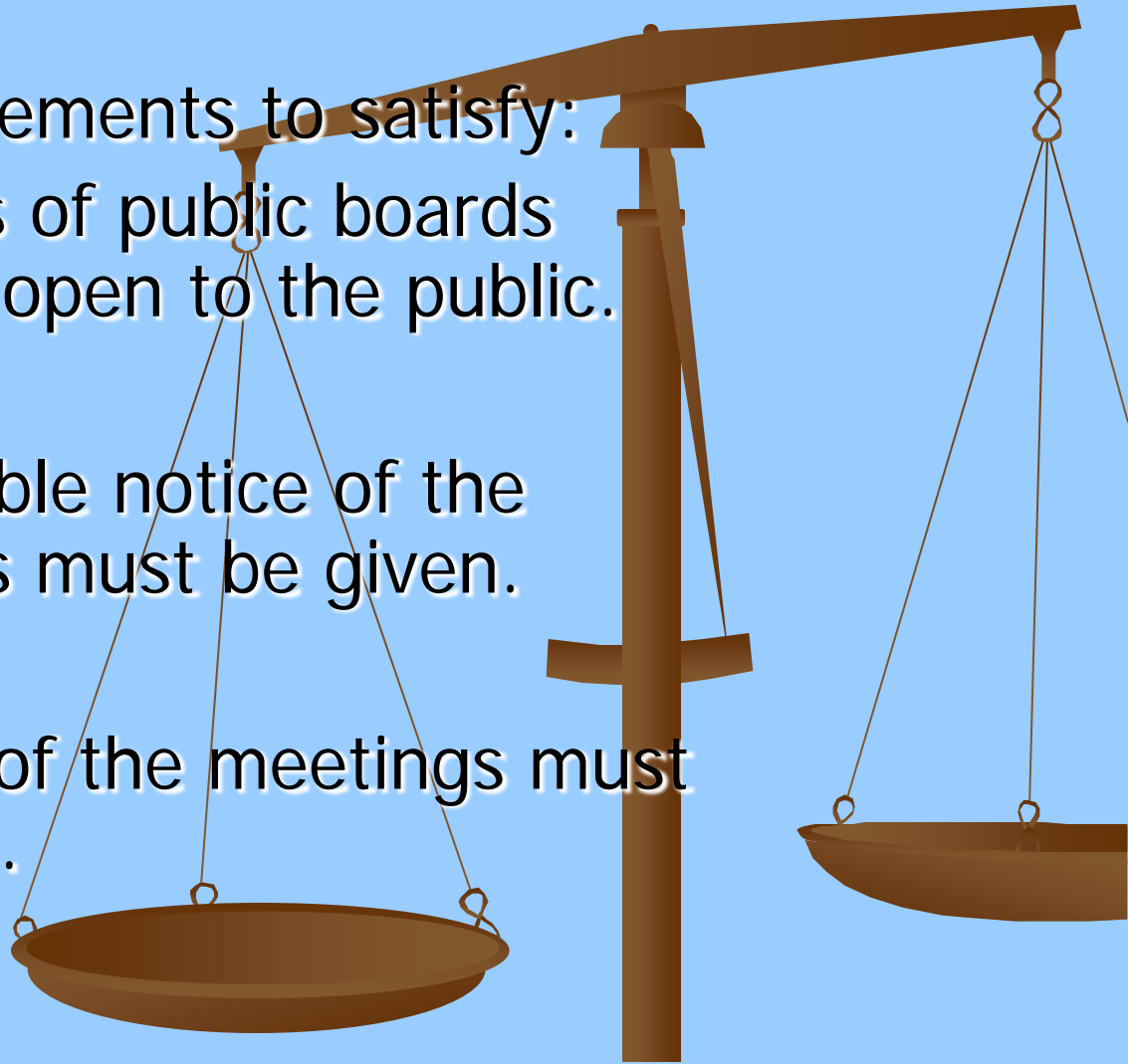
Florida's Sunshine Law (Section 286.011) is founded on a provision of the Florida Constitution (Art. I, s. 24) approved by the voters in 1992.

