

Monday, March 26, 2018
6:00 pm



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

Town's Reorganization Meeting

Mayor Myra Koutzen

Vice Mayor _____

Commissioner Roby DeReuil
Commissioner Gil Gilgallon
Commissioner Robert Stanton

Town Attorney Keith Davis

Town Clerk Eyyonne Browning

1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call: _____

2. APPROVAL OF MEETING AGENDA

(Additions, substitutions, deletions)

3. INSTALLATION:

- a) Oath of Office: Mayor Myra Koutzen
- b) Oath of Office: Commissioner Gil Gilgallon
- c) Oath of Office: Commissioner Brian Tyler

4. RESOLUTIONS:

- a. Resolution R-1-18 Appointment of Vice Mayor
- b. Resolution R-2-18 Appointment of Commissioner to Election Canvassing Board
- c. Resolution R-3-18 Appointment of Members to the Planning and Zoning Board
- d. Resolution R-4-18 Appointment of Eyyonne Browning as Town Clerk and Wendy Wells as Town Treasurer

5. MISCELLANEOUS BUSINESS:

- a. Approval: To appoint a Commissioner to serve on DRC as Chairperson for a 1-year term.
- b. Appoint Resident Member(s) to DRC for a 1-year term.
- c. Reappoint Brett Goodson as Resident Member to Civil Service Board to serve through March 31, 2020.
- d. Reappoint Lawrence Gordon and Ira J. Raab to the Civil Service Board to serve through March 31, 2020.
- e. Reappoint Karen Marcus as an alternate to the Civil Service Board to serve through March 31, 2020.
- f. Consideration to appoint Ben Falcigno as an alternate to the Civil Service Board to serve through March 31, 2020.

6. LEGAL UPDATE BY TOWN ATTORNEY

7. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. **FOR HEARING ASSISTANCE:** If any person wishes to use a hearing device, please contact the Town Clerk.

RESOLUTION NO. R-1-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, APPOINTING A VICE MAYOR FOR A TERM OF ONE YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article III, Section 3.9, of the Charter of the Town of Palm Beach Shores requires that the Town Commission shall, by resolution, appoint one of its members as Vice Mayor who shall hold the office for a term of one year or until his/her successor shall be appointed and qualified.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Palm Beach Shores, Florida, that:

Section 1. _____ is hereby appointed Vice Mayor of the Town of Palm Beach Shores for a term of one year or until his/her successor shall be appointed and qualified.

Section 2: This Resolution shall take effect immediately upon passage.

DULY PASSED AND ADOPTED this 26th day of March, 2018.

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Town of Palm Beach Shores, Florida
Commission Agenda Memorandum
Town Clerk

Subject: Item 4b – Appointment of Commissioner to Election Canvassing Board

Request: For Mayor and Commission to appoint a Commissioner (which can be the Mayor) to serve on the Election Canvassing Board.

Canvassing Board requirements per Town Code:

Sec. 22-6. - Canvassing board; method of voting.

The Town Clerk and Town Attorney of the Town of Palm Beach Shores, or their respective designees, along with the Palm Beach County Supervisor of Elections, or designee, shall canvass and certify any municipal election in the Town of Palm Beach Shores, pursuant to the requirements set forth in F.S. § 100.3605, Florida Statutes, and in conformance with any approved and effective agreement between the Town of Palm Beach Shores and the Palm Beach County Supervisor of Elections.

Additionally, the town commission by resolution shall provide that one commissioner, which may include the mayor, whose position is either not scheduled to be voted upon or who is unopposed at the election being canvassed, shall also be made a member of the town canvassing board.

