

*City of Coral Gables Biennial
Boards and Committees
Ethics Training*

OCTOBER 17, 2025

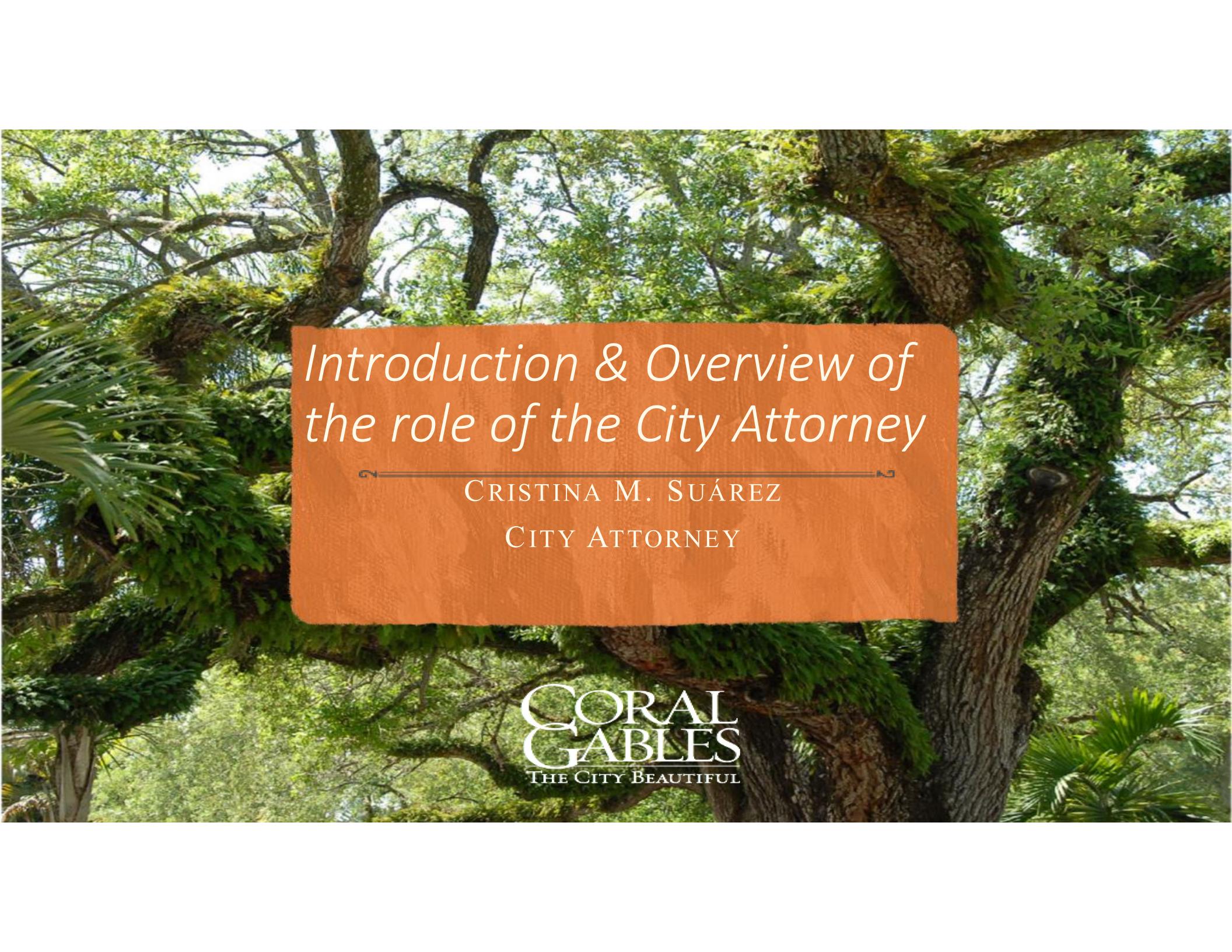


WELCOME



- **9:00-9:10 AM** Introduction and Overview of the Role of the City Attorney
(Cristina M. Suárez, City Attorney)
- **9:10- 10:00 AM** Miami-Dade County Ethics Code
(Robert Thompson, Miami Dade County Commission on Ethics)
- **10:00- 11:00 AM** Coral Gables Ethics Code, Government in the Sunshine, Quasi-Judicial Proceedings (Cristina M. Suárez, City Attorney)
- **11:00-11:15 AM** Public Records (Clifford Friedman, Assistant City attorney)
- **11:15 –11:30 AM** Financial Disclosures
Ceballos, Assistant City Attorney & City Prosecutor) (Gustavo
- **11:30- 12:00 PM** Rules of Procedure
Throckmorton, Deputy City Attorney) (Stephanie

