



Minutes
Town of Lake Park, Florida
Commission Orientation Workshop
Friday, April 5, 2013, 3:30 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Commission Orientation Workshop on Friday, April 5, 2013 at 3:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Attorney Thomas Baird, Town Manager Dale S. Sugerman, and Town Clerk Vivian Mendez.

Town Clerk Vivian Mendez performed the Roll Call.

PRESENTATION OF COMMISSION ORIENTATION BRIEFING:

Town Manager Sugerman congratulated everyone on their recent election. He began the presentation by pointing out the 2010 Census (page 3 of exhibit A), which shows that Lake Park's population was 8,155. As of the 2011 Census estimate, the Town of Lake Park has increased in population to 8,248.

A discussion regarding the Town of Lake Park's Mission Statement adopted in February 2003 ensued (see page 4 of exhibit A). Town Manager Sugerman spoke of a vision for the Town versus a Mission Statement. The Commission's consensus was to have further discussion on this topic at an upcoming workshop.

Town Manager Sugerman explained the Lake Park Form of Government (see page 4 of exhibit A) as a Commission-Manager Form of Government, where the Commission establishes policy and the Manager carries out the daily administration and execution of the policy. Town Attorney Baird provided a handout with explanations on various topics. (see exhibit B)

Town Manager Sugerman outlined the Duties of Commissioners, which can be found on page 5 and 6 of exhibit A.

Town Manager Sugerman explained the Community Redevelopment Agency (CRA) (see page 6 of exhibit A). Town Attorney Baird offered further background on CRA's.

Town Clerk Mendez explained the CRA Board and its meetings. She explained that members of the CRA Board must be residents or business owners within the CRA boundaries. Florida State Statute 163.356 (b) establishes this policy. She stated that there is currently one (1) opening on that Board.

She explained that the Planning and Zoning/Historic Preservation/Local Planning Agency are three (3) separate Boards comprised of the same members. She explained that there was an error in the paragraph regarding the Planning & Zoning Board. She asked that

they strike out “and non-resident business owners” from the section because non-resident business owners are not permitted on this board as per Section 2-112 (k) of the Town Code. (see page 6 of exhibit A). There are currently three (3) openings on that Board; one (1) alternate and two (2) regular memberships.

She explained that the Library Board is an advisory Board to the Commission. There are currently two (2) opening on the Board; one (1) alternate and one (1) regular membership. A question regarding the difference between the Library Board and the Friends of the Library was asked. Town Manager Sugerman stated that the Library Board is an advisory Board to the Commission. The Friends of the Library is an independent 501(c) -3 organization, which provides financial support to the Library.

Town Clerk Mendez explained the Lake Park Retired Police Officers’ Pension Trust Fund Board (see page 7 of exhibit A) as a Board that was established as a result of the merger that took place with the Palm Beach County Sheriff’s Office (PBSO). The Trust Fund currently covers six (6) retired members. Town Manager Sugerman explained how the board is comprised of two (2) retirees, two (2) members of Town staff (Finance Director and Town Manager), and one (1) citizen representative.

She explained that the Lake Park Harbor Marina Advisory Board has not been active for several years. When asked why the Board has not met Town Manager Sugerman explained that the Board membership has not been filled for a number of years as determined by former Town Commissions. He explained that he asked the Town Commission to establish a Harbor Marina Task Force, which was given three (3) specific assignments and had a specific time frame six (6) months to complete their work. The Report of the Task Force is available on the Town’s website.

Town Clerk Mendez explained that the Tree Board has not been active for many years as well (see page 8 of exhibit A).

Discussion ensued regarding Commissioners being appointed as liaisons to boards. Town Manager Sugerman explained that, based upon how other municipalities deal with this issue of sharing information from the various Boards back to the Commission, the Chairperson of each board should periodically present to the Commission a report on what the board is doing. He explained that he does not believe in liaisons being appointed to boards, that it should be the responsibility of the Chair of each board to report to the Commission.

Town Clerk Mendez explained that the mail that is received in Town Hall for the Commission is a public record and therefore a copy is made and kept in the Clerk’s office. She read the note on page 9 of exhibit A, which explains the official use of Town letterhead and the use of the official titles. She stated that all social media is subject to the Public Records Laws. Town Attorney Baird provided a brief history related to the adoption of those Resolutions.

Town Manager Sugerman explained the Commission agenda preparation process (page 9 and 10 of exhibit A) and how the Commission can request to have items placed on agendas. An agenda deadline schedule was distributed to the Commission. He explained

how the deadline schedule works and provided a few examples of when items would appear on a future agenda. The Commissioners discussed when they should contact the Town Manager to have items placed on an agenda. Town Manager Sugerman explained that using the deadline schedule provided would be one way to get items on an agenda. He explained that a second method would be during a Commission meeting where, based upon a majority vote of the Commission, direction would be given to place an item on a future Commission agenda.

Town Manager Sugerman explained that the Mayor presides at all Commission meetings and requested feedback on the possibility of changing the time the meeting begin from 7:00 p.m. to 6:00 p.m. Discussion ensued and the Commission came to consensus to begin meetings at 6:30 p.m. This change will not take effect until an Ordinance is adopted by the Commission.

Town Manager Sugerman explained that the last paragraph on page 11 includes a line that should have been stricken. It states that "Commissioners shall not engage in cross conversation with other members or the public". He asked that everyone strike that line out.

Town Clerk Mendez explained the importance of the Commissioners speaking clearly into the microphones so that the minutes can be taken accurately. A question was asked regarding having changes to minutes and when should those changes be reported to the Clerk?

Town Clerk Mendez explained that if the changes are considered grammatical and not substantive they can contact the Clerk's office to have the change done. If the change is considered substantive, then they will need to bring it up during the approval of the minute's portion of the agenda to request the change to be made.

Town Attorney Baird provided further explanation and examples of changes that can be made outside of a public meeting.

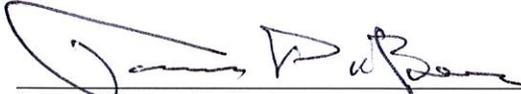
Town Clerk Mendez explained that in an effort to be more transparent, staff has changed the order of the agenda (page 12 of exhibit A). She stated that each item is explained on page 12 through 14 of exhibit A.

Town Manager Sugerman provided a few examples of where items would be placed on the agenda.

Town Clerk Mendez explained that they were each provided with the latest edition of Roberts Rules of Order. She read a few of the questions and responses to Sunshine Law/Public Records as found on page 17 through 19 of exhibit A. The Commission was asked if they had any other questions regarding the Sunshine Law and Public Records Law.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 5:25 p.m.



Mayor James DuBois

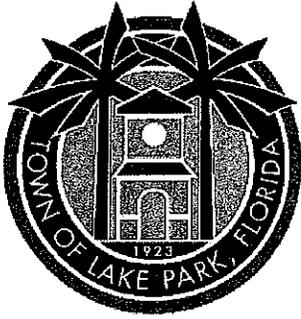


Town Clerk, Vivian Mendez, CMC



FLORIDA

Approved on this 17 of April, 2013



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Commission Orientation Workshop
Wednesday, April 5, 2013, 3:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
.....		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **PRESENTATION OF COMMISSION ORIENTATION BRIEFING**

Introduction by Town Manager Sugerman

Presentation by Town Manager Sugerman and Town Clerk Mendez
- D. **ADJOURNMENT**

Town of Lake Park



Commission Orientation Briefing

TOWN COMMISSION 2013

- Mayor James DuBois**
- Vice-Mayor Kimberly K. Glas Castro**
- Commissioner Erin T. Flaherty**
- Commissioner Michael J. O'Rourke**
- Commissioner Kathleen M. Rapoza**

TOWN ATTORNEY
Attorney Thomas J. Baird, Esquire

TOWN MANAGER
Town Manager Dale S. Sugerman, Ph.D.

TOWN CLERK
Vivian Mendez, CMC

- DEPARTMENT DIRECTORS**
- Chief Information Technology Officer Hoa Hoang
 - Community Development Director Nadia DiTommaso
 - Finance Director Blake Rane
 - Harbor Marina Director James Hart
 - Human Resource Director Bambi McKibbon-Turner
 - Library Director Karen Mahnk
 - Public Works Director Dave Hunt
 - Recreation Director Kathleen Carroll

Battalion Chief Mike Wells, Palm Beach County Fire Rescue
Lieutenant Chris Myers, Palm Beach County Sheriff's Office

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Congratulations and Welcome

Congratulations on your recent election and welcome to the Town Commission and the leadership role that you are about to undertake on behalf of the citizens of the Town of Lake Park. We hope that this booklet will be helpful to you as you settle into your new role. While winning your election may have seemed to be the hard part you will soon discover that it might have been the easiest thing you will have undertaken as an elected official. Your life will change significantly (hopefully in a good way) and we are here to help you to become as successful as you want to be. Included in this booklet is some background information, some statistics, some rules and regulations and some helpful hints. If at any time you have any questions or concerns, we are here to help. We want you to succeed, because if you succeed our community succeeds. Now let's have some fun!

Brief Description of the Town

Geographically located in the southeastern United States along the Atlantic seacoast of Florida, the Town of Lake Park, was chartered as Kelsey City in 1923, and officially renamed as the Town of Lake Park in 1939 pursuant to Ordinance 3-39. It has been referred to as both the "Gateway to the Palm Beaches" and the "Jewel of the Palm Beaches" since the 1920's.

Designed and planned by Dr. John Nolan of Boston, Massachusetts, and the Olmsted Brothers, sons of Frederick Law Olmsted who has long been acknowledged as the founder of American landscape architecture and who along with his partner Calvert Vaux designed New York City's Central Park, Kelsey City was the first zoned municipality in the State of Florida. Since then, the boundaries of Lake Park have expanded to 2.35 square miles of residential, business, industrial and mixed use land. The Lake Park Town Hall, constructed in 1927 and listed on the National Register of Historic Places, not only survived the 1928 hurricane but served as a shelter for Town residents during the storm.

The 2010 (April 1st) annual census demographics for the Town of Lake Park show:

Population	8,155
Persons under the age of 18	24.3%
Persons 65 years and over	11.4%
White persons	37.4%
Black persons	55.0%
All others	7.6%
Language other than English spoken at home	39.6%
High school graduate or higher	79.5%
Bachelor's degree or higher	16.8%
Homeownership rate (2007-2011)	48.3%
Households	2,925
Median household income (2007-2011)	\$42,583
Persons below poverty level (2007-2011)	20.3%

The Town of Lake Park has been designated as a *Tree City U.S.A.* for twenty-one consecutive years commencing in 1991.

Town of Lake Park's Mission Statement

(Adopted in February of 2003)

To improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery while maintaining a small town atmosphere in an urban environment and embracing the sense of place and community that makes the Town of Lake Park special.

The Lake Park Form of Government

On March 7, 1990, the voters of the Town of Lake Park adopted a new Charter establishing the Commission-Manager as the Town's form of government. The Commission-Manager form of government is based on the premise that the responsibility for policy rests with the Town Commission and the responsibility for daily administration and execution of policy rests with the Town Manager. In order for this form of government to be effective, a team-like atmosphere between the Town Commission and administration must be developed. The Commission-Manager structure is similar to a private corporation as it emphasizes that the government operates as a business. The structure of the Town of Lake Park's government reflects this concept. A comparison is shown as follows:

Establishment of Policy

Public Sector

Town of Lake Park
Residents
City Commission

Private Sector

ABC Corporation
Stockholders
Board of Directors

Administration & Implementation

Town Manager
Department Directors

Chief Executive Officer
Department Heads

Mayor/Town Commission

The Town Commission is the governing body of the Town and is comprised of five (5) members including the Mayor elected by the citizens of the Town of Lake Park. Each member serves a term of three (3) years and receives an annual salary of \$9,384.00 paid bi-weekly. The Mayor receives an annual salary of \$10,000 paid bi-weekly. The official actions of the Mayor and members of the Town Commission are at all times governed by the provisions of the Florida Commission on Ethics as well as the Palm Beach County Commission on Ethics (a copy of the Ethics manual will be shared with members of the Town Commission under separate cover).