Commissioners available for consideration based on the above criteria:

Mayor Myra Koutzen

Commissioner Gil Gilgallon

Commissioner Brian Tyler

RESOLUTION NO. R-2-18

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
PALM BEACH SHORES, FLORIDA, MAKING THE ANNUAL
APPOINTMENT OF A COMMISSIONER TO THE PALM BEACH SHORES
ELECTIONS CANVASSING BOARD; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

WHEREAS, Section 22-6. Canvassing board; method of voting. of the Code of Ordinances of the Town of Palm Beach Shores requires the Town Commission to make an annual appointment of a Commissioner to the Palm Beach Shores Elections Canvassing Board; and

WHEREAS, the Town Commission desires to appoint _____, whose position is currently unopposed or whose position is not scheduled to be voted upon at the election being canvassed, as a member of the Town Canvassing Board in order that he/she may be the Town's designee to canvass the municipal elections on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Palm Beach Shores, Florida, that:

Section 1. The Town Commission of the Town of Palm Beach Shores, Florida, hereby appoints _____, whose position is currently unopposed or whose position is not scheduled to be voted upon at the election being canvassed, as a member of the Town Canvassing Board and requests said Commission member act as the Town Commission's designee to canvass the municipal elections on behalf of the Town.

Section 2. The Town Clerk of the Town of Palm Beach Shores is hereby authorized to submit a copy of this resolution to the Palm Beach County Supervisor of Elections, and to do all other necessary things in order to accomplish the desire of the Town Commission.

Section 3: This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 26th day of March, 2018.

TOWN OF PALM BEACH SHORES

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk
(SEAL)

Town of Palm Beach Shores, Florida
Commission Agenda Memorandum
Town Clerk

Subject: Item 4c – Appointment of Members and Alternates to P & Z Board

Request: For Mayor and Commission to appoint Members and Alternates to Planning and Zoning Board.

Current Members: The current members on the P & Z Board are:

Janet Kortenhaus: Desires to remain as a full member.

Rick Ziegler: Desires to remain as a full member.

Mary Stanton: Desires to remain as a full member.

Nina Lammert: Desires to remain as a full member.

Joan Bancroft-Grody: Desires to remain as an alternate member.

Grace Sterrett: Has resigned from the Board due to being seasonal.

Interested New Members:

Frank Zizzamia: 224 Bravado – Requests to be an alternate

John B. Maffett: 332 Bamboo

Jerald Cohn: 180 Lake (Cannonsport)

Staff Recommendation: Appoint 5 full members to the P & Z Board and a minimum of 2 to 3 alternate members. During this past year, we could not hold a meeting due to not having a quorum.

RESOLUTION NO. R-3-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, APPOINTING A PLANNING AND ZONING BOARD PURSUANT TO SECTION 3.10, ARTICLE III OF THE TOWN CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article III, Section 3.10, of the Charter of the Town of Palm Beach Shores requires the Town Commission to appoint a Planning and Zoning Board for a term of one year or until such board members' successors shall be appointed and qualified; and

WHEREAS, Section 2-51 of the Town's Code of Ordinances provides that such appointments shall occur at the Town's annual re-organization meeting; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to appoint the individuals specified in this Resolution to the planning and Zoning Board as required by Town Charter and Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1. Pursuant to the provision of Section 3.10 of Article II of the Town Charter, regular members _____, _____, _____ shall be and are hereby appointed and designated as regular members and _____, _____ as alternate members of the Planning and Zoning Board. It is understood that the duties and responsibilities of the Planning and Zoning Board shall be as set forth in Section 4.7 of the Town Charter.

Section 2. The above named officers shall take and subscribe the oath before an officer duly qualified to administer oaths that they will faithfully and impartially execute the duties of the office according to the best of their abilities and understanding, which oath will then be filed with the Town Clerk and appended to the minutes of the Town Commission.

Section 3. The above named officers shall hold office until successors shall be appointed and shall qualify, and at the pleasure of the Town Commission.

Section 4. This Resolution shall take effect immediately upon passage.

DULY PASSED AND ADOPTED this 26th day of March, 2018.

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

RESOLUTION NO. R-4-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, APPOINTING EYVONNE BROWNING AS TOWN CLERK, AND APPOINTING WENDY WELLS AS TOWN TREASURER PURSUANT TO SECTION 3.10, ARTICLE III OF THE TOWN CHARTER.