CORAL GABLES®
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*Introduction & Overview of
the role of the City Attorney*

CRISTINA M. SUÁREZ
CITY ATTORNEY



*Robert Thompson,
Miami-Dade
Commission on Ethics
and Public Trust*





Miami-Dade Commission on Ethics and Public Trust

CITY OF CORAL GABLES

ETHICS ADVISORY BOARD TRAINING

Coral Gables, Florida
October 17, 2025



Miami-Dade County
Conflict of Interest and Code of Ethics Ordinance
Section 2-11.1, Code of Miami Dade County

Why the Ethics Commission?

- The Miami-Dade County Commission on Ethics and Public Trust is an independent Charter agency of Miami-Dade County, established by vote of the electorate.
- It is charged by local law with interpreting and enforcing the County and various municipal Conflict of Interest and Code of Ethics Ordinances.
- The Ethics Commission has three main functions:
 - At the front end, the Ethics Commission provides training and instruction to elected officials, board members, employees and persons that transact with local government.
 - After that, the Ethics Commission provides individualized ethics guidance regarding prospective conduct.
 - At the tail end, the Ethics Commission reviews past conduct for potential ethics violations in enforcement actions.

I'm a member of a Coral Gables Board. What does the County have to do with me?

Sec. 2-11.1. – Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. (January 2016) (a) Designation. This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefore be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.

Why the County Ethics Code?

Sec. 2-11.39.2, County Code

Application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance:

The provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance shall be applicable to county boards.

**“Advisory Personnel”
Section 2-11.1.(b)(4), Code of Ethics**

The County Ethics Code shall apply to County personnel as defined:

Advisory Personnel are defined as members of those County Boards whose primary responsibility is to recommend legislation, policy or give advice to the Board of County Commissioners.

Practice Tip & Preferences:

Please ask before you act

- The Ethics Commission can only provide ethics *guidance* prospectively, meaning regarding future or ongoing transactions. Past actions are handled as potential *enforcement* matters.
- As regards board members, some board members reach out directly, some with or through staff, some with or through the County Attorney or municipal attorneys, and some never directly and only through counsel. All manner is appropriate and welcomed.
- Staff will have to confirm accuracy of transaction fact patterns prior to the issuance of the opinion.
- As a courtesy, we will let you know what the opinion is before it issues as a numbered and published INQ. This is the only way opinions issue.
- If the issue is novel, the opinion will be presented to the Ethics Commission in open session and the requester will be invited to participate.

The Code of Ethics:
Administered and Interpreted by the Commission on Ethics &
the State Attorney's Office has Concurrent Jurisdiction

- The State Attorney's Office (SAO) has concurrent jurisdiction over all the provisions of the Conflict of Interest and Code of Ethics Ordinance.
- If any of these provisions are prosecuted by the SAO they are classified as 2nd degree misdemeanors and are punishable by a **\$500 fine and/or 30 days imprisonment or both.**



Financial Disclosures



**Form 1 filers must file electronically in 2025 via the
Florida Commission on Ethics
Electronic Financial Disclosure Management System (EFDMS).**

Login

Please tell us what type of user you are:

I am a Form 6 Filer
Do you currently hold a public position that requires you to file financial disclosure? If yes, click here.

I am a Candidate
Are you a non-incumbent candidate who is attempting to qualify for office, but do not currently hold a public position that requires financial disclosure? If yes, click here.

I am an Organization Coordinator

I am a CPA or Attorney who is assisting a filer

I am a Form 1 Filer

In 2023, Form 1 Statement of Financial Interest will still be filed on paper. Click [here](#) to download a Form 1 and instructions.
If you are a Form 1 filer but are qualifying to run for an office with a Form 6 filing requirement, call (850) 488-7864 to request access to the e-filing system.

Public Search
[Search for Financial Disclosure Filers](#)

Frequently Asked Questions
[View Frequently Asked Questions](#)

Instructions

- [Form 6 - Full and Public Disclosure of Financial Interests - Instructions](#)
- [Form 6X - Amendment to Full and Public Disclosure of Financial Interests - Instructions](#)
- [Form 6F - Final Full and Public Disclosure of Financial Interests - Instructions](#)

Employees with a Form 1 requirement: MUST be registered in the system to access the disclosure form. A valid email is required to register.

