

2014 City Council Sunshine Training

(Required by Chapter 15.108, Ordinance Code)



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Training Instructions

- Read this training module (PowerPoint) on your own time; if you have any questions, call the Ethics Director, Carla Miller (630-1476) or the Office of General Counsel. You can also email your questions to Carla at ecoethics@coj.net
- Print out the last page of this PowerPoint (Certification of Completion); sign and give to Cheryl Brown by Sept. 1, 2014.



The first hurdle....

[Click on this to see a video](#)

(5 minutes. This was done for a student audience, but the concepts are based on current behavioral ethics research.)

The Overconfidence Bias

So the point of the video you just saw, is that when we do training over and over again, people can feel like “oh, not this again, I already know it”, or I just need to follow my instincts and it will be fine...”

The training is a reminder to be alert and to continually be on your toes as to the ethics laws.

Training Overview

- Florida Sunshine Laws

Things to Remember

Changes for 2014

Sunshine and Texting

Recent Sunshine Violations



- Ethics – Top Danger Areas



Training Overview

NOTE:

In this year's training, some of the actual cases are **linked** in the slide so that you can read them to get more information

Look for an “icon” like this:



Click it to pull up the entire document to get the details!

Training Overview

NOTE:

There is a new Florida law (2014) that requires that all Council Members receive 4 hours annual training in Ethics and Sunshine law. This law goes into effect January 2015.



Sunshine Law



THINGS TO REMEMBER

- **Meetings must be open and accessible to the public.**
Meet at City Hall or other “**public location**”.
- **Reasonable advance notice of the meeting**
Should be more than 24 hours notice, more time may be required depending on matter being discussed; if less than 24 hours notice, must be an emergency.
- **Written minutes of the meeting**
At a minimum, include brief notes reflecting events of meeting and who was there. Tape recording with written summary of events is good practice.

More Things to Remember

- Whispering at noticed meetings can be a violation (or at least appear to citizens that it is).
- Do not call, text, or email other Council members on city related business; discussions must occur in an open noticed meeting.
- Informational Emails can be sent out (“here is an article”, etc.); but do NOT respond to this type of email (that sets up a “discussion” which is not allowed.)
- All sub-committees must follow the same rules.

But this is just a group that meets to advise us....

If a city official or employee sets up a group to advise them on an issue, these meetings might have to be noticed. The issue is whether or not this “advisory group” will make recommendations as to future actions. Check with the Ethics Office or the Mayor’s Transparency Office if this type of group is being set up to make sure you comply with the law.

Legislative Changes

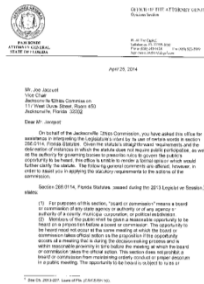
In 2013, Senate Bill 50 passed and provided citizens the right to be heard at public meetings.

[SB 50 \(LINK\)](#)



Attorney General Opinion--2014

So, what Council hearings do you need to provide time to hear this required public comment? This was asked of the Attorney General and here is the opinion: [click here](#)



Here is the comment on the AG opinion by the Ethics Commission:

JACKSONVILLE, Fla., May 12, 2014 – The Jacksonville Ethics Commission received an opinion from the Florida Attorney General that helps to clarify Florida’s new law regarding the public’s right to comment at government meetings. The Ethics Commission requested this opinion after a local citizen brought concerns to the Commission.

In a request letter to Attorney General Pam Bondi, the Ethics Commission sought to clarify the statute in two ways. First, is the right to be heard effective for every type of meeting of a board or commission, including subcommittees or workshops? Second, is public comment required on each proposition upon which a board or commissions acts, including any amendments taken up to a proposal?

The opinion from the Attorney General’s office addresses the first question stating, “It would be advisable to adhere to the mandates of section 286.0114, Florida Statutes, when a board or commission is taking official action on a proposition regardless of the formality of the meeting.” Further, while the opinion did not define the types of propositions requiring a right to public comment, the opinion states, “a board or commission should err on the side of allowing the public to do so.”