WHEREAS, Article III, Section 3.10, of the Charter of the Town of Palm Beach Shores requires that the Town Commission shall appoint a Town Clerk for a term of one year and a Town Treasurer for a term of one year and until his/her successor shall be appointed and qualified.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1. Pursuant to the provision of Section 3.10 of Article III of the Town Charter, Evyonne Browning shall be and is hereby appointed and designated as Town Clerk. It is understood that the duties and responsibilities of the Town Clerk shall be under the supervision and at the direction of the Mayor, subject to the ultimate and final control of the Town Commission.

Section 2. Pursuant to the provision of Section 3.10 of Article III of the Town Charter, Wendy Wells shall be and is hereby appointed and designated as Town Treasurer. It is understood that the duties and responsibilities of the Town Treasurer shall be under the supervision and at the direction of the Mayor, subject to the ultimate and final control of the Town Commission.

Section 3. The above named officers shall take and subscribe the oath before an officer duly qualified to administer oaths that they will faithfully and impartially execute the duties of the office according to the best of their abilities and understanding, which oath will then be filed with the Town Clerk and appended to the minutes for the Town Commission re-organization meeting.

Section 4. The above named officers shall hold office for a term of one year and until their successors are appointed and qualified.

Section 5. This Resolution shall take effect upon its passage.

DULY PASSED AND ADOPTED this 26th day of March, 2018.

Myra Koutzen, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Town of Palm Beach Shores, Florida
Commission Agenda Memorandum
Town Clerk

Subject: Item 5a – Appoint Commissioner to serve as DRC Chairperson

Request: For Mayor and Commission to appoint a Commissioner (which can be the Mayor) to serve on the DRC Board as Chairman.

Current Member:

Mayor Koutzen has been appointed to serve as the DRC Chairperson for the past 2 years.

Town of Palm Beach Shores, Florida
Commission Agenda Memorandum
Town Clerk

Subject: Item 5b – Appoint Town Resident to serve as DRC Representative

Request: For Mayor and Commission to appoint a Town Resident to serve as the Resident Representative on the DRC Board.

Current Member:

Elizabeth Kuechenmeister (218 Linda Lane) has served at the Resident Member for the past year and has been active and faithful in this position.

Town of Palm Beach Shores, Florida
Commission Agenda Memorandum
Town Clerk

Subject: Item 5c, d, e, and f – Appointments to Civil Service Board

Request: For Mayor and Commission to appoint members to serve on the Town's Civil Service Board.

Current and Interested Members:

The following individuals were appointed to serve on the Civil Service Board at the November, 2017 Commission Meeting:

Current Members:

Brett Goodson – Resident Member
Lawrence Gordon – Member
Ira J. Raab – Member
Karen Marcus – Alternate

New requested member:

Ben Falcigno - Alternate

Staff Recommendation:

In order to coordinate the selection of this Board to coincide with the Town Commission's Reorganization Meeting to fulfill the required 2-year term, as stated on page 3 of Attachment "A" to Resolution R-21-17 (Establishing a Civil Service Process for Employee Disciplinary Actions). It is recommended that Brett Goodson, Lawrence Gordon, and Ira J. Raab be reappointed as members of the Civil Service Board; That Karen Marcus be reappointed as an alternate member, and Ben Falcigno be appointed as a new alternate member.

RESOLUTION NO. R- 21-17

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF PALM BEACH SHORES, FLORIDA,
ESTABLISHING A CIVIL SERVICE PROCESS FOR
EMPLOYEE DISCIPLINARY ACTIONS; PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES**

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to adopt a uniform, comprehensive and fair process for handling employee discipline for all regular, full-time Town employees; and

WHEREAS, the Town's labor and employment counsel has prepared the attached Civil Service Process for Employee Disciplinary Actions, based on known best practices utilized in other jurisdictions; and

WHEREAS, the use of a "civil service board" as part of such Civil Service Process for Employee Disciplinary Actions in lieu of other grievance procedures is desirable in order to provide uniform, comprehensive and fair handling of disciplinary issues with all Town employees across the board; and

WHEREAS, the Town Commission states that such Civil Service Process for Employee Disciplinary Actions, including the use of a civil service board is in the best interests of the health, safety and welfare of the Town, its employees, and residents.