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



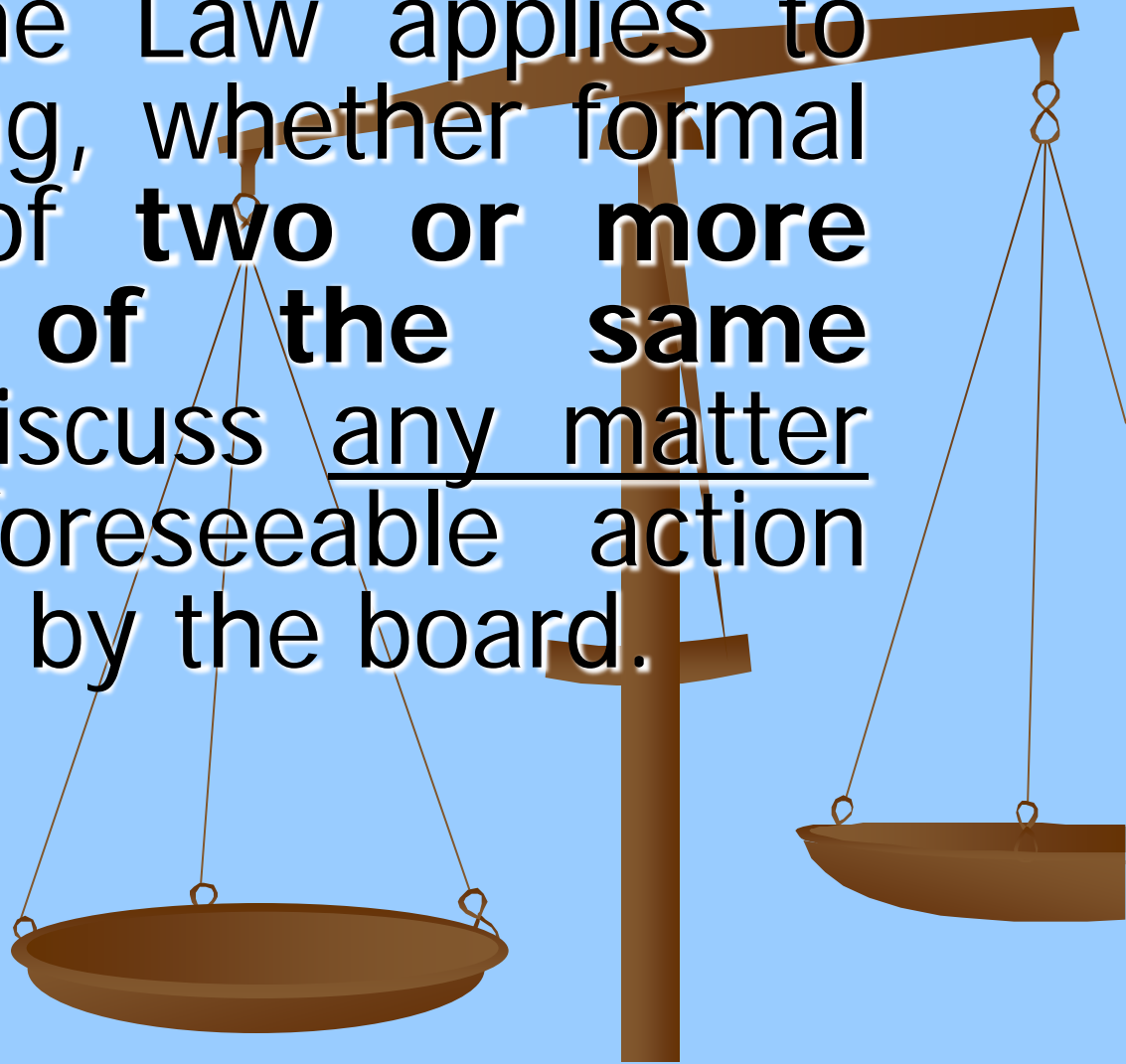
# “Sunshine Law”

- Three basic requirements to satisfy:
  - 1. Meetings of 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”

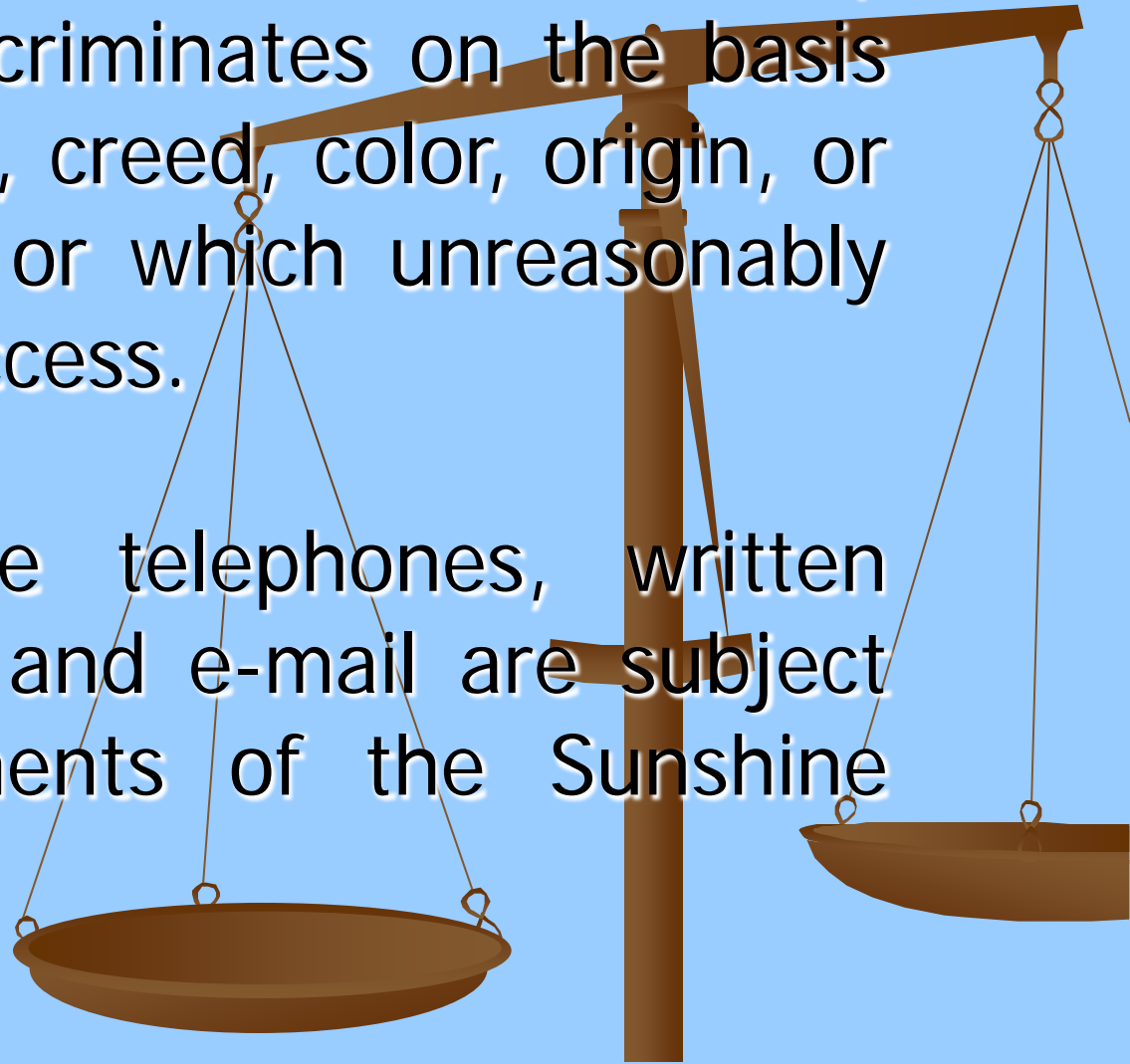
- The Sunshine Law applies to any gathering, whether formal or casual, of **two or more members of the same board** to discuss any matter on which foreseeable action will be taken by the board.



