

MINUTES NEW COMMISSIONER ORIENTATION JULY 7, 2005

The City Attorney Patricia Carter brought the meeting to order at 5:15 PM. Present were: Commissioner's Roberts and Randall, Commissioner's Elect Billy Carlton and Terry Knowles, City Manager Chad Shryock, City Clerk Donna Mayes and Attorney Patricia Carter.

Attorney Carter began the orientation by explaining the role of the City Attorney and informed that she and Mr. John McPherson, the City Attorney's, represent the City on a fixed fee. With this arrangement it gives the City of Hawthorne the freedom of calling with questions that does not result in additional cost to the City.

Ms. Carter went over the Sunshine Law explicitly making sure the understanding was clear that two or more board members could not meet to discuss city business unless it was an open meeting with reasonable notice given, of the time and place. The Sunshine Law does not allow email back and forth or talking with a third party go-between. She further explained that one could run for office and before the swearing in they could not meet or talk with another candidate or a board member. This is a very serious violation of the Sunshine Law resulting in possible jail time.

Open meetings must give reasonable notice, have an agenda, be open to the public and minutes must be properly recorded. Public participation is allowed but no action can be taken if the subject is not on the agenda of a special meeting.

Florida has a wide public records law. All documents, papers, letters, maps tapes, films, emails, software data and any material related to transaction of official business of the city is open to the public.

If there is a conflict of interest with a board member and an issue before the board, then the member must excuse themselves from voting and file a form with the City Clerk within fifteen days.

Local government must adopt a records management naming the custodian of public record which, in this case is Donna Mayes, as Clerk of the Commission.

Ms. Carter covered the procedures for Quas-Judicial and Legislative matters explaining that a legislative hearing is conducted in the form of a public hearing with the purpose being to obtain opinions from the public on a matter of public policy. A quasi-judicial is conducted more in the form of a judicial proceeding, with the purpose being to determine whether an applicant meets previously adopted standards. Never hesitate to ask questions about the procedures either before or during a hearing.

City Clerk Mayes handed out a book on Florida in the Sunshine Law and also Resolutions on procedures for meeting of the City of Hawthorne City Commission and on establishing agenda procedures, times of regular meetings, notice for meetings and posting.

The meeting was adjourned at 6:00 PM.

Donna R. Mayes, CMC
City Clerk

Chad M. Shryock, City Manager