



CITY OF COCONUT CREEK CITY COMMISSION WORKSHOP MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: November 12, 2020
Time: 5:00 p.m.
Meeting No. 2020-1112WS

CALL TO ORDER

Vice Mayor Rydell called the meeting to order at 5:10 p.m.

PRESENT UPON ROLL CALL:

Mayor Lou Sarbone (arrived at 5:14 p.m.)
Vice Mayor Joshua Rydell
Commissioner Rebecca A. Tooley
Commissioner Mikkie Belvedere (virtually)
Commissioner Sandra L. Welch
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

Vice Mayor Rydell explained that Governor Ron DeSantis' Executive Order 20-52, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with a quorum physically present and participation by one (1) Commissioner using communications media technology consistent with the Governor's Order and State law. He explained the procedures for public participation for the meeting.

STATE AND COUNTY ETHICS / PUBLIC RECORDS / SUNSHINE LAW / SOCIAL MEDIA TRAINING

Deputy City Attorney Kathy Mehaffey shared a *PowerPoint* presentation covering Florida's Sunshine Law, Florida's Public Records Law, the Broward County Code of Ethics, the State Ethics Code, and social media. She reviewed the provisions of the Sunshine Law, explaining the public meeting requirements for governing bodies with decision-making authority and the importance of public observation and input. She highlighted the definition of a meeting under the law, providing examples of potential situations and subjects that would be considered a meeting, along with places it did not apply. She noted that meetings of public boards and commissions must be reasonably noticed, open, and reasonably accessible to the public, as well as having minutes taken. She discussed the repercussions of violations of the Sunshine Law and provided examples of ethics investigations of other boards.

Deputy City Attorney Mehaffey summarized the requirements of Florida's Public Records Law, explaining that public records are those that are made or received by an agency in connection with official City business, regardless of the form, means of transmission, or location. She defined City business and provided examples of public records and commented on specific exemptions under the law. She explained the process for maintaining public records so that nothing was missed in case of a request. She discussed the penalties for violation of the Public Records Law.

Deputy City Attorney Mehaffey reviewed the City's social media policy and the benefits of utilizing social media as a tool. She discussed social media legal issues, including First Amendment provisions related to government officials blocking users and deleting comments. She reviewed examples and legal precedent of viewpoint-based blocking and deleting on social media and the impact of control and ownership of the

platform. She reviewed compliance with open meetings and public records on social media. She outlined restrictions regarding campaign resources and public resources and maintaining separation between the two. She discussed copyright protections and common pitfalls on social media, reviewing the topics of crediting sources and fair use. She discussed bad behavior on social media and potential damages.

City Attorney Terrill C. Pyburn clarified that the City did have rules of use related to its official social media pages, but those rules did not cover the private pages of officials. She noted that the City regularly backs up its social media pages to allow for ease of access to past posts for public records requests. She asked the Commissioners to be mindful of this difference.

Deputy City Attorney Mehaffey discussed ethics, including the Broward County Code of Ethics and the State Ethics Code. She reviewed provisions of the codes, including using a public position for personal benefit, misuse of position/resources, acceptance or solicitation of gifts and the definition of gifts, voting conflicts, nepotism, doing business with one's agency, conflicting employment, procurement selection committees, lobbyists and lobbying activities, outside and concurrent employment, and penalties for violations. She discussed recent changes to the rules governing solicitation of charitable donations in a private capacity and a public capacity and reviewed examples. She discussed the jurisdiction of the Broward County Office of the Inspector General and its responsibility to investigate misconduct and mismanagement, and the possibility that issues be investigated by both the County and State, as well as to be tried in both criminal and civil courts. She explained safe harbor opinions under the Broward County Ethics Code.

Discussion ensued regarding the parameters surrounding holding office in one City and working as an employee of another.

Deputy City Attorney Mehaffey provided an update on the results of the City's Charter amendments, stating that 16 of the 18 questions on the November 3 ballot were approved. She explained the changes made to the Charter as a result of the vote.

ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Transcribed by: C. Parkinson, Prototype

Leslie Wallace May, MMC
City Clerk

Dated