# “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.

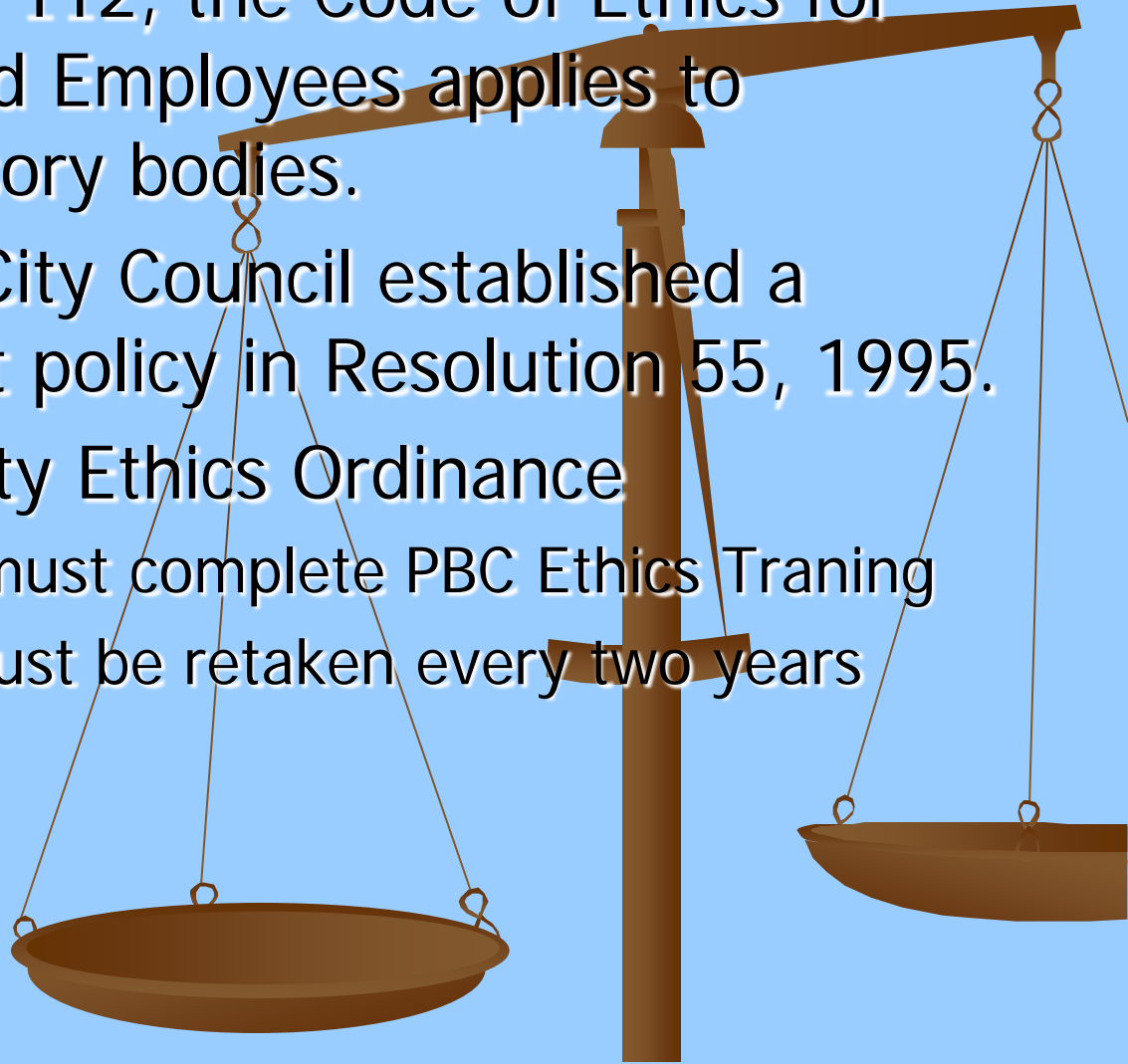
The use of the telephones, written correspondence, and e-mail are subject to the requirements of the Sunshine Law.





