

**Key Largo Fire Rescue & Emergency Medical Services
District Board**

***Meeting Minutes-Final
October 17, 2005***

Attendees: Chairman, Bill Andersen, Commissioners Marilyn Beyer, Mike Cavagnaro, Pamela Steed, Mark Wheaton present. Attorneys Dirk M. Smits, Andy Tobin present

Call to Order/Roll Call/ Pledge of Allegiance: Chairman, Bill Andersen called the meeting to order at 6:00 p.m., Sunshine Law Handbook distributed to all in attendance.

Topics of Discussion: Introduction of Sunshine Law

The First page of the Sunshine Law talks about the actual statute, Fla. Stat. §286.011 (1). In it is lays the ground work for what steps need to be taken with regards to all meetings and conduct of public officials, reasonable notice and emergency meetings. Also included , is a section identifying the individuals that are covered and governed by the Sunshine Law. The Sunshine Law basically prohibits any KLFR&EMS from doing anything outside of publicly noticed meetings. For example, if you see each other out and about, you can't talk about anything that is to come before this board for further action. You do not get days off from the Sunshine Law, you are always under it now that you are a public official.

Staff and duties: Your staff will implement your decisions from time to time on day to day business. Staff as a general rule, are not public officials subject to the Sunshine Law because they vote. In certain cases when you or any group of you in a public meeting and you decide who should be your delegate and you give him work { you subject yourself to a legal problem}. Delegation from the county to rank three scientist to rank three sewer systems it was subject to the courts. Whenever you delegate your decision making process to anyone, it becomes invalid. Whenever you delegate something, you should make the final decision yourself. One way you can delegate work that is not decision making, is to deem a committee a "fact finding committee". For example, Florida Keys Mosquito Control District wanted to buy some new airplanes and wanted to pick from a variety of airplanes performance, maneuverability ad things needed in the Keys. The issue came before me and a question was posed and the answer was no. You have them bring all the options and bring all the information and place it on your desk for you to rank it and make that decision. Your staff is not permitted to make any decisions where choices are to be made.

What Happens if you Violate the Sunshine Law

If you violate the Sunshine Law on purpose, you may be jailed up to 60 days or fined \$500.00, and it may be basis for removal. Inadvertent Violations will subject the individuals to non-criminal infractions.

Attorney/Client issues

Problems usually occur after a meeting is adjourned. Inadvertently you are working and having a discussion. You should try to get out all discussions during the meetings. Other government

meetings can be a pitfall. Many issues could be brought out. {see below }

- Fire Boards money
- Public Meeting- turn conversation, debating each other in front of the other guy, made an interest in your issue-be careful
- Writing e-mails from Tom/responding to them
- If you use e-mail, do not respond {one way communications are always fine }

Questions/Answer Session:

Q- One sends an e-mail to the other five and then respond stating I received it, is it a violation?

A- I would not but it is not really an indication.

Q- Bringing up issues that are different and someone else has five different e-mail, that is fine Save it for the meeting. Tell them and try to separate the dialogue?

Andy Tobin, Esq. - I sit on the Key Largo Waste Water Board and this board does not have staff because we can't communicate unless it is in the Sunshine Published meeting. I send out e-mails letting my fellow commissioners know that it is my intention to address these issues and this is how I plan to address it. I also include " Do not reply to this e-mail". NO prohibitions to the Sunshine Law.

If no-one knows what you are going to talk about. Dirk is giving you some good advice and that does not mean that you can to be prudent about communication to everybody. He is cautioning you where you will get a reply and that person is guilty. Do you agree with that?

Dirk M. Smits, Esq. -Yes. The warning on the bottom-these-e-mails are public records and your personal e-mails as well. In this context, not only is it possible to forward it and send it around, it is public record. It's requestable, if it is topical and a member makes a request, you will have to produce them.

Andy -Delegating responsibilities: We delegate our board as a Manager, Chuck Fishburn and we delegate almost all internal operations that he buys; copy machines and all different equipment. If it si over a certain amount he will come to us but he has discretion to spend some money. The advice about delegating, you can not delegate decision making should we have more firefighters or less but internal things, management things,, staffing and stationary. You don't have to have a meetings on all of those items.

Dirk- You will make a budget and you pass the budget you are actually telling them how to spend this money. So you have your budget documents and you have your budget to acquire. You do have some start-up things you have to do.

Q- Are family members allowed to talk to you?

A-Yes. If a family member brings up something official, they are actually placing themselves in harms way. The standard is not what you have on your agenda but what may for seeably come

before you. So if you do not have the budget, and you know you have to do one, if you are talking about it in May and relaying that to a family member, to another board member, it could be a problem. Family members are like constituents.

The meeting minutes do not need to be verbatim. No, if you highlight the main issues of the meeting.

Schedule: You need a schedule, monthly or what have you. I personally thought of alternating between some nights where you would have free nights. One night are you occupied. Monday's are always a nice, Thursday's are bad. There are no classes going on as it stands that classes will begin on Monday and Thursday. Firefighter classes are going on usually three nights a week and a Saturday. If you could adopt a Tuesday night the room would be available to you.

Business meetings are held on Tuesday night and it may or may not be every Tuesday night. The first Tuesday of every month is good to start with and go from there. I suggest that we meet in the beginning more than once among. Need a place to meet on a regular place and to conduct business. May have to hire one or two employees to help with. I will inquire of the school board and you could hold your meetings in their meeting rooms but they have no office space to rent or loan you. You will have to find a space to conduct regular business. We are going to need someone who will keep both the records and the meeting minutes and resolutions that are spelled out in the law. You will need a financial person that will process purchase orders from both departments and will interface with the county to lobby for money and get things paid. You will either contract someone to do it or you will hire an employee to do it. You will end up with at least one employee in order to run and conduct the counties business. You will also need to appoint someone to search out the real estate and locate an office space for you to conduct every day business transactions. The only deck that is opened up on the fire station is the reception area.

Discussion Regarding Policy Issues

Agenda item on office, transition team, hire or appoint someone to look for office space. Set yourself enough time or enough meetings to get a consensus prior to making any decisions how things will work. Publish another meeting schedule. Cancel the meeting if it does not come to fruition. Place a sign out front to notify the public. Most critical item is to set up a meeting to have someone to get his stuff going and the money is available this fiscal year and it is too many unknowns. I don't believe they included much and we may need money above the threshold that they tax to provide operating funds for the two "T" issue. You will need money to pay your salaries. It is not very much but it is needed. Money to rent a business office and several other things. Money can be made available on regular basis. Recommended that you seek a loan from the county to get us through the first year of operating expenses. The county actually loans you \$28,000.00 so you could have this election. They did not pay for it because there was no other election activity going on. You have three years to pay back the loan. Now you have a solid line of credit available to you to take a loan and the ability to pay it back. I would suggest from the county at no interest. You could seek out a financial institution. Once the things are ironed out then the pressure will be off. Transition it from the county into our administration system now rather than later. Some meetings need to have paid advertising. There is some authority for the

jurisdiction, whether it is designated as general circulation. Other agencies want to cover the entire Keys so they run ads in the Keynoter, Reporter and the Key West Citizen. You can run your ads simultaneously. The State has to advertise at least seven days prior to the meeting taking place. On some issues you can post a sign on the door. For instance, an emergency situation. Don't be frivolous.

Deciding on a schedule first then we can figure out what bare minimal amount of time will be suitable for notice.

Adjourned