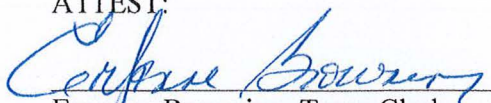
**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

Section 1: The Town Commission of the Town of Palm Beach Shores hereby adopts the Civil Service Process for Employee Disciplinary Actions attached hereto as Exhibit "A" and directs its implementation upon adoption of this resolution.

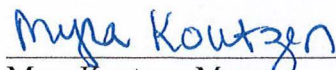
Section 2: This Resolution shall take effect immediately upon its adoption by the Town Commission.

PASSED AND ADOPTED this 25th day of September, 2017.

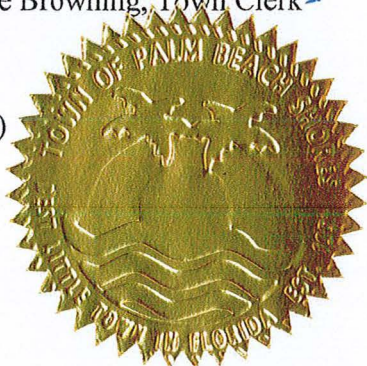
ATTEST:


Evyonne Browning, Town Clerk

TOWN OF PALM BEACH SHORES


Myra Koutzen, Mayor

(SEAL)



TOWN OF PALM BEACH SHORES
CIVIL SERVICE PROCESS – DISCIPLINARY ACTIONS

Purpose: This Civil Service Process applies to all eligible employees of the Town, both certified law enforcement personnel and non-certified persons employed by the Town. This Civil Service Process provides employees with certain rights and establishes rules for appealing disciplinary actions, provides for the appointment of a Civil Service Board (“Board”) to hear appeals, and sets forth procedures for the Board to follow.

Definitions/Applicability: This Civil Service Process applies to all regular full time employees of the Town, including police department employees. “Employee” or “Employees” refers to regular full time employees who have completed their defined probationary period; part time and probationary employees are not eligible to participate in the Civil Service Process.

Notice: Prior to implementing disciplinary action against an Employee, the Employee shall be furnished an advance written notice containing an explanation of the disciplinary action, and his or her right to answer the charges. This notice shall be furnished prior to the proposed effective date of the disciplinary action, during which time the Employee may be retained on active duty status, placed on leave, suspended with or without pay, or dismissed in the case of extenuating circumstances, at the discretion of the Town Manager or Town Mayor. If the Town Manager/Mayor believes the continued employment of the Employee constitutes an immediate danger or threat to the Town or its employees, the Employee will be terminated and/or removed from the worksite and provided notice as soon as practical thereafter.

Disciplinary Action: Employer actions subject to this Civil Service Process include those actions which result in a change to the Employee’s pay or employment status due to Employee’s conduct or performance. Employment actions which are subject to the Civil Service Process do not include involuntary terminations due to, for example, budget cuts, reorganization, or other Town discretionary actions. The Civil Service Process also does not include verbal or written reprimands, performance evaluations, or improvement plans, as those are corrective actions designed to effect improvement, nor does it apply to lateral transfers, shift changes, or disciplinary suspensions without pay of three (3) or fewer working days.