# Ethics and Financial Disclosure

- Fla. Stat. Chapter 112, the Code of Ethics for Public Officers and Employees applies to members of advisory bodies.
- Additionally, the City Council established a conflict of interest policy in Resolution 55, 1995.
- Palm Beach County Ethics Ordinance
  - New appointees must complete PBC Ethics Training
  - Ethics Training must be retaken every two years

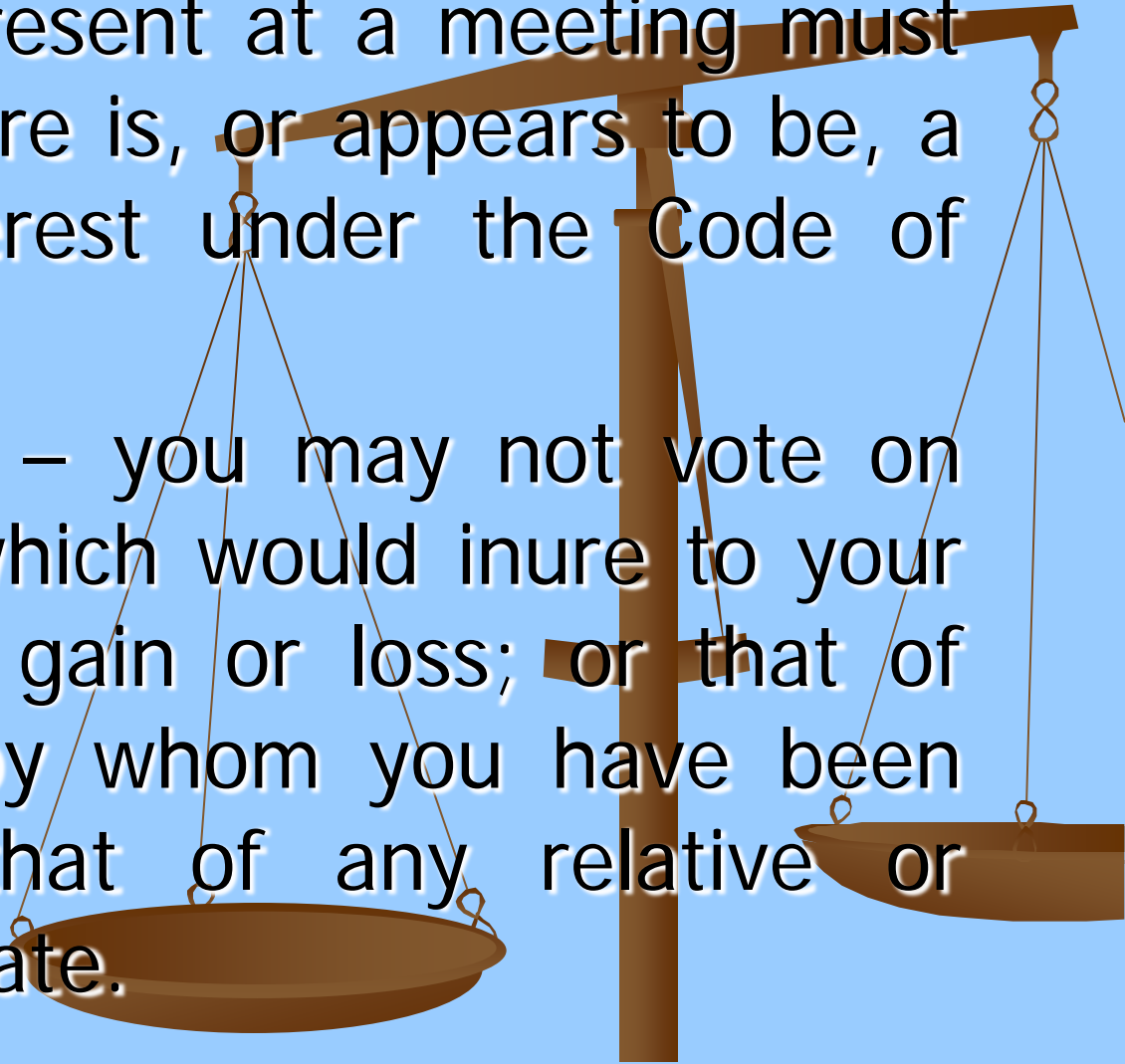




# Ethics and Financial Disclosure

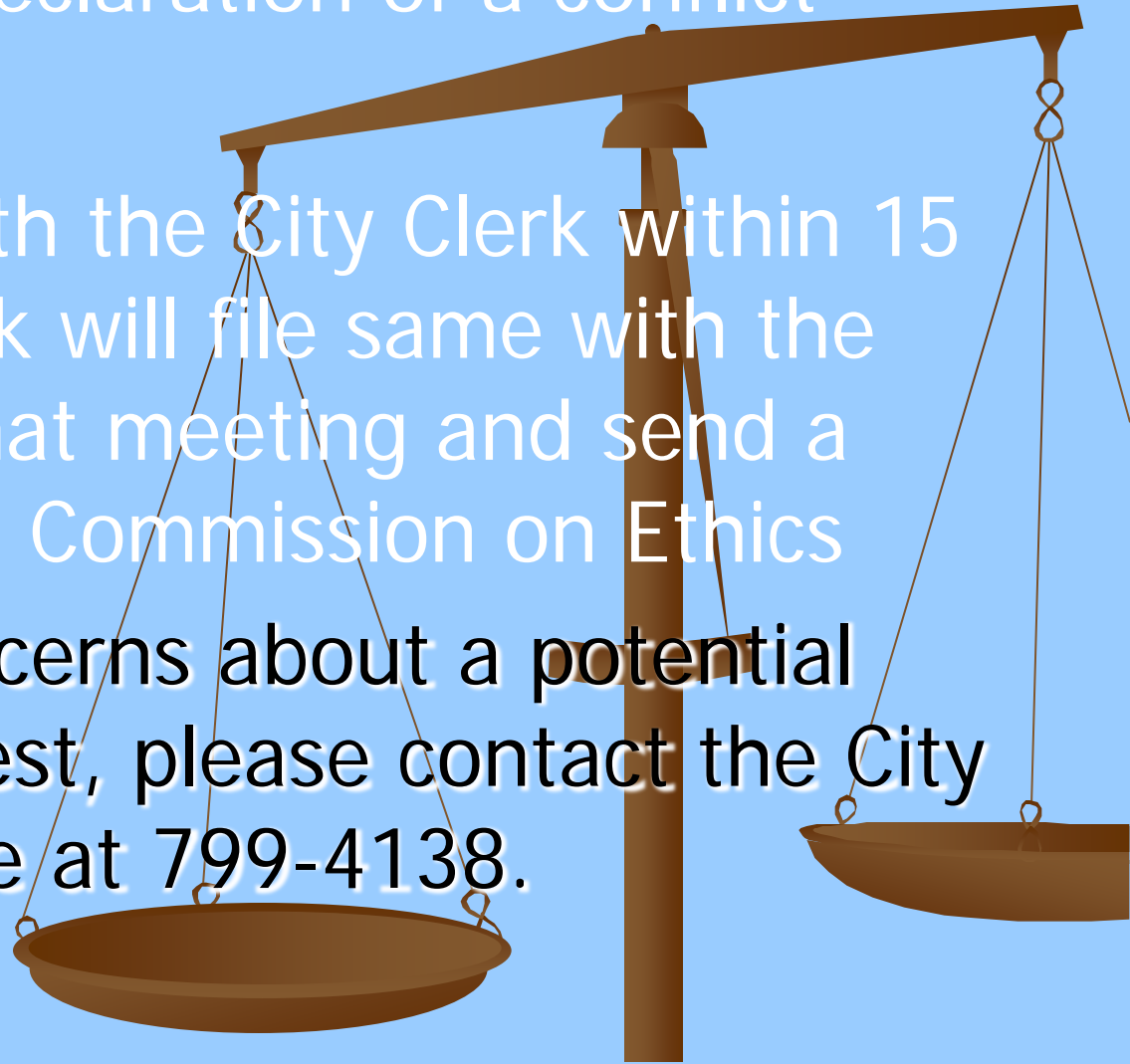
## ■ Voting Issues

- 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.