The Town Commission is responsible for adopting policies of the Town, considering and adopting Ordinances and Resolutions and approving the annual operating budget and Capital Improvement Program (CIP). In addition, the Town Commission approves all formal bids, plats, special exceptions, land use amendments, and variances to the Land Development Regulations.

The Town's operating departments include the Office of the Town Manager, Town Clerk's Office, Legal, Human Resources, Finance, Community Development, Information Technology, Library, Parks & Recreation, Marina, and Public Works. In addition, the Office of the Town Manager currently supports the operation of the Community Redevelopment Agency.

DUTIES OF COMMISSIONERS

An individual assumes many duties and responsibilities upon becoming an elected official. The Town Commission collectively is responsible for establishing policy, adopting the Town's budget, and providing direction to the Town Manager. Commissioners provide public leadership, represent the Town at various events, and communicate with constituents about their various concerns.

The following outline is a brief description of the various duties and role of a Commissioner. The description is not meant to be exhaustive; rather, an effort has been made to summarize the primary responsibilities of a Commissioner.

- I. **Establish Policy**
 - A. Approves the operating and Capital Improvement Program budgets upon presentation by the Town Manager.
 - B. Approves the Town's Comprehensive Plan.
 - C. Approves the Land Use Plan, the Land Development Regulations, and any Zoning and/or Land Use revisions.
 - D. Approves the awarding of contracts in excess of \$5,000 based on a formal bid process and Town ordinances.
 - E. Approves contracts and/or agreements.
 - F. Makes appointments to the various volunteer and/or advisory boards of the Town.
 - G. Approves ordinances and resolutions which establish laws and policies.

- II. **Direction to Administration**
 - A. Employs and terminates, by contract, the Town Manager and the Town Attorney.
 - B. Provides direction to the Town Manager by a majority vote of the Commission.
 - C. Reports complaints and/or requests for information to the Town Manager for appropriate follow-up if necessary.

- III. **Provide Public Leadership**
 - A. Solicit input from the community.
 - B. Gather information from a variety of sources.
 - C. Reviews alternatives and recommendations.
 - D. Collectively decide on the best course of action.

- IV. **Represents the Town**
- A. Palm Beach County League of Cities.
 - B. Florida League of Cities.
 - C. National League of Cities
 - D. Various Town functions.

Town of Lake Park Boards and Committees

CRA

WHAT IS THE LAKE PARK COMMUNITY REDEVELOPMENT AGENCY?

A community redevelopment agency, or CRA, is a public body which operates pursuant to the State of Florida Community Redevelopment Act of 1969 (*Florida Statutes Chapter 163, Part III*) which gives counties and municipalities the authority to create community redevelopment agencies, and to carry out community redevelopment to eliminate and prevent slum and blighted conditions and to enhance and protect the tax base within designated community redevelopment agency districts.

The Lake Park CRA is a public body established for the purpose of carrying out redevelopment (i.e., public improvements and business development projects) in the area of Lake Park, Florida, described in Resolution 14, 1996, the boundaries of which are illustrated in the Town of Lake Park Community Redevelopment Agency Map, which is attached on page 40. This area was described in Lake Park's report entitled A Finding of Necessity as a blighted area in the Town where rehabilitation, conservation or redevelopment, was needed. The Park Avenue Downtown District, or PADD, lies within the CRA, and is an area in Lake Park designated for urban and downtown development and redevelopment.

THE CRA BOARD AND ITS MEETINGS

The Lake Park CRA Board consists of seven members, five of whom are members of the Lake Park Town Commission and two of whom are unpaid volunteer members appointed by the Town Commission. The Mayor and the Vice Mayor serve as the Chairperson and Vice Chairperson respectively of the CRA Board. The volunteer members are each appointed to a four-year term, while the terms of members of the Town Commission run concurrently with the length of their terms on the Town Commission.

Currently, the Lake Park CRA Board meets on a quarterly basis on the first Wednesday of January, April, July, and October at 6:30 p.m. Special meetings may be called from time to time. The meetings are held in the Commission Chamber, Lake Park Town Hall, 535 Park Avenue, unless otherwise noted. Such meetings are open to the public.

Planning & Zoning/Historic Preservation Board/Local Planning Agency

Membership: Five (5) regular members serving two (2) year terms and two (2) alternate members serving one (1) year terms effective May first of each year. Board Membership is open to residents and non-resident business owners and should consist of one land use planner or architect; one architect; one civil engineer; one person engaged in business within the Town and

a fifth member who need not be engaged in any particular business. The Board elects a Chairman and Vice Chairman from its membership.

Purpose: To review the Town Comprehensive Plan and submit specific recommendations for Amendments to the plan. To hear and make recommendations to the Town Commission with regard to development plans within the Town, issues relating to the Zoning Code; to issue or deny certificates of appropriateness or special appropriateness; to approve historical markers and issue certificates of recognition; to establish guidelines for preservation; to promote awareness of historic preservation and its benefits to the Town.

Meeting date: First Monday of each month at 7:30 p.m.

Library Advisory Board

Membership: This Board shall consist of five (5) members and two (2) alternates who are appointed by the Town Commission. Members of the Library Board are appointed for a term of two (2) years or until their successors have been appointed and qualified. Members must be residents of the Town.

Purpose: This Board acts in an advisory capacity (non-administrative) to the Town Commission, to ensure representation of the ideas of citizens and taxpayers of the Town relative to the function and operation of the municipal library. Actions, decisions, or recommendations of the Library Board are not final or binding upon the Town Commission but are advisory only. The Board keeps records of all of the activities of the Board and makes annual reports to the Town Manager and the Town Commission, or whenever requested to do so by the Town Commission.

Meeting Date: First Thursday, Monthly at 6:00 p.m.

Lake Park Retired Police Officers' Pension Trust Fund Board

The Town of Lake Park created the Town of Lake Park Retired Police Officers' Pension Fund as a closed plan to pay the remaining obligations of the terminated Lake Park Police Pension Fund. The Lake Park Police Pension fund was terminated when the Town contracted with the Palm Beach County Sheriff's Office (PBSO) for police services. The police officers who, at the time of contracting for services with the PBSO, were still working for the Town became full time employees of the Sheriff's office. Those employees were absorbed into the PBSO pension plan. However, those employees who had retired from the Town of Lake Park's police department prior to the contractual relationship with PBSO had their pension plan moved into a separate fund.

A Board of Trustees administers the Town of Lake Park Retired Police Officers' Pension Fund. The Trustees discharge their duties with respect to the Pension Fund solely in the interest of the beneficiaries, and with the exclusive purpose of providing benefits and defraying the normal and reasonable expense of administration.

As of the publication of this booklet, the Fund has six (6) covered members (retirees). The Board is currently made up of two retirees, two members of the Town staff (the Finance Director and the Town Manager) and one citizen representative. The Board meets quarterly, and upon special call of the Chair. The Board also engages a plan administrator who is responsible for distribution of pension payments, investment activities, and annual reporting requirements imposed by the State of Florida.

Lake Park Harbor Marina Advisory Board

Membership: Five (5) regular members and two (2) alternate members comprised of residents and non-resident business owners serving three (3) year terms.

Purpose: To provide advisory recommendations regarding issues or projects as requested by the Town Commission or Town Manager regarding the progressive development and efficient operation of the Lake Park Harbor Marina.

Meeting Date: Currently the Marina Advisory Board is not active.

Tree Board

Membership: Five (5) regular members comprised of residents and non-resident business owners who shall serve three (3) year terms.

Purpose: To prepare an inventory of all trees on public property within the town; to assist the Community Development Director to develop and administer a written guide for care, preservation/planting and/or removal of trees and shrubs in parks, and rights-of-way.

Meeting Date: Currently the Tree Board is not active.

MAIL

Members of the Town Commission receive mail and other materials in connection with their public and official Town business. All mail is open to public scrutiny. Mail boxes are maintained in the Reception area of Town Hall. Mail will be placed in each Commissioner's mailbox. Members may make arrangements with the Town Clerk's Office to retrieve their mail.

Commission members have access to e-mail, faxes, and an iPad to conduct official town business. Agenda packets are available in electronic format, CD or paper.

NOTE: Please be aware that all mail sent from and received at Town Hall are Public Records. The explanation of Public Records can be found on page 17. In addition members of the Commission need to be aware of Resolution 47-2001 and Resolution 65-12-08 which deal with the use of Town stationary, the sending of correspondence as a member of the Town Commission, and the use of your official title on any correspondence. Copies of both Resolutions are included at the end of this packet on page 41.

SOCIAL MEDIA

The Town's official functions may require a social media presence from time to time in the normal course of work-related Town business.

The establishment of social media accounts and pages such as Twitter, Facebook, etc. utilizing the Town's computer technology devices and/or the Town's brand (e.g., logo, name, web resources, etc.) must be submitted to the Chief Information Technology Officer and then to the Town Manager for advance approval. These social media accounts are subject to Public Records law.

Advances in social media have encouraged new methods of communication and sharing of information. The Town supports the use of authorized social media sites as an alternative and timely method of communication with its citizens and employees and as a way to help fulfill its mission and promote the Town's brand.

COMMISSION MEETING PROCEDURES

COMMISSION AGENDA PREPARATION

Important Meeting Agenda Information

1. The Town Manager and the Town Clerk are responsible for constructing the agenda packet prior to each Commission meeting. Any member of the Town Commission may ask to have an item placed on a future agenda. The Agenda closes at 3:00 pm on the Monday two weeks prior to the actual meeting. All items on the Agenda must contain back-up information in the form of a memorandum and/or other documentation in order to outline what kind of action is proposed.

2. All Ordinances and Resolutions shall show the name of each Commissioner and whether such member voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor, attested to by the Town Clerk, and by the Town Attorney for legal sufficiency.
3. The Commission meeting agenda packet is electronically distributed to the Town Commission and posted on the Town's website by 5:00 pm one week prior to the meeting.
4. The members of the Town Commission should attempt to resolve any questions they may have about agenda items with the Town Manager prior to the meeting in order to obtain the necessary information for their decision-making process and for maintaining a smooth meeting. All requests for information relating to items that appear on the agenda should be directed to the Town Manager.
5. Those items that do not require a public hearing or are administrative in nature (i.e., contracts, resolutions) are normally placed on the Consent Agenda, which is voted on as one item. Any member of the Commission may remove an item from the Consent Agenda in order to discuss and vote on it as a separate issue. Requests for removal should be directed to the Mayor at the beginning of consideration of the Consent agenda.
6. Sequence of Agenda Items. Upon majority vote of the Commission, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission.

The Town's Comprehensive Commission Meeting and Agenda Procedures were adopted by Resolution No. 33 1998. By adopting Resolution No. 33-1998 states that all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised 1990 Edition.

COMMISSION MEETINGS

The Mayor presides at all commission meetings and serves as head of the Town government for ceremonial purposes such as the execution of official proclamations and Town Ordinances and Resolutions. The Mayor is the Town official designated to represent the Town in all dealings with other governmental entities. The Mayor is an equal voting member of the Town Commission but has no administrative responsibilities.

The Mayor is also responsible for presiding over all Town events unless another member of the Town Commission is delegated by the Mayor or by a vote of the Town Commission at a prior meeting to serve that function. The Vice-Mayor serves as Mayor in the case of death, disability, resignation, or removal of the Mayor.

The Town Commission meets the first and third Wednesday monthly to discuss and act on official Town business and issues of concern to the Commission. Regular Meetings: The Town Commission holds regular meetings on the first and third Wednesday of each month at 6:00 p.m.

at the Town Hall Commission Chambers located at 535 Park Avenue, Lake Park, Florida 33403 or such other location as designated by the Town Commission from time to time. Special Meetings: Special meetings of the Town Commission may be held upon the call of the Mayor or Town Manager or upon the call of four (4) or more members of the Town Commission. Whenever, a Special Meeting is called, forty-eight (48) hours' notice shall be given to each member of the Town Commission and the public, or such shorter time as the majority of the Town Commission shall determine necessary in case of an emergency affecting life, health, property or the public peace. Notice to the public shall be posted at the Lake Park Town Hall. Notices shall state the place, date and hour of the meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting except as stated in the notice. Discussions at Special Meetings shall be limited to the items referred to on the agenda for such meetings. All meetings shall be open to the public, except as may be expressly exempted by state law.