Disciplinary actions subject to the Civil Service System may be taken for a variety of reasons, which include, but are not limited to, the following:

- a. negligence or inefficiency or inability to effectively perform assigned duties;
- b. insubordination;
- c. violation of law on or off duty, including arrest, or the filing of charges by a law enforcement agency, for any crime constituting a felony, misdemeanor, or major traffic infraction charges, domestic violence, battery or other violent conduct;
- d. conduct unbecoming a public employee;
- e. misconduct;
- f. verbal threats, fighting, or other acts of violence;
- g. consumption of alcohol while on duty;
- h. use, possession, or sale of illegal drugs on or off duty;
- i. abuse or sale of prescription drugs;
- j. falsification of any Town record, including those made in initial applications for employment and time records;
- k. excessive absenteeism or tardiness;
- l. theft or embezzlement;
- m. adjudication of guilt, a plea of nolo contendere, or verdict of guilty with adjudication withheld where Employee is placed on probation for any felony, misdemeanor, or major traffic infraction;
- n. violation of any Town rule or policy, including rules prohibiting harassment in the workplace.

Appeals Process: Within three days of the Town's transmittal of the written notice of proposed discipline, the Employee may submit to the Town Manager/Mayor a written request for a meeting or otherwise reply to the notice of proposed discipline in writing. If the Employee fails to respond to the notice, the proposed discipline shall be effective on the date specified with no need for further action.

If the Employee submits a written response to the notice, without requesting a meeting, the Town Manager/Mayor shall carefully consider the response of the Employee before making a final decision, and shall transmit to the Employee the Town's Manager's/Mayor's written response containing her/his final decision regarding the proposed discipline.

In the event that the Employee timely provides a written notice appealing the disciplinary action, the Town Manager/Mayor will convene a Civil Service Board meeting as soon as practicable thereafter.

Civil Service Board: A Civil Service Board shall be appointed by the Town Commission, the governing authority, for a term of two (2) years, consisting of three members: a Town resident who is not serving in any other capacity (elected, appointed, or employed, or married to or cohabitating with such elected, appointed or employed individual), one individual at-large, who may but need not be a resident, and one individual who is not a resident. Ideally, one member of the Board shall be an attorney or retired jurist and the other two persons appointed to the Board should be of different vocations (a law enforcement officer and/or human resources professional preferred); alternative members may be appointed depending on need. One member of the Board shall be designated by the Town Commission as chairperson.

Conduct of Hearing: The Board shall convene a meeting to hear the Town's reasons for the proposed discipline and the Employee's response to the proposed discipline. The meeting shall be open to the public and shall be held in accordance with the Government in the Sunshine laws. Board members will not discuss matters to be heard until the Board convenes and then may only discuss the issues before them during the officially convened session(s).

The Town and the Employee may be represented by counsel; if the Employee chooses to be represented by counsel, the Employee must still be present throughout the hearing and actively participate in the proceeding. The Employee shall not discuss the circumstances of the matter brought to the Board with any member of the Board except during the officially convened session.

In the event that either the Town or the Employee intends to call Town employees as witnesses, that party should notify the Board's chairperson of the name of the Employee to be called; the chairperson will in turn notify the Town, which shall notify the Employee of the date and time of the hearing. Sworn written statements or recorded sworn statements of non-employee witnesses, although hearsay, may be used in lieu of personal appearance, provided the Board is satisfied that the sworn statement appears genuine and reliable and is corroborated by other non-hearsay testimony or evidence.

The Board shall have no investigative powers. The Board members may ask questions of witnesses and review evidence proffered by the Town's representative and the Employee challenging the discipline.

Both parties may submit evidence in any form, including oral or written testimony or other evidence on any matter the Board considers relevant and reliable. The Board may review any record presented, including but not limited to performance evaluations, disciplinary files, police reports and personnel files. Either party may conduct cross examination of a witness, submit rebuttal or impeachment evidence, and present opening and closing statements.

All proceedings shall be recorded. There shall be no unrecorded questions or statements by any parties or witnesses.