**Filers requiring access may request an access code beginning January 1, 2025, by visiting.
<https://www.ethics.state.fl.us>**

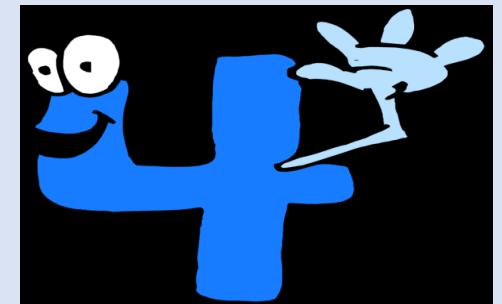
Gifts

A public employee or board member may never solicit or accept a gift if there is a nexus between the gifting transaction and the employee's or member's public charge.



Four Basic Rules: Easy to Follow

- You may never *solicit* a gift if there is a nexus to your public position.
- You may never *accept* a gift if there is a nexus to your public position.
- You may never *accept* a gift from *certain parties*.
- You may accept gifts from friends and families unrelated to your public position, but you may have to report them.



Gifts

Miami -Dade Ethics Code Sec. 2-11.1(e)



- **A gift is** anything of economic value offered or given without adequate and lawful consideration.
- **A gift may take the form of** money, services, loans, travel expenses, entertainment or hospitality expenses.
- **The major exceptions** will include: 1) Political contributions; 2) Gifts from relatives or household members; 3) Professional or civic awards; 4) Materials of an informative or advertising nature; and 5) charitable donations.