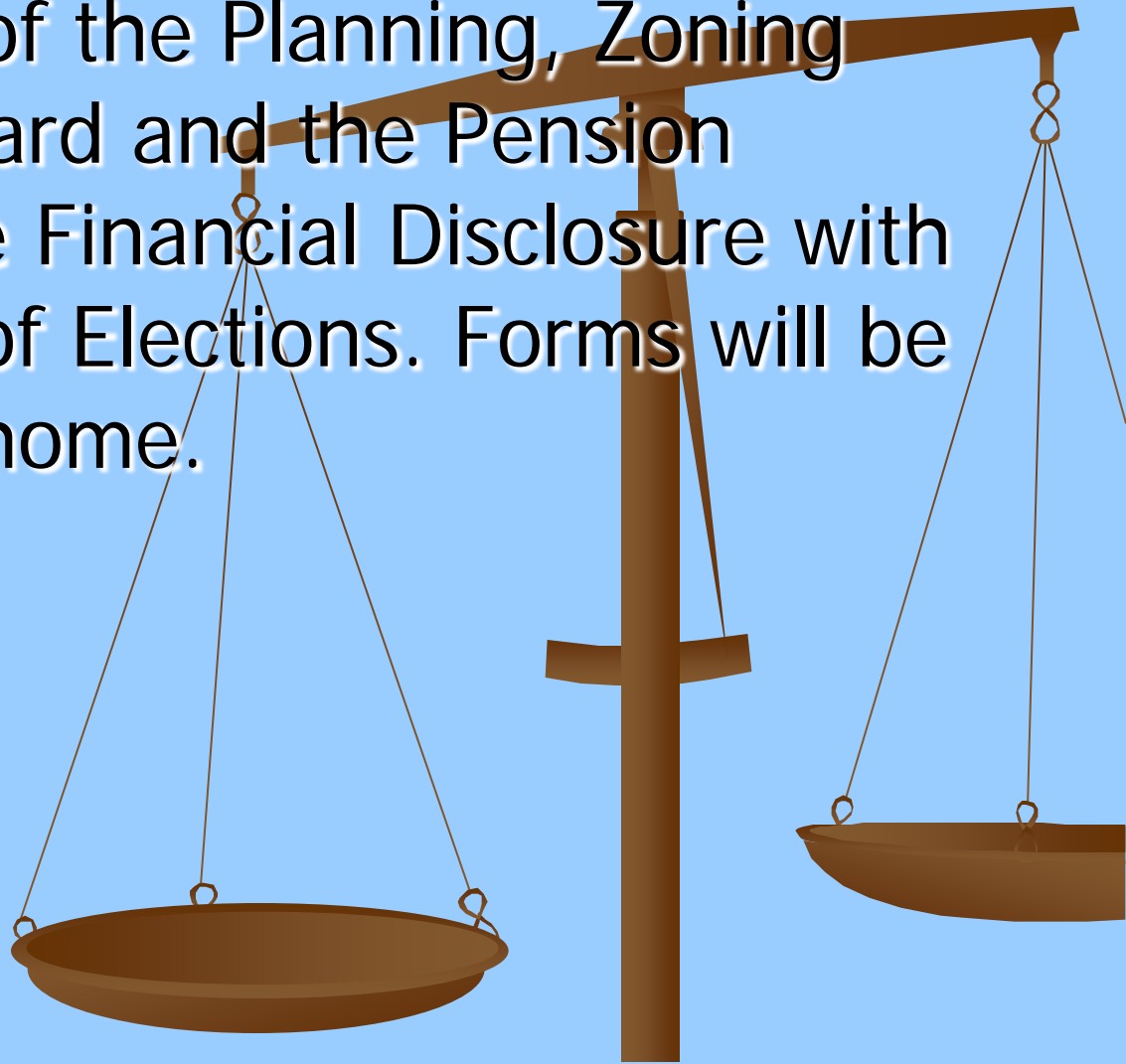
# Voting Conflict – what to do?

- Make the oral declaration of a conflict
- Abstain
- 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 799-4138.