Conclusion of Hearing and Finality of Action: At the conclusion of the hearing, one member of the Board shall make a motion for a vote regarding the proposed disciplinary action. The motion would be seconded by another member of the Board. The Motion shall: 1) recommend upholding the proposed action, or 2) recommend a modification of the proposed discipline, or 3) recommend rejecting the proposed disciplinary action. The members may engage in discussion about the discipline, if they wish to do so, although that is not required. The Board then shall vote on the Motion which has been seconded regarding a recommendation concerning the proposed disciplinary action. The chairperson should submit the entire record to the Clerk of the Town at the conclusion of the hearing. The Town Manager/Mayor will review the record and consider the Board's recommendation. The opinion of the Board members is advisory to the Town Manager/Mayor, whose decision on the imposition of, and severity of the discipline shall be final. The Town Manager/Mayor shall notify the Employee of the Town Manager's/Mayor's final decision within 10 days of the conclusion of the hearing.

In any event, the Town Manager/Mayor shall have the sole discretion to settle all disputes regarding reductions in pay, demotions, suspensions, or terminations. The Town does not rehire former employees who have been dismissed or who have resigned while charges were pending under this section.



Keith W. Davis, Esq.

*Florida Bar Board Certified Attorney
City, County and Local Government Law
Email: keith@davisashtonlaw.com*

MEMORANDUM

TO: Mayor Koutzen and Town Commissioners
FROM: Town Attorney Davis
CC: Town Clerk Browning
DATE: March 20, 2018
RE: Legal Update

In conjunction with my annual Legal Update to be given at the March 26, 2018 Reorganization Meeting, I am providing you with the following highlights/bullet points, representing the most important and directly applicable items you each should keep in mind as you serve on the Town Commission:

1. FORM OF GOVERNMENT:

- a. COMMISSIONERS are elected by the citizens and the Commission is vested with LEGISLATIVE authority. The Commission is the policy maker. (The Commission decides on the destination)
- b. The MAYOR is also elected by the citizens. The Mayor is both a voting member of the Commission, and designated as the Chief Executive Officer of the Town, responsible for oversight (subject to the final control of the Town Commission) of the manager, clerk, police department, fire department and the Planning and Zoning Board (Charter Sec. 4.2).
- c. The MANAGER (if any) is a professional administrator hired by the Commission to serve as Chief ADMINISTRATIVE Official. The Manager (under the oversight of the Mayor) administers and enforces the policy made by the Commission (Charter Sec. 4.6). (The Manager decides the best way to get to the destination – in the absence of a Manager, the Mayor generally serves in this capacity).

2. SUNSHINE LAW

- a. Meetings of Commissioners (including the Mayor) where official action or discussion about official action take place must be open to the public, noticed, and recorded via minutes (*Fla. Stat. Sec. 286.011*).
- b. Commissioners (including the Mayor) may not discuss any matter on which foreseeable action will be taken by the Commission, except in a public, noticed and recorded Sunshine meeting.
- c. Knowing and intentional violations carry criminal penalties.