Sunshine and Texting



- The Attorney General says...
 - “The same rules that apply to **emails** should be considered for electronic communications including Blackberry PINS, SMS (**text messaging**), and instant messaging.” So, unless your text is “see you for lunch in 10”, if it concerns city business, save it!
- How to retain text messages:
 - Back up (send) to your COJ email.
 - Check to see if your phone keeps all text messages indefinitely. You can export all text messages to a COJ email for long term retention.
- IT department can assist with this.

Recent Sunshine Cases

Governor Scott suspended three South Bay (Palm Beach County) elected officials, including the Mayor and the Vice-Mayor, (Dec. 2012) after they were **charged** with violating the Sunshine Law by agreeing in private to approve \$25,139 in vacation pay for the city manager. It was a factor in their elections-- [South Bay](#)

Orange County Case

CHARGE: “that this communication **through third parties** is, in effect, a meeting and therefore in violation of the Sunshine Law.”

[June 14, 2014 article](#) on details on the case.

REMINDER: You cannot use another person (like ECAs, lobbyists, Mayor’s staff) to communicate with another Council Member

For example: “What does everyone else think about this bill?”

Recent Sunshine Cases

The First Amendment Foundation sent the Palm Coast City Council a letter informing them that making a short list of candidates to replace a Council member, which was sent to the City Clerk, violated the Sunshine Law as there was no noticed meeting. [Palm Coast](#)



Recent Sunshine Cases

YOU CAN SEE FROM THE ABOVE FLORIDA CASES THAT:

ANY COMMUNICATIONS BETWEEN YOU AND ANOTHER COUNCIL MEMBER CAN RESULT IN ALLEGATIONS OF SUNSHINE LAW VIOLATIONS; SOMETIMES THEY CAN BE “CURED” WITH A LATER MEETING.

BUT, THAT IS AFTER PRESS, POTENTIAL SUSPENSIONS IN OFFICE AND LEGAL FEES

TOP 12 TROUBLE AREAS



ASK QUESTIONS

BEFORE YOU ACT

1. You **might** be **In Trouble** if:

GIFTS: You accept anything of value over \$100 from someone for you or your family.

2. You **might** be **in Trouble** if:

You ASK FOR anything of value from someone for you, your family, your business associates or your friends.

3. You **might** be **In Trouble** if:

You are a person required to file financial or gift disclosure forms and you don't file them on time

4. You **might** be **In Trouble** if:

You vote on any matter which might benefit or harm you, your family or your business associates.

(Voting Conflict)

5. You **might** be **In Trouble** if:

You or your family try to do business with the City.

(Exemptions: sole source or sealed bid)

6. You **might** be **In Trouble** if:

You have an employment or contractual relationship with a company doing business with the City.

7. You **might** be **In Trouble** if:

You use your public position for the **personal gain** of you, your family, friends or business associates.

8. You **might** be **In Trouble** if:

You Take a Bribe

“unauthorized compensation”

“Quid Pro Quo”

**CANNOT ASK FOR OR ACCEPT ANYTHING
BASED ON AN UNDERSTANDING THAT YOUR
VOTE WOULD BE INFLUENCED.**

9. You **might** be **In Trouble** if:

You push for your relatives to be hired (Nepotism)



10. You **might** be **In Trouble** if:

Your private interests (job/ board) creates a frequently recurring conflict



11. You **might** be **In Trouble** if:

You misuse city property or confidential information



12. You **might** be **In Trouble** if:

You work with unregistered lobbyists

Lobbyist: one who is paid to influence a government

Certificate of Completion

I attest that I have studied the materials in this PowerPoint training module. (Please print this one page out, sign, and send to the Council Director.)

You have now completed your annual Government in the Sunshine and Public Records law training for 2014.

Print and Sign Name

Date