DUTIES AND RESPONSIBILITIES OF THE MAYOR DURING PUBLIC MEETING(S)

Mayor to Serve As Presiding Officer. The Mayor shall be the presiding officer at all Town Commission meetings. The Vice-Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice-Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer to carry out the functions of Mayor, as defined in the Town Code (Code 1966, Ordinance 13-1966; Ordinance 1-1976, Code 1978). The Mayor shall decide on all point of order, subject however, to an appeal to the other members of the Town Commission, in which event a majority vote of the Town Commission will govern such point of order. The Mayor shall vote on all questions and items and be called last. The Mayor shall introduce agenda items by the agenda item number. The Town Attorney shall read the titles of legislation as requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item being considered. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item. All comments or questions by the attending public shall be directed to the Mayor.

Mayor to Maintain Decorum At Commission Meetings. Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Commission Chambers, to be accompanied, if necessary, by a Sheriff or Deputy. In the event the audience or a part thereof becomes unruly, the Mayor may either recess or adjourn the meeting.

COMMISSION DISCUSSION

Discussion by Commissioners. Discussion by members of the Town Commission, including the Mayor, shall be unlimited except as determined by a majority of the Town Commission. Each member shall be afforded the opportunity to offer rebuttal to each item discussed. A member, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other members or the public. The Mayor shall not unreasonably withhold or delay recognition of any member of the Town Commission desiring to speak. The Mayor shall recognize other members of the Town Commission in rotation and not call on any member a second time or subsequent time until such time as all members shall have had an opportunity to speak.

Questions By Commissioners. In the event a member wishes to direct questions to another member or to the public during a public meeting or presentation, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a member wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the member. All questions of Town staff shall be made through the Town Manager.

ORDER OF BUSINESS

The order of business of the Town Commission at the regular meetings shall be as follows:

- (1) Call to Order/Roll Call
- (2) Pledge of Allegiance
- (3) Special Presentations/ Reports
- (4) Public Comment
- (5) Consent Agenda
- (6) Board Appointments (as needed)
- (7) Old Business
- (8) Public Hearings- Ordinances- First Reading/Public Comment
- (9) Public Hearings – Ordinances – Second Reading/Quasi Judicial Proceeding(s)
- (9) New Business
- (10) Town Attorney, Town Manager, Commissioner Comments
- (11) Adjournment

COMMISSION MEETING ITEMS

Special Presentations/Reports

This section of the agenda is reserved for presentations, proclamations special recognition, or reports of a committee or board made by the Mayor.

Public Comment

Individuals wishing to speak on matters that **do not** appear on the agenda need to complete a Public Comment Card which is to be submitted to the Town Clerk prior to the beginning of the Commission meeting. Public comments shall be limited to three minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, after due consideration for the substance, content and relative importance of the subject. Any extensions granted should apply to other individuals speaking on the same subject. Each person who addresses the Commission shall step up to the speaker's podium and shall give his/her name and address. No person other than the Commission and the person recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. All questions from the public to the Commission shall be addressed through the Mayor. If deemed appropriate the Mayor or any other member of the Town Commission may attempt to resolve or respond to public concerns or inquiry. If an immediate response is not possible or inappropriate, the Mayor will have the Town Manager provide a response via U.S. mail, electronic mail or by telephone prior to the next regularly scheduled Town Commission meeting.

Consent Agenda

The Consent Agenda allows members of the Commission to adopt a group of items *en bloc* without discussion. It serves as a way to dispose of business items that are non-controversial and can be approved with a single vote. Examples of a consent item would be approval of minutes, paying bills, and award; contracts from a public bid. The Mayor usually presents it and asks if any member wants to extract an item from the Consent Agenda. The items extracted can then be taken up after the items remaining on the Consent Agenda have been voted upon.

Old Business

Old Business is the portion of the agenda for any item that has been carried over from a prior Commission meeting which was not dispensed with at that prior Commission meeting.

Public Hearings

Public Hearings/First Reading. Individuals wishing to speak on matters that appear on the agenda as "Public Hearings" need to complete a Public Comment Card which is to be submitted to the Town Clerk prior to the discussion of such item. Even if a card has been submitted, the party cannot approach the podium until the Mayor authorizes such action. The public shall be permitted to speak after the Mayor opens an item for Public Hearing. After the Public Hearing is closed by the Mayor, only members of the Town Commission or Administration shall discuss the item.

Public Hearings/Second Reading. A proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality.

Quasi-Judicial Hearing. Florida State Statute 163.3215 - At the quasi-judicial hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved which are related to the matter, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed. The local process must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case for the quasi-judicial hearing.

The local process must provide, at a minimum, an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken.

The local process may not require that a party be represented by an attorney in order to participate in a hearing. Section 2-2 (3) of the Town Code explains the Exparte Communication process. (Ordinance 26-2002 attached on page 46).

New Business

Any new business which has not been previously discussed at a Commission meeting will be considered under this portion of the agenda.

Town Attorney, Town Manager, Commissioner Comments

This section of the agenda shall be utilized for the Mayor, Commissioners, Town Manager, and Town Attorney to provide informational reports. As much as it is possible, the topic of the report should be provided to the Town Manager prior to the close of the agenda so that the item

may be noticed to the public. No final action may be taken during this portion of the agenda unless determined to be an emergency by a motion of the majority votes of the Town Commission. However, comments by Commissioners, the Mayor, Attorney, or Town Manager may form the basis to initiate discovery, fact finding, research, communication, or further pursuit regarding topics of concern when there is consensus of the Commission.

Adjournment

All meetings of the Town Commission, whether they are special, workshops, or regular meetings, shall be adjourned by 11:00 p.m.

Parliamentary Procedure

Parliamentary procedure refers to the *rules of democracy*—that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. "The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion."

All meetings are conducted pursuant to Robert's Rules of Order. The information provided in this section can help the meetings to become more efficient and productive. This will aid your understanding of the primary principles of parliamentary law.

The Town's Comprehensive Commission Meeting and Agenda Procedures were adopted by Resolution No. 33 1998. Resolution No. 33-1998 states that all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised 1990 Edition. A copy of this publication can be obtained by contacting the Town Clerk.

LEGISLATIVE ACTIONS

(Before any business can be legally transacted, a quorum must be present. A quorum is the minimum amount of members who must be present in order to conduct business.)

Handling Motions:

1. A Commissioner seeks recognition for the floor.
2. The Mayor recognizes the Commissioner.
3. The Commissioner makes a motion.
4. Another Commissioner seconds the motion.
5. The Mayor **states** the question.
6. Debate (amendments and secondary motions).
7. The Mayor **puts** the question to a vote.
8. The vote is taken.
9. The Mayor announces the result of the vote.

What Precedes Debate:

Before a subject is open to debate, it is necessary for a motion to be made by a member of the Commission who has obtained the floor; next it is seconded (with certain exceptions); and then it is stated by the Mayor (presiding officer). The fact that a motion has been made and seconded does not place it before the Commission for consideration, as the chair (Mayor) alone can do that. The Mayor must either rule it out of order, or state the question on it so that the assembly may know what is before it for consideration and action. If several questions are pending, as a resolution and an amendment and a motion to postpone, the last one stated by the Mayor is the "immediately pending" question.

Until the motion is stated or ruled out of order by the chair, no debate or other motion is in order. However, Commission members may suggest modifications to the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he/she pleases, or even to withdraw his/her motion entirely **before** the chair states the question. This is

the case only for a brief interval, because after the question is stated by the chair, the mover can do neither without the consent of the assembly. A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion, the one who seconded it has a right to withdraw his second.

I. ORDINANCES

An Ordinance is a law enacted by the Town Commission, prescribing a general and lasting rule for persons or things within the Town boundaries. It is the most authoritative act of which the Commission is responsible for, and is usually reserved for cases involving long term policy. Some examples are the Land Development Regulations, budget, adoption of revenue sources and regulation of businesses.

Adoption of Ordinance

1. Presentation to Town Commission
2. First Reading at Commission Meeting
3. Second Reading at next meeting requires a Public Hearing to obtain citizen input and publication in a newspaper of general circulation.
4. Upon passage and execution by the Mayor, the Ordinance, unless a budgetary matter, is codified and placed in the Code of Ordinances.
5. Implementation by the Town Administration.

II. RESOLUTIONS

Resolutions are commonly used for administrative items such as authorizing the Town Manager to execute contracts and agreements, authorizing budget amendments, expressing public positions, approving plats, and zoning matters.

SUNSHINE LAW/PUBLIC RECORDS

MOST FREQUENTLY ASKED QUESTIONS ON FLORIDA'S OPEN GOVERNMENT LAWS

The following questions and answers are intended to be used as a reference only -- interested parties should refer to the Florida Statutes and applicable case law before drawing legal conclusions.

Q. What is the Sunshine Law?

A. Florida's Government-in-the-Sunshine law provides a right of access to governmental proceedings at both the state and local levels. It applies to elected and appointed boards and applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There is also a constitutionally guaranteed right of access.

Q. What are the requirements of the Sunshine law?

A. The Sunshine law requires that 1) meetings of boards or commissions must be open to the public; 2) reasonable notice of such meetings must be given, and 3) minutes of the meeting must be taken.

Q. What agencies are covered under the Sunshine Law?

A. The Government-in-the-Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision." Thus, it applies to public collegial bodies within the state at both the local as well as state level. It applies equally to elected or appointed boards or commissions.

Q. Are federal agencies covered by the Sunshine Law?

A. Federal agencies operating in the state do not come under Florida's Sunshine law.

Q. Does the Sunshine Law apply to members-elect?

A. Members-elect of public boards or commissions are covered by the Sunshine law immediately upon their election to public office.

Q. What qualifies as a meeting?

A. The Sunshine law applies to all discussions or deliberations as well as the formal action taken by a board or commission. The law, in essence, is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. There is no requirement that a quorum be present for a meeting to be covered under the law.

Q. Can a public agency hold closed meetings?

A. There are a limited number of exemptions which would allow a public agency to close a meeting. These include, but are not limited to, certain discussions with the board's attorney over pending litigation and portions of collective bargaining sessions. In addition, specific portions of meetings of some agencies (usually state agencies) may be closed when those agencies are making probable cause determinations or considering confidential records.

Q. Does the law require that a public meeting be audio taped?

A. There is no requirement under the Sunshine law that tape recordings be made by a public board or commission, but if they are made, they become public records.

Q. Can a city restrict a citizen's right to speak at a meeting?

A. Public agencies are allowed to adopt reasonable rules and regulations which ensure the orderly conduct of a public meeting and which require orderly behavior on the part of the public attending. This includes limiting the amount of time an individual can speak and, when a large

number of people attend and wish to speak, requesting that a representative of each side of the issue speak, rather than everyone present.

Q. As a private citizen, can I videotape a public meeting?

A. A public board may not prohibit a citizen from videotaping a public meeting through the use of non-disruptive video recording devices.

Q. Can a board vote by secret ballot?

A. The Sunshine law requires that meetings of public boards or commissions be "open to the public at all times." Thus, use of pre-assigned numbers, codes or secret ballots would violate the law.

Q. Can two members of a public board attend social functions together?

A. Members of a public board are not prohibited under the Sunshine law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings.

Q. What is a public record?

A. The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. They are not limited to traditional written documents. Tapes, photographs, films, and sound recordings are also considered public records subject to inspection unless a statutory exemption exists.

Q. Can I request public documents over the telephone and do I have to tell why I want them?

A. Nothing in the public records law requires that a request for public records be in writing or in person, although individuals may wish to make their request in writing to ensure they have an accurate record of what they requested. Unless otherwise exempted, a custodian of public records must honor a request for records, whether it is made in person, over the telephone, or in writing, provided the required fees are paid. In addition, nothing in the law requires the requestor to disclose the reason for the request.