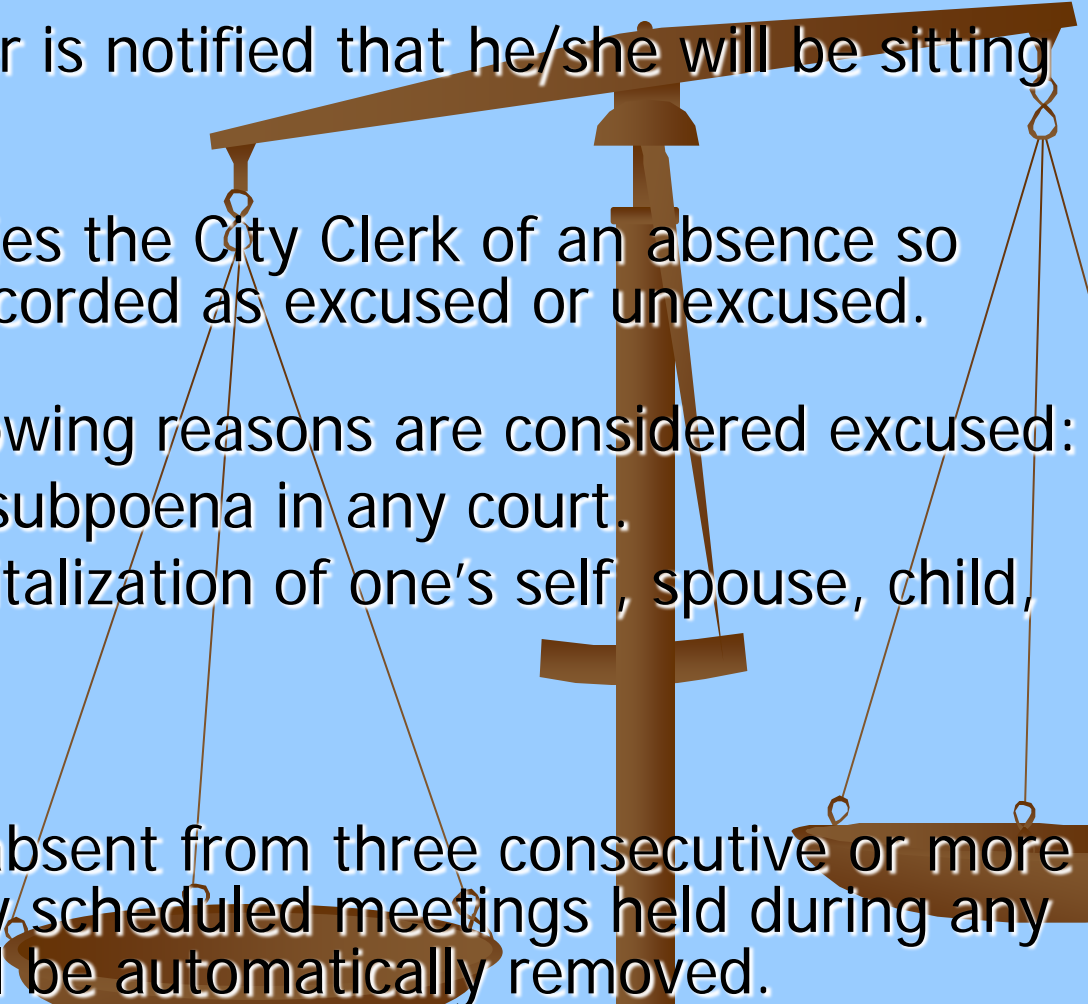


# Ethics and Financial Disclosure

- Only members of the Planning, Zoning and Appeals Board and the Pension Boards must file Financial Disclosure with the Supervisor of Elections. Forms will be mailed to your home.

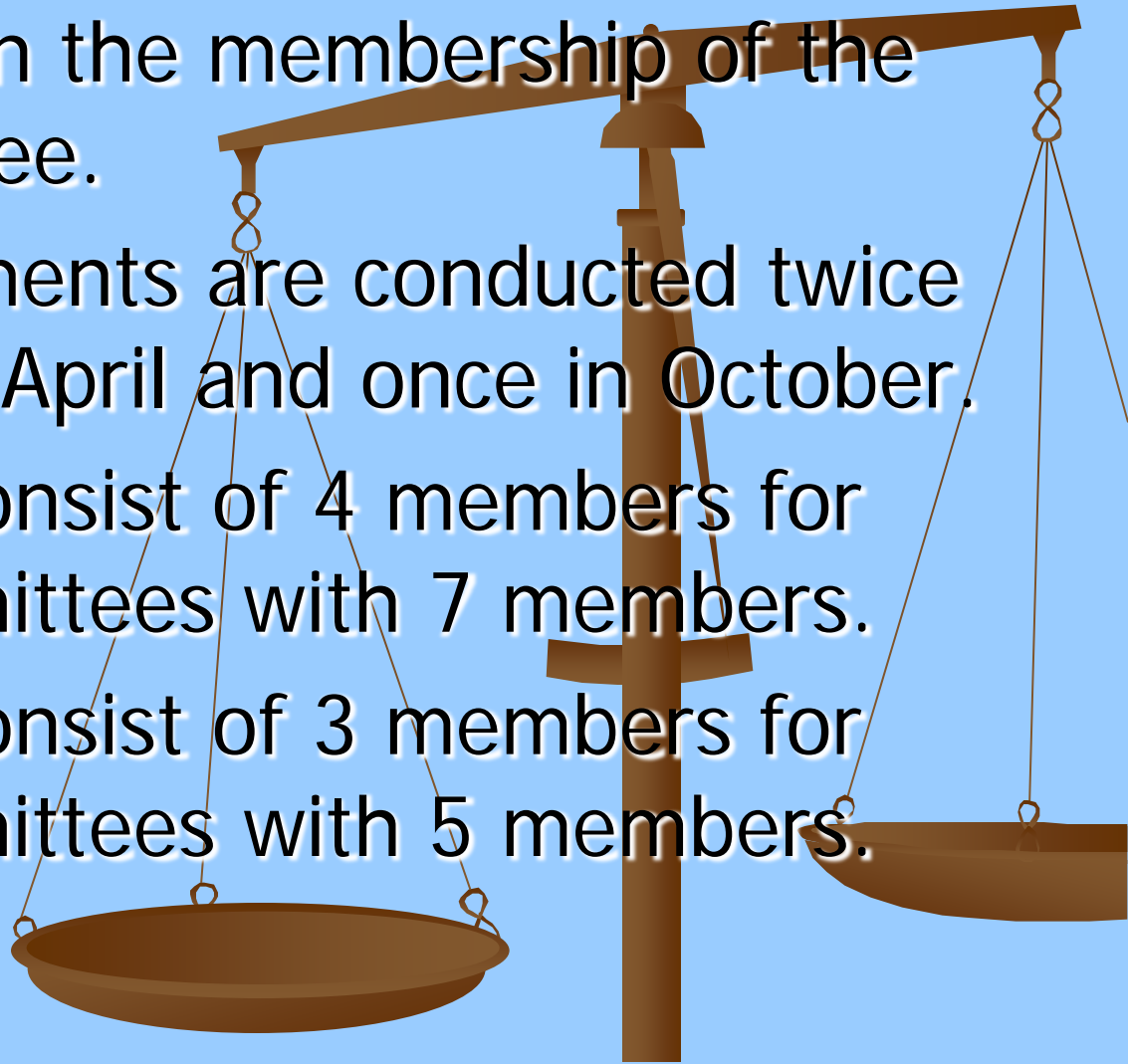


# Meeting Requirements—Attendance

- The board member(s) shall advise the staff liaison if unable to attend a meeting.
  - The alternate member is notified that he/she will be sitting as a regular member.
  - The staff liaison notifies the City Clerk of an absence so attendance can be recorded as excused or unexcused.
  - Absences for the following reasons are considered excused:
    - Complying with a subpoena in any court.
    - Documented hospitalization of one's self, spouse, child, sibling or parent.
    - Jury duty.
  - Any member who is absent from three consecutive or more than 25% of regularly scheduled meetings held during any single fiscal year shall be automatically removed.
- 

