



If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person will need a record of the proceedings, and that, for such purpose, the person 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.

WORKSHOP MEETING MINUTES
Thursday, August 25, 2016 5:00 p.m.
City Commission Chambers, 100 NW 1st Avenue
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Kevin Matthews	Susan Shaw	Missie Barletto
Thuy Shutt	David Tolces	Yuberca Pena	Mauricio Lara
Lori Hayward	Elizabeth Burrows	Renee Roberts	D. J. Lee
Joan Goodrich			

OTHERS PRESENT:

Victor Kirson	Evelyn Dobson	Mike Williams	Mark Bannon
Dwayne Randolph	Jeff Hatcher	Gary Eliopoulos	

1. Call to Order

The Workshop was called to order at 5:00 by Chairman Reginald Cox.

2. Roll Call

Present: Reginald Cox, Joe Bernadel, Cathy Balestriere, Daniel Rose, Dedrick Straghn, Paul Zacks

3. Approval of Agenda

Ms. Balestriere made a motion to approve the Agenda which was seconded by Mr. Rose and passed unanimously.

4. Discussion –

A. Ethics Training, Sunshine Law and Public Records

CRA Board Attorney David Tolces introduced the item, noting he would be giving two presentations: one on Sunshine Law and one on The Code of Ethics for both the State and County. He stated the State of Florida believes strongly in transparency, and passed the Sunshine Law which applies to meetings of two or more members of the same collegial body (for the CRA commissioners the collegial body would be their fellow commissioners). The purpose of the Law is to maintain transparency and openness in communications. It requires that meetings of public boards or commissions must be open to the public, that reasonable notice must be given, and minutes of the meeting must be taken and promptly recorded. Mr. Bernadel asked if the language of dissemination for public notice was considered to be English, and used the example of someone who speaks Croatian. Mr. Tolces stated that reasonable notice in Florida could include English, Creole and Spanish and that all other languages would not be required for publication, nor was he aware of a requirement to publish in a language other than English.

He went over the various types of social media, including Facebook, and their permitted uses, as well as at what point they become public records.

He also noted that for any correspondence regarding CRA business that is kept on a commissioner's computer, that commissioner is now considered the keeper of that public record, so it is best to forward it on to Jeff Costello or Susan Shaw so the CRA becomes the keeper of the public record. Mr. Rose questioned if it would be possible for the CRA Commissioners to have City/CRA e-mail addresses in order to have a clean record of any CRA business-related matters. Mr. Tolces noted any email address is fine, but if you use one that is on the City's server then the server becomes the keeper of the record(s).

He reviewed Transitory Messages and Text Messages, outlining what content defines them as public records, and noting that not all text messages are considered transitory. Mr. Tolces then gave his presentation on the Code of Ethics, both State and County, and noted he would present general principles and concepts within a broad context that apply to public officials. He gave an overview of Florida Statutes relating to: standards of conduct for public officers and employees, restriction on employment of relatives, voting conflicts, disclosure of financial interests, and acceptance or solicitation of gifts. He stated that the baseline test for solicitation is no quid pro quo for any public officers, particularly when it would influence a vote or benefit the public official. He stated that if there is ever any question on an issue it is best to call one of the Board Attorneys. Mr. Bernadel sought clarification that a financial entity is not just commercial but could be a not-for-profit. Mr. Tolces confirmed that, and added that the PBC Commission on Ethics specifically speaks of potential conflicts with not-for-profits.

Mr. Tolces reviewed the Voting Conflict Disclosure process regarding a board commissioner having a conflict of interest around a particular item on the agenda. He stated that the official must declare the conflict on the record, complete a Conflict of Interest form which must be filed and included in the minutes, and abstain from the vote. He cautioned that there truly has to be a conflict, not just one created because of a desire not to vote on a particular item. He did note that there is a unique caveat under state law stating a commissioner of a CRA or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting when voting in said capacity. He noted that the Delray CRA opts to play it safe and when there is any conflict or appearance of conflict a Conflict of Interest Form is filed. Mr. Zacks commented that within a district, public officials are wanted on the board who have particular expertise, so there are inherent conflicts (i.e. CRA Board Commissioners are required to live in or do business in the district). The exemption exempts one from State Statute prosecution but there could still be a county misdemeanor. Mr. Straghn asked if an attorney had represented a client several years earlier and there is now an item involving that client, does he or she have to recuse themselves. Mr. Tolces stated his initial reaction is no if they are not a current client. It would depend on how long ago and the likelihood of them being represented again in the future. If there is any question, there are usually opinions on such matters that can always be obtained from the Palm Beach County Commission on Ethics.

Mr. Tolces gave an overview of prohibited conduct relating to contractual relationships, as well as the issue of gifts. There is an absolute prohibition on accepting gifts representing a kickback, bribe or tip. Gifts up to \$100 are allowed to be accepted so long as the individual providing the gift is not a vendor, bidder/proposer, lobbyist, or principal or employer of lobbyists. Gifts in excess of \$100 per year must be reported. Conversely, no gifts may be solicited from such entities as mentioned above for one's own benefit.

Lastly, Mr. Tolces reviewed charitable solicitations. Solicitations on behalf of a non-profit charitable organization as defined by the IRS are permissible so long as there is no quid pro

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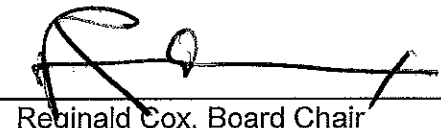
quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. Additionally he noted that no solicitation should take place if the entity has an application pending before the board, or if CRA resources are to be used for solicitations. Mr. Cox asked in regard to using CRA resources for solicitations, if that is in terms of particular CRA Board members. Mr. Tolces said yes CRA Board members and employees. Mr. Cox questioned if it is permissible for example as part of a CRA employee's job description, an email is sent out passing on event information with the attachment to the email having been prepared by the other organization. Mr. Tolces responded that if it is an advertisement or promotion of an event and it is part of the CRA's role in working with that organization that is fine. It is different when something is a fundraiser activity for a specific organization. It can become a very fine line, and in those instances it is a good idea to discuss it with the CRA Attorneys first.

5. Adjournment

There being no further business the meeting was adjourned at 5:55.



Jeff Costello, Executive Director



Reginald Cox, Board Chair