Q. How much can an agency charge for public documents?

A. The law provides that the custodian shall furnish a copy of public records upon payment of the fee prescribed by law. If no fee is prescribed, an agency is normally allowed to charge up to 15 cents per one-sided copy for copies that are 14" x 8 1/2" or less. A charge of up to \$1 per copy may be assessed for a certified copy of a public record. If the nature and volume of the records to be copied requires extensive use of information technology resources or extensive clerical or supervisory assistance, or both, the agency may charge a reasonable service charge based on the actual cost incurred.

Q. Does an agency have to explain why it denies access to public records?

A. A custodian of a public record who contends that the record or part of a record is exempt from inspection must state the basis for that exemption, including the statutory citation. Additionally, when asked, the custodian must state in writing the reasons for concluding the record is exempt.

Q. When does a document sent to a public agency become a public document?

A. As soon as a document is received by a public agency, it becomes a public record, unless there is a legislatively created exemption which makes it confidential and not subject to disclosure.

Q. Are public employee personnel records considered public records?

A. The rule on personnel records is the same as for other public documents ... unless the Legislature has specifically exempted an agency's personnel records or authorized the agency to adopt rules limiting public access to the records; personnel records are open to public inspection. There are, however, numerous statutory exemptions that apply to personnel records.

Q. Can an agency refuse to allow public records to be inspected or copied if requested to do so by the maker or sender of the documents?

A. No. To allow the maker or sender of documents to dictate the circumstances under which documents are deemed confidential would permit private parties instead of the Legislature to determine which public records are public and which are not.

Q. Are arrest records public documents?

A. Arrest reports prepared by a law enforcement agency after the arrest of a subject are generally considered to be open for public inspection. At the same time, however, certain information such as the identity of a sexual battery victim is exempt.

Q. Is an agency required to give out information from public records or produce public records in a particular form as requested by an individual?

A. The Sunshine Law provides for a right of access to inspect and copy existing public records. It does not mandate that the custodian give out information from the records nor does it mandate that an agency create new records to accommodate a request for information.

Q. What agency can prosecute violators?

A. The local state attorney has the statutory authority to prosecute alleged criminal violations of the open meetings and public records law. Certain civil remedies are also available.

Q. What is the difference between the Sunshine Amendment and the Sunshine Law?

A. The Sunshine Amendment was added to Florida's Constitution in 1976 and provides for full and public disclosure of the financial interests of all public officers, candidates and employees. The Sunshine Law provides for open meetings and open records for all governmental agencies.

Q. How can I find out more about the open meetings and public records law?

A. Probably the most comprehensive guide to understanding the requirements and exemptions to Florida's open government laws is the Government-in-the-Sunshine manual compiled by the Attorney General's Office. The manual is updated each year and is available for purchase through the First Amendment Foundation in Tallahassee. For information on obtaining a copy, contact the **First Amendment Foundation at (850) 222-3518**.

Florida is renowned for putting a high priority on the public's right of access to governmental meetings and records. In fact, the principles of open government are embodied not only in Florida statutes, but also guaranteed in the state Constitution.

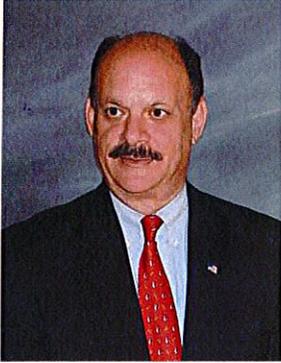
Florida began its tradition of openness back in 1909 with the passage of what has come to be known as the "Public Records Law," Chapter 119 of the Florida Statutes. This law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Legislature. Over the years, the definition of what constitutes "public records" has come to include not just traditional written documents such as papers, maps and books, but also tapes, photographs, film, sound recordings, and records stored in computers.

It was in 1967 that Florida's Government-in-the-Sunshine Law was enacted. Today, the Sunshine Law can be found in Chapter 286 of the Florida Statutes. The Sunshine Law establishes a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities.

Throughout the history of Florida's open government, its courts have consistently supported the public's right of access to governmental meetings and records. As such, they also have been defining and redefining what a public record is and who is covered under the open meetings law.

One area of public concern was whether or not the Legislature was covered under the open meetings requirements. To address that concern, a Constitutional amendment was passed overwhelmingly by the voters in 1990 providing for open meetings in the legislative branch of government.

Meet the Town Manager



Dale S. Sugerman, Ph.D., Town Manager

The Town Manager is appointed by the Town Commission for an indefinite term and serves as the Chief Administrative Officer of the Town's governmental organization. The Town Charter and Section 2-82 of the Town's Code of Ordinances lists the duties and responsibilities of the Town Manager. Some of those duties include the final responsibility for appointing, hiring, disciplining and removing of Town employees; directing and supervising the administration of all departments; preparing the annual budget; and, serving as the purchasing agent for the Town. The Manager directs the functions of the Town's operations through several major departments and provides recommendations to the Town Commission on policy issues. The Town Manager is directly responsible for implementation of all policies adopted by the Town Commission. The manager is also responsible for responding to citizen inquiries and suggestions.

Dale S. Sugerman, Ph.D. is currently the Lake Park Town Manager. He has been a local government manager for more than 35 years, serving the communities of Slater, MO, Oberlin, OH, Sunrise, FL, Palm Bay, FL, Boynton Beach, FL, Highland Beach, FL, and since June of 2012, the Town of Lake Park. Dr. Sugerman earned his Bachelor of Arts degree in Political Science from the University of Cincinnati, a Masters of Public Administration with a dual major in city management and organizational behavior from the University of Missouri, and a Ph.D. in Global Leadership from Lynn University. He was one of the first 72 local government managers in the United States to earn Credentialed Manager status from the International City/County Management Association (ICMA). He is a graduate of the Senior Executive Institute at the University of Virginia. He is also a qualified trainer in the Myers-Briggs Type Indicator[®]. Dr. Sugerman is an adjunct faculty member at Nova Southeastern University and at Barry University. He is also the President and CEO of the International Institute for Leadership Development and Training; a for-profit consulting firm which specializes in high performance teambuilding with an emphasis on helping family-owned and controlled businesses eliminate the inherent dysfunctionality within their executive leadership teams.

RELATIONSHIP OF COMMISSION TO MANAGER

The Town Manager is appointed by the Town Commission to enforce its laws, to direct the daily operations of Town government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the Town Commission. The Town Manager is responsible to the Town Commission as a whole rather than to individual Commission members.

In order to uphold the integrity of the Commission/Manager form of government, the Charter specifically prohibits the Mayor and members of the Commission from becoming directly involved in the administrative affairs of the Town. § 4 -Town Manager has full control over administrative services. The Town Charter states the following:

Town Charter Article VI Operation of Commission-Manager Form of Government Section 4. Town manager has full control over administrative service.

Neither the Commission nor any of its members or committees shall dictate the appointment of any person to office or employment by the Town Manager, or in any manner interfere with the Town Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. The Commission and its members shall deal with the administrative service solely through the Town Manager.

The employment relationship between the Town Commission and Town Manager honors the fact that the Town Manager is the Chief Executive Officer of the Town. The Town Commission should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by any member of the Town Commission. Regular communication between the Town Commission and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the authority of the Town Manager in administrative matters.

The Town Commission is to evaluate the Town Manager on a regular basis to ensure that both the Town Commission and Town Manager are in agreement about performance and goals based on mutual trust and common objectives.

As in any professional relationship, it is important that the Town Manager keep the Town Commission informed. The Town Manager respects and is sensitive to the political responsibility of the Town Commission and acknowledges that the final responsibility for establishing the policy direction of the Town is held by the Town Commission. The Town Manager communicates with the Town Commission in various ways. There is a formalized approach by holding briefing meetings with individual Commission members (so-called “one-on-one” meetings) and through regularly written reports. Communication is undertaken in such a manner that all Commission members are treated similarly and kept equally informed.

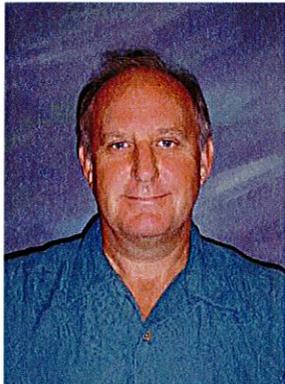
INFORMATION FLOW / TYPES OF REPORTS

1. Town Manager Monthly Update Report – contains information of interest to Commissioners. This information is disseminated to the public on an as needed basis.
2. Operational Reports - Monthly
Departments submit to Town Manager.
 - a. Palm Beach County Sheriff Office
 - b. Palm Beach County Fire Rescue
 - c. Town Clerk

- d. Finance Department
 - e. Public Works Department
 - f. Lake Park Public Library
 - g. Recreation Department
 - h. Community Development Department
 - i. Marina
5. Annual Audit and Financial Statements
March / April – Annual Audit and Financial Statements
 6. E-Blast's are distributed via email to citizens.
 7. Annual Report – Annual Report(s) by applicable advisory boards are due before July of each year. The reports are submitted to the Town Clerk who disseminates the information to the Town Commission and Town Manager.

RELATIONSHIP OF COMMISSION TO ATTORNEY

Town Attorney



Thomas J. Baird, Esq., Town Attorney

The Town Attorney is a contractual position in the Town of Lake Park. The Town Attorney is the legal advisor for the Town Commission, Town Manager, and department directors. The general responsibilities of the Town Attorney are:

- Provide legal assistance necessary for formulation and implementation of legislative policies and projects.
- Represent the Town's interest, as determined by the Town Commission, in litigation, administrative hearings, negotiations, and similar proceedings.
- Prepare, review, and approve ordinances, resolutions, contracts, and other legal documents.
- Keep the Town Commission and staff apprised of court rulings and legislation affecting the legal interests of the Town.

It is important to note that the Town Attorney does not represent individual members of the Commission, but the Town Commission as a whole.

RELATIONSHIP OF COMMISSION TO TOWN CLERK

Office of the Town Clerk

The Town Clerk is hired by the Town Manager in the Town of Lake Park. The Town Clerk, under both state and local ordinances, is entrusted with numerous and diverse duties. The Office of the Town Clerk is the official keeper of records. It maintains an accurate record of the official actions of the Town Commission and Advisory Boards, such as official minutes, contracts, ordinances, and resolutions pertaining to the Town. It is the central repository for vital Town records. The Office of the Town Clerk serves as the administrative support for the Mayor, Town Commission, and Town Manager. The Town Clerk is designated as the Town's official filing agent for the Town of Lake Park's Municipal Election and serves as the local supervisor of elections officer. The Town Clerk conducts elections in accordance with state, county, and municipal election laws.

This office also responds to public information requests and is a "hub" for the dissemination of information to the public, city officials, department directors, other governments, and public agencies. In addition to serving as Clerk of the Town Commission and maintaining the official record of the minutes of Commission meetings, the Town Clerk 's duties include but are not limited to, preparing meeting agendas, processing legislation and agreements for signature by appropriate officials, and providing administrative services to the Commission. The Town Clerk administers oaths, records documents in the official records of Palm Beach County, and is responsible for codification of all applicable Town Ordinances.



Vivian Mendez, CMC, Town Clerk

History of the City Clerk

The term "clerk" is an ancient and honorable one. It comes from the early Middle Ages when churches regulated many local government matters and only clergymen were educated and could write. The idea of clerk as writer, keeper of records and local official comes from this history.

The first settlers in America soon created the office of parish or town clerk, and the post has continued to this day as an essential municipal post. Every city and town in the nation, regardless of size or form of government, has a clerk or equivalent position.

In Florida, the Municipal Clerk is an important and exacting position in municipal government. The Clerk is expected to know virtually everything about the operation of a city and how to

accomplish all that needs to be done. Even when the Clerk is not an expert, the Clerk's Office must know where to refer a question or problem for proper action or answer.