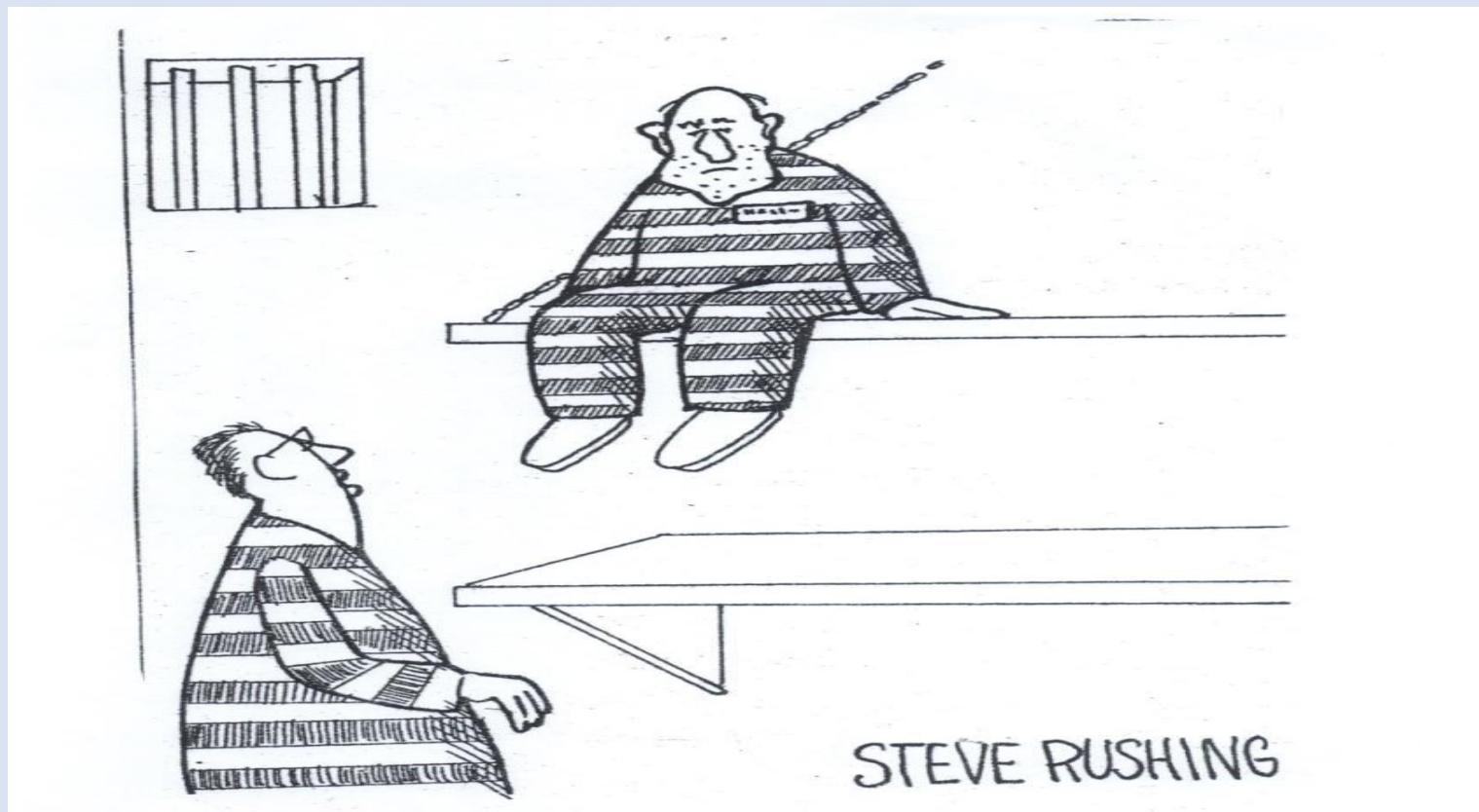
Prohibited Gifts



Miami-Dade Ethics Code Sec. 2-11.1(e)(3)

- “[Public officials, employees, and board members] shall neither solicit nor demand any gift.” Sec.2-11.1.1(e)(3)
- No elected official, employee, or board member may accept any gift for or because of:
 - An official public action taken or to be taken, or which could be taken;
 - A legal duty performed or to be performed, or which could be performed; or
 - A legal duty violated or to be violated, or which could be violated by any elected official.
- It is also a violation to offer the gift in exchange for the above.

I knew it was unethical, but I didn't know it was illegal, too.



Gifts Disclosure

Miami -Dade Ethics Code Sec. 2-11.1(e)(4)

What gifts must be disclosed?

Any board member receiving a gift in excess of \$100 must report it by filing a gift disclosure form.

How must a gift be disclosed?

This disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for “local officers” with the Florida Secretary of State.

When must the gift disclosure be filed?

No later than July 1 of each year for the preceding calendar year ending December 31.

Quarterly (3/31, 6/30, 9/30, 12/31)

ANNUAL DISCLOSURE OF GIFTS FROM GOVERNMENTAL ENTITIES AND DIRECT SUPPORT ORGANIZATIONS AND HONORARIUM EVENT RELATED EXPENSES			
LAST NAME – FIRST NAME – MIDDLE NAME:		THIS STATEMENT REFLECTS GIFTS AND HONORARIUM EVENT RELATED EXPENSES RECEIVED DURING CALENDAR YEAR 20_____. <input type="checkbox"/> DO NOT FILE THIS FORM IF YOU HAVE NOTHING TO REPORT ON IT.	
MAILING ADDRESS:		NAME OF AGENCY:	
CITY:	ZIP:	COUNTY:	OFFICE OR POSITION HELD:
PART A – GIFTS (HAVING A PUBLIC PURPOSE) FROM GOVERNMENTAL ENTITIES			
NAME OF PERSON PROVIDING GIFT(S)	TOTAL VALUE OF GIFTS FROM THAT PERSON	DESCRIPTION OF INDIVIDUAL GIFTS	DATE EACH GIFT RECEIVED
PART B – GIFTS FROM DIRECT SUPPORT ORGANIZATIONS			
NAME OF PERSON PROVIDING GIFT(S)	TOTAL VALUE OF GIFTS FROM THAT PERSON	DESCRIPTION OF INDIVIDUAL GIFTS	DATE EACH GIFT RECEIVED
PART C – HONORARIUM EVENT RELATED EXPENSES			
NAME OF PERSON PAYING EXPENSES	EVENT #1	EVENT #2	INSTRUCTIONS on who must file this form and how to fill it out are on the reverse side. FILING INSTRUCTIONS for when and where to file this form are located on the reverse side.
ADDRESS OF PERSON			
AFFILIATION OF PERSON			
AMOUNT OF HONORARIUM EXPENSES			
DATE(S) OF THE EVENT			
DESCRIPTION OF EXPENSES PAID EACH DAY			
TOTAL VALUE OF EXPENSES FOR THE EVENT			
IF ANY OF PARTS A THROUGH C ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE <input type="checkbox"/>			
REMEMBER TO ATTACH COPIES OF ALL STATEMENTS PROVIDED TO YOU BY PERSONS AND ENTITIES PROVIDING OR PAYING EXPENSES. IF YOU RECEIVED A STATEMENT OR REPORT FROM ONE PERSON OR ENTITY, YOU MUST DISCLOSE ALL OF THESE KINDS OF GIFTS AND EXPENSES EVEN THOUGH YOU DID NOT RECEIVE A STATEMENT OR REPORT FROM THE PERSON OR ENTITY PROVIDING THEM. YOU MAY EXPLAIN ANY DIFFERENCES BETWEEN THE ATTACHED REPORTS AND STATEMENTS AND THE INFORMATION PROVIDED ON THIS FORM BY ATTACHING AN EXPLANATION TO THE FORM.			
SIGNATURE:	DATE SIGNED:		

CE FORM 10 - EFF. 1/2007 (Refer to Rule 34-7.010(1)(h), F.A.C.) (Rev. 8/2012)

(See instructions on reverse side) PAGE 1

Exploitation of Official Position

Exploitation of Official Position Prohibited

Miami-Dade Ethics Code Section 2-11.1(g)

No board member shall use or attempt to use his or her official position to secure a special benefit or privilege for himself or herself or others.