- d. The Sunshine Law does not apply to the Manager or the Attorney. Thus, any one Commissioner (including the Mayor) may have private discussions about Town Commission action items (or about anything else) with these persons at any time.
 - e. One way communication from one Commissioner (including the Mayor) to all others (via e-mail or written memo for example) does not *technically* violate Sunshine Law requirements. However, if interaction/discussion/response ensues, then there would be a violation.
 - f. Sunshine Law Exceptions include litigation “shade” meetings, and collective bargaining meetings with the Town’s negotiating team.
3. PUBLIC RECORDS
- a. Any document, regardless of medium within which it is created, made or received in connection with Town business, is a public record (*Fla. Stat. Ch. 119*).
 - b. Includes e-mail, text messages, and social media messages.
 - c. If created on your personal e-mail, any correspondence that is a public record is your personal responsibility: YOU are responsible for maintaining the document pursuant to state records retention guidelines, and turning it over in response to a records request. Therefore, my strong recommendation is that all Town related communications be made via your Town issued and maintained e-mail accounts. Avoid text messages and avoid using social media for Town related matters.
 - d. Knowing and intentional violations carry criminal penalties.
4. QUASI JUDICIAL PROCEEDINGS
- a. Land development or use requests including special exceptions and variances. All quasi-judicial proceedings involve the application of codified criteria to an application or request. These matters are handled at publicly noticed hearings and decisions must be based on the evidence received at such hearing.
 - 1. Variances are requests to develop land contrary to codified code criteria. The applicant must prove (among other criteria) that application of the code creates a hardship that does not allow reasonable use of the land.
 - 2. Special Exceptions are requests to use land in a manner that has been determined to be permissible so long as certain protections are in place.
 - 3. In both cases, the Planning & Zoning Board hears the application and makes a recommendation prior to the Town Commission taking final action.
 - b. Conditions of Approval may be imposed on quasi-judicial requests; however, any condition must be reasonably related to the request being made and must be proportional to the request being made. Violation of this concept can, under recent case law, expose the Town to takings claims.
5. GIFTS
- a. Any gift from a vendor or lobbyist with annual aggregate value that exceeds \$100.00 is prohibited (Sec. 2-444 Palm Beach County Code of Ethics; *Fla. Stat. Sec. 112.3148*).
 - b. Otherwise, any gifts valued at \$100.00 or more must be reported to the state (with a copy to the county) quarterly. Gifts from relatives are exempt from this reporting requirement (Sec. 2-444 Palm Beach County Code of Ethics; *Fla. Stat. Sec. 112.3148*).
6. VOTING CONFLICTS
- a. Any item before the Town Commission for action that would result in a personal financial benefit or loss, or a financial benefit or loss to family member or spouse,

or principal or business associate (Sec. 2-443 Palm Beach County Code of Ethics; *Fla. Stat.* Sec. 112.3143).

- b. The affected Commissioner must abstain from participation and voting, must disclose the nature of the conflict, and must complete a voting conflict form which gets appended to meeting minutes and a copy of which is provided to the Palm Beach County Commission on Ethics (Sec. 2-443 Palm Beach County Code of Ethics; *Fla. Stat.* Sec. 112.3143).

7. LOBBYISTS

- a. Anyone who is employed and for compensation, seeks to influence a decision of the Town Commission or other Town Board, through oral or written means, or attempts to obtain the goodwill of any Commissioner or Town personnel (Palm Beach County Lobbyist Registration Ordinance).
- b. Exceptions are: Town personnel acting on behalf of the Town; someone hired solely to appear at a quasi-judicial hearing or comp plan hearing; expert witness hired to offer expert testimony; someone speaking on their own behalf; a League of Cities employee speaking on behalf of the League. Attorneys representing a client in an administrative or judicial proceeding, or at mediation or arbitration are not considered to be lobbyists (Palm Beach County Lobbyist Registration Ordinance).
- c. Prior to lobbying, a lobbyist must register at the county's central lobbyist registration site and pay the requisite fee (\$25.00).
- d. Former elected officials must wait two (2) years from the end of their service prior to lobbying in front of their former governing body (*Fla. Stat.* Sec. 112.313).

8. ANNUAL FINANCIAL DISCLOSURE

- a. All Commissioners (including the Mayor) must submit an annual statement of Financial Interests no later than July 1 of each calendar year they are in service. (*Fla. Stat.* Sec. 112.3145).
- b. Failure to submit timely carries civil penalties (\$25.00 per day for each day of delinquency up to a maximum of \$1,500.00) (*Fla. Stat.* Sec. 112.3145).

9. MANDATORY ETHICS TRAINING

Each year, all elected Town Commission members must complete a minimum of four (4) hours of ethics training. The content must include the Code of Ethics (s. 8, Art. II Florida Constitution and *Fla. Stat.* Ch. 112 Part III), the Sunshine Law, and Public Records. Compliance is reported on the annual statement of financial interests and is on the "honor system".

10. PERSONAL LIABILITY

- a. Acting pursuant to the Town Attorney's advice insulates and protects you from personal liability.
- b. Conversely, should you decide to disregard such advice, you are exposed to personal liability. Even if I am wrong (difficult to comprehend, I KNOW!!), you are insulated from personal liability.