The general responsibilities of the Town Clerk are:

1. To maintain accurate minutes of the proceedings of the Town Commission and advisory boards.
2. To publish public notices as required by law.
3. To maintain custody of Town records and coordinate the storage and lawful disposal of said records.
4. To provide clerical support to the Town Commissioners, including preparation of memos, faxes and correspondence (limited), accepting telephone calls, and taking messages, opening Commission mail, distributing, and responding to, as directed.
5. To administer the publication of the code book, supplements and indexing of Town Commission minutes.
6. Conducting municipal elections in accordance with city, county, and state laws.
7. Establishing and coordinating the Town's records management program in compliance with state law.
8. Providing for preparation/distribution of Commission/Board agendas upon receipt of documentation/direction from the Town Manager.
9. Composing and preparing Proclamations, Certificates.
10. Serving as Financial Disclosure coordinator.
11. Swearing in new members of the Commission or hiring a duly elected official to perform the swearing in Ceremony.
12. Responding to requests for liens and copies of public records.
13. Preparing Ordinances and Resolutions as directed and providing for distribution/codification.

Operating Departments

Chief Information Technology Officer



Hoa Hoang, Information Technology

Department Description

The Information Technology Department supports all other Town departments through a series of services that includes integrating computer systems, coordinating and providing training, technology assistance and support. The department creates the technological environment that enables Town employees to quickly access vital information using the most efficient and cost effective system hardware and software. The department provides leadership as an active partner in the regional telecommunications and data-sharing network.

Mission

The Information Technology Department assists Town departments in responding to the needs of the citizens by enabling Town employees to quickly access vital information. We are dedicated to providing quality service through teamwork, partnerships, and developing team and individual strengths.

Services

Town Hall, Public Works, Library, Recreation, Marina and future EOC Disaster Recovery site:

- **Data:** The use of computers and networks to store, process and receive data
- **Computer systems and applications:** The development, installation, and implementation of computer systems and applications (IMS for Building Department, Ink Force for Code Compliance system, ADG for Finance, future GIS for CDD and Microsoft Exchange and Emails Protection System (EMPS)).
- **Hardware/Software/Printing/Scanning and Facsimile:** The support and management of computer, peripherals, and software (Virus and Malware Protection).
- **Network and Back up:** Virtualization Servers (Town Hall, Public Works, Recreation, Marina and future EOC server as Disaster Recovery site).

- **Voice support:** Manage and maintenance of the telephones (Landlines and Cellular)
- **Security systems:** CCTV systems throughout the Town to provide live information to Sheriff Department.
- **Communications:** Lake Park TV channel 18 available to subscribers of Comcast cable for the Town meetings (both live and re-broadcast).

Community Development



Nadia DiTommaso, Community Development Director

The Town of Lake Park Community Development Department is a full-service department. The Department's primary mission is to provide a platform that encourages appropriate growth and development within the guidelines and boundaries of the Town's Code of Ordinances, while at the same time assisting community businesses and residents in a professional and friendly manner. The Department strives to deliver the highest level of customer service and work in partnership with the community, while preserving the quality of life and providing for the Town's vision of the future.

The Department's three divisions, Planning and Zoning, Building, and Code Compliance, ensure that the Town's structures and natural environments are protected and enhanced according to the desires of the community and the letter of the Code.

Community Development Staff provides support to the Town Commission, Planning and Zoning Board, Historic Preservation Board, Local Planning Agency (LPA), and the Community Redevelopment Agency (CRA).

BUILDING DIVISION

The authority and statutory requirement for the Town of Lake Park to maintain and operate a Building Division are contained in the Florida Statutes, as well as numerous county and local codes and ordinances. The major programs/functions of the division - Permitting, Plan Review, Field Inspections, and Business Tax Receipts- are described below. Implementation of the Standard Building Code by the staff requires continuous training and certification of all inspectors and plan reviewers.

Permitting- Its purpose is to ensure that all the requirements of the Town's adopted technical codes as well as other pertinent state, county and local ordinances are complied with. Other duties include the collection of state, county and local fees, garage sale permits, and other informational services for the general public. Chapters 489 and 553 of the Florida Statutes specifically require local governments to enforce minimum building codes and standards through the issuance of building permits.

Plan Review - The review of construction documents is required prior to the issuance of permits in order to ensure compliance with all codes, ordinances, rules, and regulations. This includes building, plumbing, mechanical, electrical, gas, sign, contracting, accessibility, energy, flood, zoning, landscaping and other codes. Permits are issued based on construction documents that comply with all respective codes.

Field Inspections - On-site inspections are performed to ensure that building construction complies with codes, ordinances, rules and regulations. Certificates of Occupancy or Completion are required by State Statute as a condition of occupancy for new developments or substantial renovations. Other functions include the inspection of existing structures for minimum construction standards, inspections for business tax receipt applicants and processing of contractor registrations.

Business Tax Receipts- This function provides for the safe and orderly business activities within the Town boundaries by the issuing of business tax receipts. Monitoring of existing business activities is accomplished through the Palm Beach County Fire Rescue annual inspection of businesses and routine monitoring by the department's Code Compliance Division.

PLANNING AND ZONING DIVISION

Planning - One of the primary jobs of the Planning staff involves the review of site plans and other related applications for all new development and most redevelopment activities in the Town. The Planning staff coordinates site plan reviews with other Town departments, such as Public Works, as well as police and fire protection requirements, and develops recommendations for consideration by the Planning and Zoning Board. They also work with property owners and developers to explain the kind of development the Town desires. The Town's Comprehensive Plan contains a set of long range goals, objectives, and policies that describe a vision of the Town's future. It addresses all aspects of the Town, such as land use, environmental issues, housing, transportation, recreation facilities, and other infrastructure systems. The Planning staff keeps the plan up to date and uses it as a guide for making decisions about development issues.

Zoning - The Town's Zoning Code is found in Chapter 78 of the Town's Code of Ordinances. The Zoning Code is a set of regulations for how land can be used and developed. It contains regulations on the commercial, industrial, and residential use of land and includes specific requirements, such as how far a building must be set back from the street, what types of businesses may locate in a particular area of Town, as well as landscaping and parking requirements. The staff works with residents and business owners when new buildings or renovations to existing buildings are proposed to ensure that the proposed uses are consistent with the Town zoning requirements.

CODE COMPLIANCE DIVISION

The Code Compliance Division is comprised of code enforcement professionals who strive to assist the residents of the Town in the maintenance of the Town's residential, commercial, industrial, and undeveloped properties. All efforts are directed toward ensuring that all properties in the Town adhere to the codes and ordinances and that proper procedures are followed in order to accomplish this compliance. The Code Compliance Division's mission is to enforce the Town's codes uniformly, ensuring the health, safety and welfare, and quality of life for the residents, businesses, owners, and tourists of the Town of Lake Park. Maintaining and improving the quality of life is the primary responsibility of the Town's Code Compliance Division. This is achieved by the routine monitoring of all districts for potential violations of the Town's codes and other governing codes. Common code violations include: zoning violations, minimum housing standards, property maintenance standards, signage, landscaping, business tax receipts, outdoor storage, and building permits. The Code Compliance Division routinely works with residents of the Town and responds to requests for service. Code Compliance officers ensure all requests are tracked and investigated individually and that violations are corrected in a timely manner.

The general procedure for enforcement of Code violations is divided into a number of stages; each of which has a specific timeframe. A warning letter is the first document that can be issued to a property owner and these warning letters typically give the property owner one week to 10 days to correct the violation. If the violation is corrected within the stated timeframe, the case is then closed. If the violation is not corrected within the stated timeframe, a Code Enforcement Officer conducts a second inspection and issues a Notice of Violation to the property owner (the Notice of Violation can actually be the first step if the nature of the violation is serious enough to warrant an immediate issuance of the Notice of Violation). Each document provides a description of the violation(s), the corrective action needed to comply, and a timeframe for compliance of each violation. The Notice of Violation step has its own timeframe for compliance; typically 10 days to two weeks. If an Owner does not comply by the compliance date, they will then receive a final document known as the Notice of Hearing. This will explain that since their property is still in violation of the Code, their case will be considered by the Special Magistrate for final legal action on a specified date. Special Magistrate Hearings are held the first Thursday of every month in the Town of Lake Park Commission Chambers. Property owners are entitled to appear before the Special Magistrate to explain their reason for not complying with the Code. The Special Magistrate, after listening to a formal presentation by the Code Enforcement Officer and the property owner, will issue a final ruling (an Order) on the matter.

Finance Department



Blake Rane, Finance Director

The goal of the Finance Department is to assure the effective and efficient use of the Town's fiscal and monetary resources and to safeguard Town assets.

Among the Finance Department's responsibilities are the development of the Town's fiscal budget; the development and implementation of financial and accounting reporting policies and practices in accordance with Government Accounting Standards Board pronouncements and other legally mandated standards; and, the development of sound recordkeeping and centralized public financial services in order to meet the highest promulgated standards.

BUDGET PROCESS

The Town of Lake Park budget process usually begins in April with a staff meeting between the Town Manager and Department Directors to review budget philosophy and develop overall goals and objectives. The entire budget process encompasses approximately five (5) months of the fiscal year. During this period, meetings are held with Department Directors, the Town Commission and the public to ensure representative input. A budget calendar will be advanced to the Town Commission in the near future which details the actions taken during the budget process. The topics to be covered by the budget may be considered and discussed during several Town Commission workshops and meetings.

The Town Commission then sets and adopts the Ad Valorem millage rate, the Debt millage rate, and Town budget by Resolution during a two-step public hearing process.

BUDGET AMENDMENTS

The Town Manager has the authority to move line item expenses within a department/fund. After the budget has been adopted, any change or amendment to the budget which will increase the original total appropriated amount can only be accomplished with the preparation of a Resolution and approval by the Town Commission.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

This annual report consists of the following multiple sections:

- THE INTRODUCTORY SECTION. This section contains the transmittal letter from the Town Manager and several other documents.
- The FINANCIAL SECTION. This section consists of the following financial statements;
 - a. Government-wide financial statements that include the Statement of Net Assets and the Statement of Activities. These statements provide information about the activities of the Town as a whole.
 - b. Fund financial statements that tell how these services were financed in the short term, as well as what remains for future spending. Fund financial statements also report the Town's operations in more detail than the government-wide statements by providing information about the Town's most significant funds.
 - c. Notes to the financial statements expand upon information reported in the government-wide and governmental fund statements.
- THE STATISTICAL SECTION. This section includes a variety of reports typically showing comparative data going back eight or ten years.
- OTHER REPORTS. This section contains required correspondence between the auditor and the Town, most notably the Management Letter.

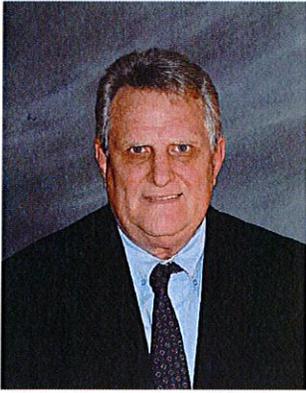
The Comprehensive Annual Financial Report (CAFR) is one of the most important documents for members of the Commission to understand. The Finance Director and the Town Manager are available to discuss this document at any time.

BASIS OF ACCOUNTING

Basis of Accounting refers to the time period when revenues and expenditures are recognized in the accounts and reported on the financial statements. Basis of Accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The accrual basis of accounting is followed for the proprietary fund types. The “modified accrual basis of accounting” is followed in the governmental fund types and the expendable trust funds type and means that revenues are recorded when they are both measurable and available. “Available” means collectible within the current period or soon enough thereafter to pay current liabilities. Expenditures are generally recognized under the modified accrual accounting when the related fund liability is incurred. Exceptions to this general rule are principal and interest on general long-term debt which is recognized when due.

Lake Park Harbor Marina



James Hart, Marina Director

MISSION STATEMENT

The mission of the Lake Park Harbor Marina of the Town of Lake Park is to support the Town's goals and objectives and to achieve economic growth through an increase in profitability from higher occupancy levels as a result of improvements in customer satisfaction, promotional efforts, and maintaining facilities to the highest possible standards.

GENERAL GOALS

The general goals of the Marina operation are as follows:

Increase occupancy levels to a measurable limit established each fiscal year for the fixed and floating piers; Improve customer satisfaction and transparency by increasing service levels and maintaining facilities to the highest possible standards; Increase the monthly attendance level at the Sunset Celebration to a measurable limit established each fiscal year.

