



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: November 4, 2021
Time: 6:00 p.m.
Meeting No. 2021-1104WS-E

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 6:05 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Commissioner Lou Sarbone
Commissioner Sandra L. Welch
Commissioner Jacqueline Railey
Deputy City Manager Sheila Rose
City Attorney Terrill C. Pyburn
Deputy City Attorney Kathy Mehaffey
Interim City Clerk Marianne Bowers

ABSENT:

Vice Mayor Joshua Rydell

Mayor Tooley noted that the meeting was being conducted live with a quorum physically present. She explained that the meeting material was available online, and the meeting was being broadcast live on the City's website and YouTube channel.

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 for violations of the Sunshine Law and provided examples of ethics investigations of other boards.

City Attorney Pyburn summarized the requirements of Florida's Public Records Law, explaining that public records were 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 to ensure the records were available for inspection and/or copying upon request. She discussed the penalties for violation of the Public Records Law.

City Attorney Pyburn explained the process for maintaining text messages relating to City business. Continuing, City Attorney Pyburn 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.

Continuing, City Attorney Pyburn discussed voting conflicts, nepotism, doing business with one's agency, conflicting employment, procurement selection committees, the cone of silence surrounding procurement issues, lobbyists and lobbying activities, outside and concurrent employment, and penalties for violations. In response to a question, City Attorney Pyburn provided additional explanation on the definitions for lobbying.

City Attorney Pyburn discussed the jurisdiction of the Broward County Office of the Inspector General (OIG) 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.

Deputy City Attorney Mehaffey reviewed 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 clarified the difference between personal pages and public business pages. Deputy City Attorney Mehaffey reviewed compliance with open meetings, public records, and Sunshine Law 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, copyright laws, fair use, and ADA accessibility. She discussed bad behavior on social media and potential damages. Discussion ensued regarding the separation of personal and professional pages on social media. City Attorney Pyburn noted they were not necessarily advocating for Commissioners to maintain two (2) social media accounts but wanted officials to be mindful of their social media use.

Deputy City Attorney Mehaffey shared examples of social media posts which had caused issues for officials. She closed the meeting with an acknowledgment of positive actions of the Commission that help protect them.

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Marianne Bowers, CMC
Interim City Clerk

Dated