# Meeting Requirements—Attendance

- Automatic removal of a member shall cause a vacancy to exist in the membership of the board or committee.
- Member appointments are conducted twice per year, once in April and once in October.
- A quorum shall consist of 4 members for boards and committees with 7 members.
- A quorum shall consist of 3 members for boards and committees with 5 members.



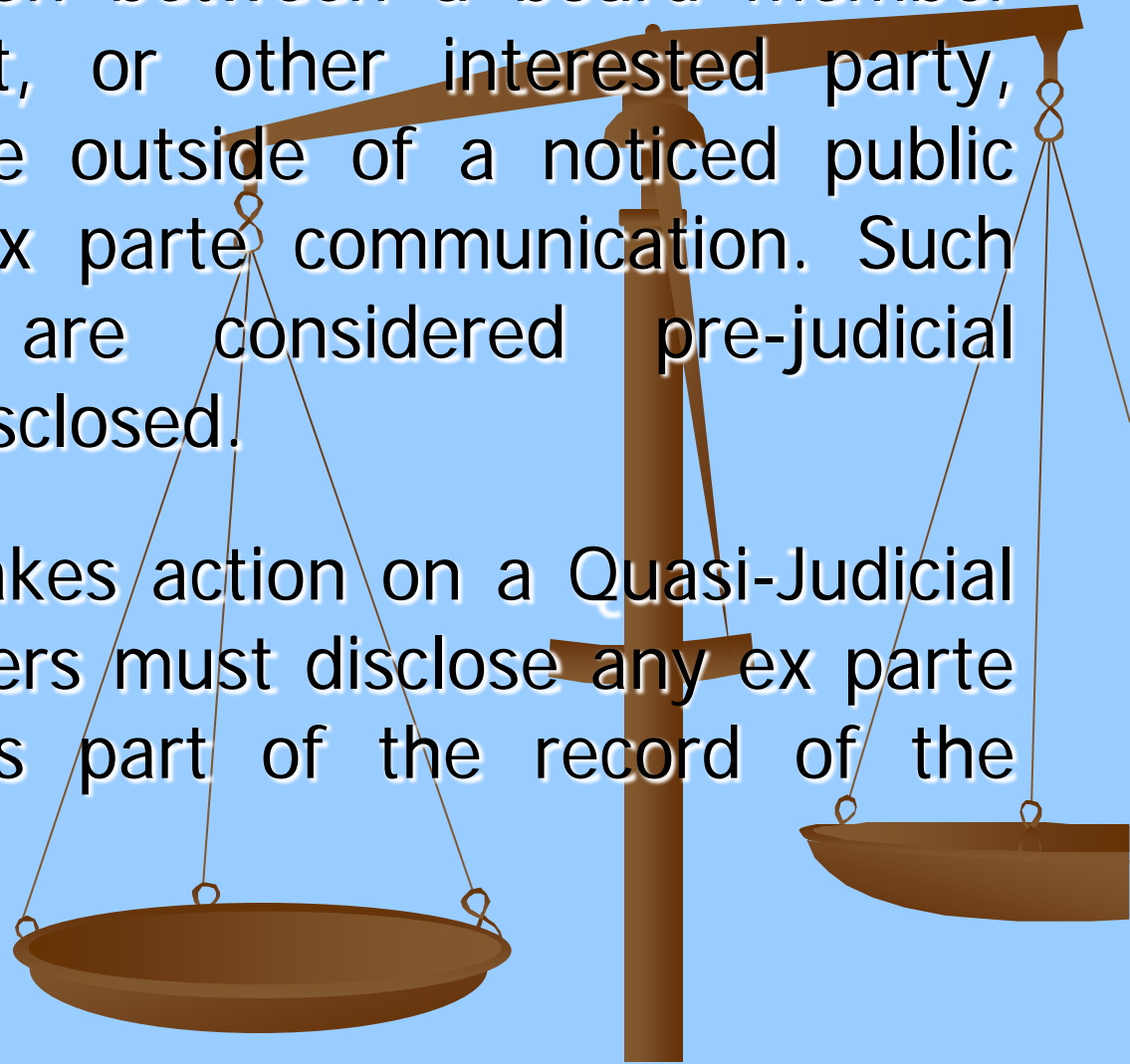


# Quasi-Judicial Hearings

- Certain City boards are charged with fact-finding and decision-making responsibilities that render their decisions quasi-judicial. Quasi-judicial hearings involve notice of a public meeting, a meeting 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 in circuit court.
- The City Council, the Planning, Zoning and Appeals Board, and the Pension Boards 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.



# Civility and Decorum

- The public
- Commission on Ethics
- Inspector General
- State's Attorney Public Corruption Unit





# Any Questions?