OPERATION OF THE MARINA

The Lake Park Harbor Marina staff of five employees operates a marina office facility with 112 slips designed to accommodate vessels from 30' to a maximum of 80' with a combination of fixed and floating concrete piers. Also included within the facility is a boat ramp office operation that services 2 launch ramps with a maximum of 76 trailer parking spaces. The Marina operation also provides the following services:

- Night time security service
- Wi-Fi
- Ship's Store
- Fuel dock facility
- Laundry facility
- Public restrooms
- Pump-out stations

*The marina is also host to the Sunset Celebration occurring the last Friday of every month and several tournaments that are held on an annual basis.

Established as an enterprise fund the marina is designed with several profit centers for the purpose of operating as a self-sustaining business with surplus revenue to off-set budget expenditures. The primary purpose of the profit centers operating within the Marina is to generate revenues from the following; rental of dockage slips, retail sale of gas or diesel fuel to tenants and local customers, collection of boat launch and parking fees, and the retail sale of concession items from the ship's store including, beer, a variety of soft drinks, ice, bait, fishing tackle, and a limited number of marine products. Located off the Intracoastal Waterway approximately one-mile north of Lake Worth inlet and offering a competitive annual rate makes Lake Park Harbor Marina an ideal homeport for dive boat operations, charter fishing boats, and storage facilities for both long term and transient boaters looking for safe harborage.

DEPARTMENTAL RESPONSIBILITIES

The essential functions of the marina operation include, but are not limited to, the following:

- Under the Administrative direction of the Town Manager, the Marina Director is primarily responsible for administration, budgeting, marketing, sales, and direction and supervision of all Lake Park Harbor Marina activities, events, and personnel assigned to the operation.
- Under the Supervision of the Marina Director, Dock Attendants are primarily responsible for vessel reservations, customer billing, booking arrivals, closing out departures, collection, and reconciliation of revenues from all profit centers and maintaining files and related records.
- Dock Attendants are also responsible for maintaining facilities and related general tasks including, but not limited to, pressure washing facilities, dispensing fuel, trash removal, minor equipment repair, cleaning restrooms, and other assigned duties as required.

Human Resources Department



Bambi McKibbon-Turner, Human Resources Director

The goal of the Human Resources Department is to support the Town's mission by creating an environment to help promote the efficient and effective delivery of municipal services to the Town by its employees.

Among the Human Resources Director's major responsibilities are the following:

- Human Resource Planning – which includes working with each Department Director to determine the staffing needs of their departments; and, developing and administering an effective employee recruitment program

- Human Resource Policy Development – which includes annually reviewing the Town’s human resource policies, procedures and practices (including the Employee Handbook), making recommendations for improvement to the Town Manager, and the preparation of Ordinances and Resolutions concerning such improvements for approval by the Town Commission
- Employee Training and Development – which includes the development and implementation of programs to enhance job performance and to meet certain technical and ethical requirements
- Employee Classification and Compensation – which includes assisting the Town Manager in the annual review, preparation and administration of the Town’s Uniform Classification System which includes the positions titles, job codes and pay plan for Town employees
- Employee Benefit Planning – which includes annually working with the Town Manager and the Finance Director in the identification of employee benefit plans that comply with the Town’s budgetary requirements, and the administration of the employee benefit package which includes the planning and implementation of the annual open enrollment process.
- Labor Relations – which includes acting as the lead negotiator in the collective bargaining process
- Risk Management – which includes administration of the Town’s property, casualty and liability insurance coverage, and ensuring that the Town provides a safe and healthy working environment for its employees and customers

EQUAL EMPLOYMENT COMMITMENT

The Town of Lake Park adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal laws. The Town attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its employees and applicants.

It is the policy of the Town of Lake Park to prohibit discrimination based on race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

The Town strives to ensure a highly qualified staff in terms of educational background and experience which reflects the overall diversity in terms of factors such as race, ethnicity and gender of the pool of qualified candidates.

In recruiting applicants for Town positions, the Town encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The Town continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

No individual will be denied access, employment, training, or promotion on the basis of race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

Library



Karen Mahnk, Library Director

The Lake Park Library is committed to offering excellent service. The Mission of the Lake Park Public Library is to promote knowledge and preservation of information; make available materials that aid in the pursuit of education, information, research, and recreation; and provide the community with skilled guidance in navigating all information to fulfill their knowledge needs.

Our Vision is to cultivate and foster in the community an enthusiasm for knowledge and an atmosphere that promotes lifelong learning.

Our Motto is simply “This is where education continues after school ends; where readers are grown from the time they are young; and where doors are open for everyone. **This is YOUR library.**”

The library’s collection includes a wide selection of genre in a variety of the latest media. There are 19 computer terminals for adult use and an additional 12 more for Youth access. Internet service includes Wi-Fi access inside and outside of the library.

The Library boasts an enclosed outdoor patio with table and seating for outdoor reading in mild weather; a new Teen Room; electronic Kiosks for Ebook downloading and DVDs and a recently renovated Children’s library.

There are two entrances to the library building; the front is accessed at 529 Park Avenue and the other on Greenbriar Drive. Generous parking is available at the Greenbriar Drive entrance.

Programs offered include story hours for children, after school homework assistance for elementary school students, movie nights, advanced and beginner computer classes for adults and teens as well as writers’ workshops, book clubs and a Teen Anime group, There are three

study rooms and a mixed use room that also serves as a small art gallery that are available for use by individuals, local organizations and clubs.

In addition there is a children's library, Teen room, and gaming area.

The Library works closely with community organization partners to provide outreach services to preschools, local elementary schools and participates in community events to promote literacy and the joy of learning.

History of the Library:

The library was started by the Woman's Club in 1962 and taken over by the town in 1967. In 1969 the library moved from the second floor of the Lake Park Town Hall into a new building next door. As the size of the book collection and the population of the town increased, it became necessary in 1990 to add a separate children's room and a meeting room to the library. Rapid changes in library services and an increase in the types of materials available at the library made it necessary to expand the library again. Construction on the second expansion of the building began in December 1999 and was completed in October 2000, using funds available from the Lake Park Bond Issue and a construction grant from the Florida State Library. The library addition was dedicated October 21, 2000.

The Library follows the guidelines and standards of best practices set by the American Association of Libraries and the Florida State Divisions of Library and Information Services.

The library is eligible to apply for Federal and State grants. The library is also a member of the Palm Beach County Library Cooperative and the Southeastern Florida Library Consortium.

Lake Park residents are encouraged to become members of The Friends of the Lake Park Public Library. This group of supporters holds book sales and other fund raising events to provide additional funding for the library. *Friends'* supporters include local businesses as well as generous individuals.

The Town Commission also appoints a Library Board of five members and two alternatives that act in a non-administrative, advisory capacity.

Public Works Department



Dave Hunt, Public Works Director

Historically, Public Works Departments throughout the world have provided essential services to the citizens of their cities, towns and provinces, as well as staff support to other governmental bureaus, divisions or departments.

Sometimes when a service is taken for granted, few folks realize the many talents that are encompassed in a Public Works Department. Conducive to the residents' everyday quality of life and well-being, the Public Works staff is busy caring for and maintaining the infrastructure of the Town.

Lake Park's Public Works Department is staffed by employees comprising five divisions which operate out of 650 Old Dixie Highway under the direction of the Public Works Director. The Department is open from 7:30 AM to 4:00 PM, Monday thru Friday.

The Divisions of Public Works:

- The Administration Division provides supervision both to Public Works staff, consultants, and vendors providing support services. Administration sets goals and objectives and provides leadership through a united team spirit in order to complete the many tasks undertaken by the department.
- The Sanitation Division includes not only service to both residential and commercial customers, but also provides collection, disposal of garbage, trash, vegetation, and recycling pickup. The Town provides customers with the necessary garbage cans, recycling bins or dumpsters as needed.
- Grounds Maintenance Division is responsible for maintaining all Town parks (28.15 acres), ball fields (5.5 acres), medians, easements, alleyways, building grounds and greenery (including grass, trees and shrubs) throughout the Town.
- Facilities Maintenance Division cares for all Town streets, sidewalks, storm drains, street signs, and signals. The division is also responsible for building maintenance and repair and assists other departments in special festivities and functions.
- The Vehicle Maintenance Division provides service to all Town owned vehicles and equipment. This is quite a task considering the varied types of vehicles: passenger cars,

sanitation trucks, pickups, heavy equipment, mowers, grounds maintenance tools and equipment.

Public Works staff approaches every task with positive inner drive and an attitude to provide the best quality service for the citizens of Lake Park, as well as always helping to improve the appearance of the Town. Public Works is working hard to accomplish our goals, and live up to the Mission Statement of the Town of Lake Park.

Recreation Department



Kathleen Carroll, Recreation Director

The Lake Park Recreation Department offers recreational opportunities for residents and non-residents of all ages. Activities such as Bingo, Martial Arts, Yoga, Line Dance, Bus Trips, and a variety of instructional activities are offered throughout the year. On-going holiday events include the Independence Day Picnic, the Tree Lighting Ceremony, and events coordinated with local groups and businesses include the Easter Egg Hunt, the Pirates Fest, Trunk or Treat and Fill the Gap along with our annual “Santa’s Mailbox” and “Toys for Tots”.

Lake Park offers a number of facility rentals throughout the town. The Kelsey Park Gazebo, picnic pavilions in our parks, indoor rentals at the Marina, Lake Shore Park and the beautiful Mirror Ballroom located on the second floor of our Historic Town Hall.

Summer Camp is available, to both residents and non-residents, offering daily educational trips, arts and crafts, sport activities, cooperative games, board games, karaoke and “disco days”, as well as, computer activities, gardening and movies.

The Lake Park Tennis Center is located at 701 Lake Shore Drive offering a variety of lessons, clinics and tournaments for all skill levels and ages, as well as, free tennis lessons for children (residents of Lake Park). Please call Itamar Macedo at 561-310-1623.



For more information, please call the Recreation Department at 561-881-3338.

Palm Beach County Fire Rescue, Station 68



Battalion Chief Mike Wells

Palm Beach County Sheriff's Office, District 10

Lieutenant, Chris Myers

The Palm Beach County Sheriff's Office through a contractual arrangement provides law enforcement services to the Town of Lake Park and has a staff comprised of deputies and an administrative secretary. Additionally, the Palm Beach County Sheriff's Office makes available other resources to the town such as: aviation, canine, crime prevention, crime scene, emergency response team, marine enforcement, etc.

District 10, has a strong commitment to partnering with the community and is fortunate to have its own Citizens On Patrol and Community Watch Programs. These groups of dedicated volunteers are making a real difference in enhancing of the town's quality of life. Their efforts save the Town of Lake Park and Sheriff's Office hundreds of personnel hours yearly, which allow sworn personnel more time for crime prevention and criminal apprehension activities.

District 10, has a clear mission that guilds our service to the citizens of the community. That mission is: "The Palm Beach County Sheriff's Office is committed to protecting the public, reducing the incidence and fear of crime, and enhancing the quality of life in our community, always Putting Citizens First." We will strive each day to accomplish that mission following our guiding principles of Integrity, Professionalism, Respect, and Fairness.

A one page depiction of the Organizational Chart is attached on page 56.

TOWN OF LAKE PARK
INTER-OFFICE MEMORANDUM

To: Honorable Mayor and Town Commissioners
From: Thomas J. Baird, Town Attorney
Date: April 4, 2013
Re: Legal issues
CC: Dale Sugerman, Town Manager

I am circulating this memorandum to provide information regarding some of the common legal issues which may arise during your service to the Town. There are three major areas of statutory law with which municipal elected or appointed individuals elected should be very familiar. These statutes include the state Code of Ethics, set forth in Chapter 112, Fla. Stat. and the Palm Beach County Ethics Regulations; the Florida Sunshine Law which governs public meetings of governmental bodies in the state of Florida and which is set forth in Section 286.011, Fla. Stat. and; the Public Records Act which requires public access to the records of governmental entities pursuant to Chapter 119, Fla. Stat. This memorandum also generally outlines the process the Commission follows for quasi-judicial hearings, when the Commission takes action on applications for site plans, PUDs, special exception uses, or rezonings. In these cases, there is a combination of statutory and judicial law in Florida, which applies.

I. VOTING

Questions often arise from members of the Board on when they are required to vote and more particularly, when or whether they have a conflict which might prohibit them from voting. These two questions are addressed below.

A. Voting Conflicts

Section 112.3143, Fla. Stat., regulates voting conflicts of interest. Under this law, a public officer includes any person appointed to a local government advisory board. Thus, any person appointed to the Board must disclose any voting conflict in accordance with Section 112.3143(4), Fla. Stat., which provides:

No appointed public officer shall participate in any manner which would inure to the officer's **special private gain or loss**; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal, by which he or she is retained; or which he or she knows would inure to the **special private gain or loss** of a relative or business associates of the public officer, without first disclosing the nature of his or her interest in the matter.

Thus, a member of the Board cannot vote on a matter which is before the Board if he or she, or the firm, company or business he or she works for would be financially compensated by the individual or entity which has a zoning application or other matter before the Board for its consideration. If there is a voting conflict, a local official holding an appointed position must:

- (1) Abstain from voting on the measure;
- (2) Before the vote, publicly state to the assembly the nature of his or her interest in the matter; and
- (3) Within 15 days of the vote, file a memorandum of voting conflict (Form 8B) which is available at the Town Clerk's office) with the person responsible for recording the minutes of the meeting, who incorporates the form in the minutes.

Under state law a Board member with a voting conflict may participate in the discussion on the matter. However, under the Palm Beach County Ethics regulations, an elected official or board member is also prohibited from participating in the discussion on the issue before the Commission or Board. Should you have a conflict, you are required to verbally disclose your conflict prior to the Commission's or Board's discussion of the item, and you must fill out a memorandum of voting conflict form prior to the meeting or with 15 days, after the disclosure.

B. Voting Required

Section 286.012, Fla. Stat., prohibits any member of any municipal government board who is present at any meeting of that board to abstain from voting in regard to any such official decision, except when, with respect to that member, there is a voting conflict of interest as explained in the preceding section of this memorandum. In other words, members of the Board who are in attendance at a meeting are prohibited from abstaining from voting for any reason other than where they have a conflict of interest.

Therefore, for example, if a personal friend appears before the Board whether as an applicant, witness, consultant, or agent for an applicant, that member of the Board must, nonetheless, vote if he/she is present at the meeting. Similarly, a member of the Board may not abstain from voting because the application involves the subdivision, homeowner, or condominium association of which the member of the Board is a resident or member. Nor may a member of the Board decide not to cast a vote because he or she was unprepared for a meeting, or was not in attendance for the entire presentation of a matter which is before the Board upon which they sit. Also, the fact that a member was not present at a meeting cannot preclude the member from voting to approve the minutes of that meeting. The Palm Beach County Ethics regulations impose additional requirements regarding conflicts and should be reviewed carefully.

II. SUNSHINE LAW

The Sunshine Law provides a right of access to governmental proceedings. Section 286.011, F.S., provides that all meetings of any board of a municipality at which official acts are to be taken are public meetings and shall be open to the public at all times. The law is equally applicable to elected and appointed boards and therefore, applies to the Town's Historic Preservation & Planning & Zoning Boards. The Sunshine Law extends to discussions and deliberations outside of formal meetings, as well as at a formal action of a public board. **The Sunshine Law applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before the board for action.** *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3rd DCA 1973). There are three basic requirements of the Sunshine Law: (1) meetings of public boards or commission must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meetings must be taken.

The spirit and intent of the law is such that the public is permitted to know how and why officials decided to act in addition to the final decision. Given the broad interpretations of the law rendered by the courts and Attorney General, Board members should avoid discussing matters which could conceivably be the subject of something coming before the Board in the future. Note: The Sunshine Law does **not** apply to members of different boards, such as a meeting between a Board member and a Councilor.

A. Written Communications Between Board Members

The transmittal of a written communication by one member of the Board to another member of the Board about a subject which will be discussed at a Board meeting is not a violation of the Sunshine Law, if, prior to the meeting, there is no interaction related to the report among the board members. If, however, the communication is circulated amongst members of the Board for comment with such comments being provided to the other Board member or members, there is interaction among the Board members which would constitute a violation of the Sunshine Law. The use of computers (e-mail) to conduct public business amongst members of the Board would, obviously, also be subject to the Sunshine Law where members of the public board are communicating amongst themselves on issues pending before the Board or on issues upon which the Board could foreseeably take action.

B. Use of Nonmembers as Liaisons Between Board Members

The Sunshine Law is also applicable to meetings between a Board member and an individual who is not a member of the Board when that individual is being used as a liaison to communicate a message between Board members. *Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA 1979).

C. Consequences of Violations of the Sunshine Law

There are criminal and civil penalties for violations of the Sunshine Law. Any member of a board or commission who knowingly violates the Sunshine Law is guilty of a misdemeanor

of the second degree. If found guilty, the individual may also be removed from office. Non-criminal or civil infractions may be punished by fines not exceeding \$500.00. In addition, no resolution, rule, regulation, or formal action taken in violation of the Sunshine Law shall be considered valid and will be considered void *ab initio* under Florida law.

III. ELECTRONIC COMMUNICATION

This section addresses some of the legal issues associated with respect to the use of the e-mail, texts, social networking sites such as Facebook, Twitter and blogs by elected officials. It addresses general issues associated within the context of the Sunshine Law and the Public Records Act. Some of the issues have been addressed in both formal and informal opinions from Florida Attorney General. (A formal opinion was requested by the Coral Springs City Commission regarding the City's possible use of a Facebook Page to communicate with its residents.)

A. E-Mails

The Attorney General has opined that e-mail messages made or received by public employees or officials in connection with official business are public records and are subject to disclosure in the absence of an exemption. AGO 96-34; AGO 01-20; AGO 89-23; State v. City of Clearwater, 863 So. 2nd 149 (Fla. 2003). Thus, an email created by a public official in connection with the transaction of official business is a public record whether it is created on a publicly or privately owned computer. To the extent that a Commissioner is emailing comments relating to Town business, the Attorney General has stated that it cannot conclude that such emails are not made in connection with the transaction of official business. Accordingly, the a Commissioner's response to members of the public, staff or a town attorney may be subject to public records requests because they constitute public records subject to disclosure.

In order to ensure that all Commission emails relating to Town business are captured for the statutorily mandated retention time and are available for public records requests, it is imperative that emails sent from computers other than those in Town Hall be sent through the Town Hall exchange server using the appropriate technology.

E-mails between Commissioners are also subject to the Sunshine Law. Consequently, instances where a question or comments of a Commissioner about an agenda item and the staff's e-mail response are circulated amongst all Commissioners could violate the Sunshine Law. Such a communication would not seem to be different from a Commissioner posing the question during a public meeting and the staff responding to that question for all of the Commissioners to hear. The difference, of course, is that the email question and response has been circulated outside of a public meeting between two or more members of the Commission on a subject that will be before the Commission concerning an agenda item upon which the Commission will be taking action.

Another potential problem is created if the item is a quasi-judicial item. In these instances, the question and/or comment by a Commissioner and the staff's response and the Mayor and Commissioners receipt of same is not only subject to the Sunshine Law (if circulated to

two or more Commissioners); but it would also be mandatory that each of the Commissioners who received the response disclose it as an ex parte communication. This is because Florida law holds that the purpose of disclosure of ex parte communications is so that all parties (including the public) are entitled to know all of the facts upon which the Commission will make a decision on a quasi-judicial item. It is this holding that generated the disclosure requirement of ex parte communications at the public meeting wherein a quasi-judicial item is considered. It should be noted that even if the question and staff's response was confined to one Commissioner, that email communication would be subject to ex parte disclosure if it concerns a quasi-judicial item.

Thus, with respect to both "regular" and quasi-judicial agenda items, Commissioners and staff should not circulate the comments or questions of one Commissioner to the other Commissioners; nor should the staff's response to one Commissioner be shared with the other Commissioners. The Town Manager will continue to provide all Commissioners with information as it becomes necessary. For regular agenda items, a question posed by a Commissioner may be answered by staff (to that Commissioner only) and would not be subject to disclosure because it is not an ex parte communication. A question of a Commissioner about a quasi-judicial item which is answered by a staff is subject to that Commissioner's disclosure, including with whom the ex parte communication was made and a summary of its content. The email questions and answers should also be made a part of the public record of the quasi-judicial proceedings.

B. Text messages

The issue of whether text messages sent or received by Commissioners are public records is similar to an email dialogue. If the text was not made or received in the official course of business it would not be a public record. However, if the purpose of a text message is to perpetuate, communicate, or formalize knowledge in connection with official business with a member of then it would be a public record. The question of whether text messages are public records subject to disclosure is presently before a circuit court in Broward County. See Fort Lauderdale Fraternal Order of Police Lodge No. 31, Inc. v. George Gretsas, City Manager of Ft. Lauderdale; David Hebert, Assistant City Manager of Ft. Lauderdale; and the City of Ft. Lauderdale, Case No. 08-32515 (17th Judicial Cir., Broward Co.). If the text is between Commissioners, then, like emails and telephone calls, the provisions of the Sunshine Law apply provided the communication concerned some matter on which foreseeable action could be taken by the Commission.

C. Facebook, Twitter & Other Internet Social Networking Sites

The Attorney General addressed the Coral Springs City Commission's proposal to create and maintain a Facebook page in Attorney General Opinion 2009-19. In this opinion the Attorney General opined that the City had the authority to create a Facebook Page, and addressed the issue of whether all of the information contained in the City's Facebook page, or posted therein by "friends" would be a public record. The Attorney General opined that whether communications were public records would depend upon whether the information was made or received in connection with the transaction of official business by or on behalf of the City. Any information posted by the City or its "friends" which is deemed

to be a public record would be subject to the public records retention schedules.

The Attorney General also briefly addressed the situation where two or more members of the City Commission were to participate in a dialogue on the City's Facebook Page with or without other "friends." The Attorney General opined that the members of the City Council should not exchange or discuss matters on the City's Facebook Page that could come before the City Council for official action because, depending on the nature of the communication the Sunshine Law applies. The Sunshine Law applies to any gathering whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the board or commission. The law extends to discussions and all deliberations with no requirement that a quorum be present or whether formal action is immediately taken as a result of the discussion.

D. Facebook, Twitter & Other Internet Social Networking Sites by a Commissioner

Any Town Commission member has a First Amendment right to create a personal website, including but not limited to Facebook, My Space or Twitter Pages, as well as the right to blog, and send and receive text messages and e-mails. Nevertheless, if a Commissioner chooses to create or participate in a "Page," or to communicate through other electronic forums, then depending upon the nature of the communications and with whom a Commissioner communicates, the electronic comments could be subject to the Sunshine Law, the Public Records Act, or both. With respect to the Sunshine Law it may be helpful to think of electronic communications as telephone calls. In a telephone call, there is not a physical meeting, however, the Sunshine Law prohibitions apply, just as though two Commissioners were in the same physical space.

A personal website is a medium for communication to the public at large and also with an individual commenter. One of the most popular social networking sites today is Facebook, which is maintained by the privately-owned corporation, Facebook, Inc. Facebook currently has more than 200 million active users worldwide. Like other social networks, it allows its users to create a profile page and forge online links with friends and acquaintances. Facebook and other social networking sites generally allow its users to post information to be distributed via the Facebook network to other users and to build networks of "friends." After a person has been accepted or added as a "friend" of the user, the "friend" appears on the user's profile and along with all of the other user's friends, will receive all comments, information, photos and other materials posted on the user's Facebook page. Facebook also contains interactive features, including instant messaging and a "Wall" which allows a user's "friends" to post messages and attachments, which may be viewed by anyone who has been authorized to view the user's profile.

Should a Commissioner choose to create a Facebook, Twitter, or other forum for communication, you should be careful not to have communications with other Commissioners relating to issues that may come before the Commission in the foreseeable future for Commission action. Postings comments on a personal website which get transmitted to another Commissioner could be viewed as the equivalent of a "meeting", and thus could be subject to the Sunshine Law. For example, were one Commissioner to

become a "friend" on another Commissioner's Facebook page and were the two Commissioner's (perhaps amongst other friends) to exchange comments about a pending comprehensive plan amendment, development project, the budget, or other item which could come before the Commission, this communication could be viewed as a violation of the Sunshine Law.

Another issue which arises is whether the comments posted by one Commissioner to another, or to other "friends" who participate would be a public record subject to the Public Records Act. If it is a public record, then the comments must be maintained by the Town as a public record. The term "public records" include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. The Florida Supreme Court has interpreted this definition broadly, such that it encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. In sum, it is the nature of the record created rather than the means by which it is created which determines whether it is a public record. Accordingly, it would seem that postings by one Commissioner of information related to the Town on Facebook or other social networking sites which is received by another Commissioner would be subject to the Public Records Act. A more difficult question is presented in instances where a Commissioner's comments spread to the Facebook pages of the "friends" of a Commissioner. Whether the information contained on the pages of "friends" of Commissioners are public records would depend on whether the information contained on the pages implicated, were made or received in connection with the transaction of official business, by or on behalf of the Town.

A related legal issue relates to the records retention requirement of public records. Section 257.36(6), F.S., provides that a "public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division." In AGO 96-34, the Attorney General opined that electronic public records such as e-mail messages are subject to the statutory limitations on destruction of public records. The Attorney General has also concluded that that the public records on a website maintained by a Commissioner that related to the transaction of Town business (and thus is a public record) is subject to the retention schedule regarding Town records as established by law. Accordingly, information related to official town business that is posted on social networking sites and is intended to perpetuate, communicate or formalize knowledge would be a public record and would have to be saved and archived. The posted comments would be subject to the policies and retention schedule regarding Town records.

E. Blogs

Similar to the social networking sites, the use of a website blog or message board to solicit comments from other members of a Commission on matters that would come before the Commission for some action would trigger the requirements of the Sunshine Law. See AGO 2008-07. Such action would amount to a discussion of public business through the use of the electronic format without appropriate notice, public input, or statutorily required

recording of the minutes of the meeting. While the mere posting of a position by one Commissioner does not implicate the Sunshine Law, subsequent postings by other Commissioners commenting on the same subject of the initial posting could be construed as a communication by two or more members of the same Commission and therefore subject to the Sunshine Law. AGO 2008-07.

The Attorney General has stated that “while there is no statutory prohibition against a Commissioner posting comments on a privately maintained electronic bulletin board or blog, members of the same Commission must not engage in an exchange or discussion of matters that foreseeably will come before the Commission for official action.” The use of an electronic means of posting a Commissioner’s comments and the inherent availability of other participants or contributors to then act, intentionally or otherwise as liaisons creates an environment that could easily become a forum for discussion of public business outside of a public meeting in contravention of the Sunshine Law.

Although there are many different electronic forums for Commissioners to access and use, both personally and for public business, existing laws regarding “Sunshine” and public records remain applicable. Commissioners should be cautious when interacting with members of the public as many of these communications may become public records. Insofar as the Sunshine Law is concerned, Commission should treat written electronic communications as they would a phone call between Commissioners, i.e. there should be no substantive discussion on a subject which could come before the Commission for official action at a public meeting.

IV. PROCEDURES GOVERNING QUASI-JUDICIAL HEARINGS

A. What actions are Quasi-Judicial?

In the context of land use matters, an item is quasi-judicial when the Board is reaching a final decision on an application by applying criteria, which exists in a Code to the application. So when the Historic Preservation and the P & Z Boards consider certificates of appropriateness and variances, respectively the Board must conduct a quasi-judicial hearing and take quasi-judicial action. Such hearings are governed by the procedures of Town Code Section 2-2.

B. Who Are The Participants?

Generally, the parties to quasi-judicial proceedings only include the Town staff and the applicant. Sometimes they include a neighbor, homeowners association or a special interest group. In some instances the neighbor(s), homeowners’ association or special interest group may qualify as an “affected party”, if so, they may request and be given intervener status. To request to be a party intervener, the Town Code requires that a notice be filed with the Department of Planning & Zoning at least ten days prior to the date of the hearing.

The applicant, the Town staff, and any party intervener are each afforded the opportunity to present evidence, bring forth witnesses and ask questions of, or cross-examine any other

party or party-intervener's witnesses. The witnesses of a party or party-intervener shall be sworn. Members of the public are not generally affected parties and therefore Interveners unless they reside in the immediate vicinity (within 300') of the property which is the subject of the application. Members of the public are not required to be sworn as witnesses.

C. Ex-Parte Communications

Ex-parte communications are oral or written communications between an interested person and an elected or appointed official on the merits of any matter upon which action may be taken by a quasi-judicial board. A person is not prohibited from communicating with a member of a quasi-judicial board if the communication occurs outside of the presence of the other parties. However, disclosure of such communications is required. Florida statutory and judicial law requires the disclosure of the substance of the communication. See 286.0115, Fla. Stat. Disclosure must be made before the quasi-judicial hearing at which a vote is to be taken so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond. The disclosure by a board member shall include: (1) the subject of the communication and (2) the identity of the person, group, or entity with whom the communication took place. Written communications to members of quasi-judicial boards shall not be presumed prejudicial provided the disclosure or written communication is made part of the record before final action on the quasi-judicial matter. (3) Members who conduct site visits of a site which is the subject of a quasi-judicial hearing or who receive opinions from "outside" experts regarding the applicant must make a disclosure before final action is taken on application.

Although Board members may discuss the merits of development applications that will come before them, Board members may not prejudge or predetermine their position on the request of any applicant or interested person. Board members may be "lobbied" (see discussion above) but must remain impartial at all times and must disclose any ex-parte communications (see discussion above).

D. Order Of Quasi-Judicial Proceedings:

(1) The Chairperson shall call the proceeding to order and announce the matter to be heard. The Board may determine the order of presentation of the parties in order to expedite the proceeding. However, generally the Town staff shall first present any staff or other reports, exhibits or evidence. Prior to the presentation by staff Ex-Parte disclosures are announced (see above discussion). The Town staff's presentation should not exceed 15 minutes. The staff may request that some portion of its 15 minutes be reserved for rebuttal or closing argument, following public comments, but prior to the Board or Council's deliberation. Following the staff's presentation, the applicant, or any intervener may ask questions of the staff. The questioning party is not permitted to make any arguments or statements, but may only ask questions which are directly related to the testimony presented.

(2) The applicant or his agent may make a presentation. If the applicant chooses to make a presentation, it should include a description of the nature of the application and a

response to the staff's presentation, including objections to any conditions of approval recommended by the staff. This presentation should not exceed 15 minutes. An applicant may request that some portion of its 15 minutes be reserved for rebuttal or closing arguments. Additionally, applicants may submit any relevant written materials, which contribute to the explanation of the application for incorporation into the record. Following the applicant's presentation, the staff, or any intervener may ask questions of the applicant and any of his witnesses.

(3) Any party intervener may make a presentation. It should include any response or objections to the staff report and the applicant's presentation. The intervening parties may introduce any exhibits or witnesses. A party intervener's presentation should not exceed 15 minutes. An intervening party may request that some portion of its 15 minutes be reserved for rebuttal or closing argument. Additionally, applicants may submit any relevant written materials, which contribute to the explanation of the intervening party's position for incorporation into the record. Following the presentation of any intervener, the staff or applicant may ask questions of the intervening party's witnesses.

(4) Following the staff's, applicant's, and intervener's presentations, the Board shall address questions about the application to these parties.

(5) Members of the public shall make their presentation. Unless waived by the Board, presentations by members of the public are limited to three minutes.

(6) If sufficient time has been reserved, any of the parties may make closing arguments or offer rebuttal testimony. This rebuttal testimony shall not be repetitive or cumulative and shall be limited to directly responding to matters raised by members of the public or another party.

(7) Following the presentation of closing arguments or any rebuttal testimony, if any, the Board begins its deliberation. During deliberation, the chairperson shall take comments from the members of the Board in a sequential order. No further testimony shall be taken and the members of the Board should not ask further questions of parties or persons who have presented testimony or comments.

(8) After each of the members of the Board has made their comments, the chairperson shall call for a motion. Once a motion has been made and seconded, the chairperson may invite discussion from the members of the Board limited to the contents of the motion. The members of the Board may request assistance from the Board's attorney regarding the contents of the motion. Following the Board's discussion, the chairperson shall call for the vote.

(9) The Board's attorney shall prepare a Final Order of the Board which reflects its decision. The Final Order shall include, but not be limited to the findings of fact and conclusions of law as are necessary, and any conditions, requirements or limitations on the approval of the application. The appeal of any decision of the Board must be taken within 30 days of the executed Final Order.

V. ETHICAL CONSIDERATIONS

A. State Law

Board members may not accept compensation, payment, or thing of value when the Board member knows, or with the exercise of reasonable care, should know that it is given to influence a vote or other action, in which the Board member is expected to participate in his/her official capacity. 112.313(4), Fla. Stat. If a questionable situation arises, ask yourself: why is this person offering this to me?

Likewise, Board members may not solicit or accept anything of value based upon any understanding that the vote, official action, or judgment, of the Board member would be influenced thereby. 112.313(2), Fla. Stat. Such conduct is commonly known as bribery.

Board members may not disclose or use information not available to members of the general public and gained by reason of their official position for their personal gain or benefit or for the personal gain or benefit of any other person or entity. F.S. 112.313(8). Board members may not have a contractual relationship or employment with an agency or a business entity that is either subject to the regulation of, or doing business with, the Town of Lake Park. 112.313(7), Fla. Stat.

B. County Laws

Following the conviction of three County Commissioners for crimes they committed in office, Palm Beach County adopted three ordinances to address ethical conduct by elected and appointed officials, and local government employees. These regulations were extended to the municipalities following a referendum. In addition to these regulations the County adopted a Lobbyist Registration Ordinance. The Town has elected to "opt in" to the regulatory program. A brief summary of these laws is presented below.

1. Code of Ethics

This Code provides more stringent ethical standards than those now contained in the State law (§112.326, F.S.). The Code established standards pertaining to: (a) misuse of public office; (b) corrupt misuse of official position; (c) disclosure of voting conflicts; (d) contractual relationships; (e) travel expenses (f) acceptance of gifts & (g) nepotism. The Code requires training for all elected or appointed officials and employees.

2. Commission on Ethics

An independent Commission on Ethics (COE) was created to develop and deliver training programs for all governmental entities that are required to, or contracts to be regulated by the COE. The COE is an appointed board, and meets monthly to consider complaints of alleged violations of the Code of Ethics by elected or appointed officials and employees.

3. Office of the Inspector General

The Office of the Inspector General (IG) was created to detect misconduct involving abuse, corruption, fraud, waste, inefficiencies, and mismanagement. The IG has the authority to (a) make investigations of Town matters, including but not limited to competitively bid contracts for goods and services; (b) review and audit past, present and proposed Town programs, accounts, records, contracts, change orders and transactions; (c) prepare reports and recommendations to the Town Commission on such investigations.

4. Lobbyist Registration

This registration program is a companion regulatory program to the Code of Ethics. The County created a central Lobbyist Registration Site to protect the public and public officials and promote transparency in governmental affairs. It regulates lobbyists and puts the responsibility for complying with these regulations on the lobbyist **not** the elected, or appointed officials and employees. A Lobbyist is defined as “any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying.” The Town’s responsibility is to maintain a “Contact Log” which as the name implies is used to record when a Lobbyist meets with staff, elected or appointed officials. The Town Manager is charged with the responsibility of making a preliminary investigation upon be informed of a violation by a Lobbyist. If a violation occurred notify the COE.

VI. PUBLIC RECORDS LAW

Chapter 119, Florida Statutes is known as the Public Records Act. These statutes establish a right of access to any public record made or received in connection with the official business of any public body. Both the Planning & Zoning and Historic Preservation Boards are subject to the Public Records Act. All documents made and received by the Board are public records. Generally, public records request are directed to the Town Clerk or Town Manager. However, if you receive a request for Town records, please advise the requesting party to make their request in writing and send it to the Town Clerk for processing.