Confidential Information

Sec. 2-11.1 (h), County Ethics Code

Advisory board members may not:

- accept employment or engage in any business or professional activity that they might reasonably expect would induce them to disclose confidential information acquired by reason of their official position;
- disclose confidential information obtained through their official position with the County; or
- use such information, directly or indirectly, for personal gain or benefit.

**Official Action Directly or Indirectly Affecting a Business in
Which Official or Family Member Has a Financial Interest**
Miami-Dade Ethics Code, Sec. 2-11.1(n)

No board member may: Participate in any official action that may directly or indirectly affect a business in which the member or his or her family member has a financial interest.

Financial Conflicts of Interest

The financial conflict of interest provisions are like peeling back layer, after layer of an onion.



So, pause and another “Four” to remember



- You may be prohibited from transacting with the County, *individually*.
- You may be prohibited from transacting with the County, *through a company*.
- Your *immediate family member* may be prohibited from transacting with the County, *individually*.
- Your *immediate family member* may be prohibited from transacting with the County, *through a company*.

Pause and ask for guidance



Prohibition on Transacting Business with Local Government

Miami-Dade Ethics Code 2-11.1(c)(1) and (d)

- Board members and their immediate family members are prohibited from entering a contract or transacting any business with their municipality in which the elected official or his or her immediate family has a financial interest, direct or indirect, unless waived by governing board.
- Immediate family members: spouse, domestic partner, parents, stepparents, children, stepchildren and siblings.
- Transaction or contract is voidable.
- Willful violation constitutes malfeasance – and may lead to forfeiture of office/position.

Prohibited Investments

Miami-Dade Ethics Code, Sec. 2-11.1 (1)

No local board member or immediate family member shall have personal investments in any enterprise, either himself, herself or through a member of his or her immediate family, which **will create a substantial conflict between his or her private interests and the public interest.**



Acquiring financial interest

Miami-Dade Ethics Code, Sec. 2-11(o)

No board member shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the municipality of which he or she is an official, officer, employee or contract staff.



Prohibition on Recommending Professional Services

Miami-Dade Ethics Code, Sec. 2-11.1(p)

- No board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise to assist in any transaction involving the municipality or any of its agencies.
- *Such recommendation may be properly made:*
 - 1) when required to be made by the duties of office, and
 - 2) when noticed in advance at a public meeting attended by other municipal officials, officers, or employees.

Compulsory Disclosure

Miami-Dade Ethics Code, Section 2-11.1(f)

Any board member whose immediate family member is employed or has a financial interest in a firm or business entity that has substantial business commitments to or from the County or any County agency or is subject to direct regulation by the County or a County agency, must file a sworn statement disclosing the employment with the Clerk of the Board.

Outside Employment

Prohibition on Conflicting Employment

Miami-Dade Ethics Code, Sec. 2-11.1(j)

- No advisory board member may:
 - Accept other employment;
 - Which would impair his or her independence of judgment;
 - In the performance of his or her public duties.



Certain Appearances and Payment Prohibited

Miami-Dade Ethics Code, Sec. 2-11.1(m)

No local government elected official, or employee may:

- Appear before their municipal board or agency and make a presentation on behalf of a third person with respect to any decision, or benefit sought by the third person.
- Receive compensation, directly or indirectly, for services rendered to a third person in connection with some benefit sought by the third person.
- Appear in any court or before any administrative tribunal as counsel or legal advisor to a party seeking legal relief from the municipality.

Voting Conflicts



Voting Conflicts

Sec. 2-11.1 (v), County Ethics Code

Advisory board members may not vote on any matter if the member will be directly affected by the board action **and** the board member has any of the following relationships with the persons or entities appearing before the board:

Officer, partner, consultant, fiduciary, stockholder, debtor, director, of counsel, employee, beneficiary, bondholder, creditor.

Voting Conflicts

Best advice on what you should do:

- Announce your conflict publicly in advance.
- Absent yourself from the room.
- File disclosure (State Form 8B) with your board liaison.

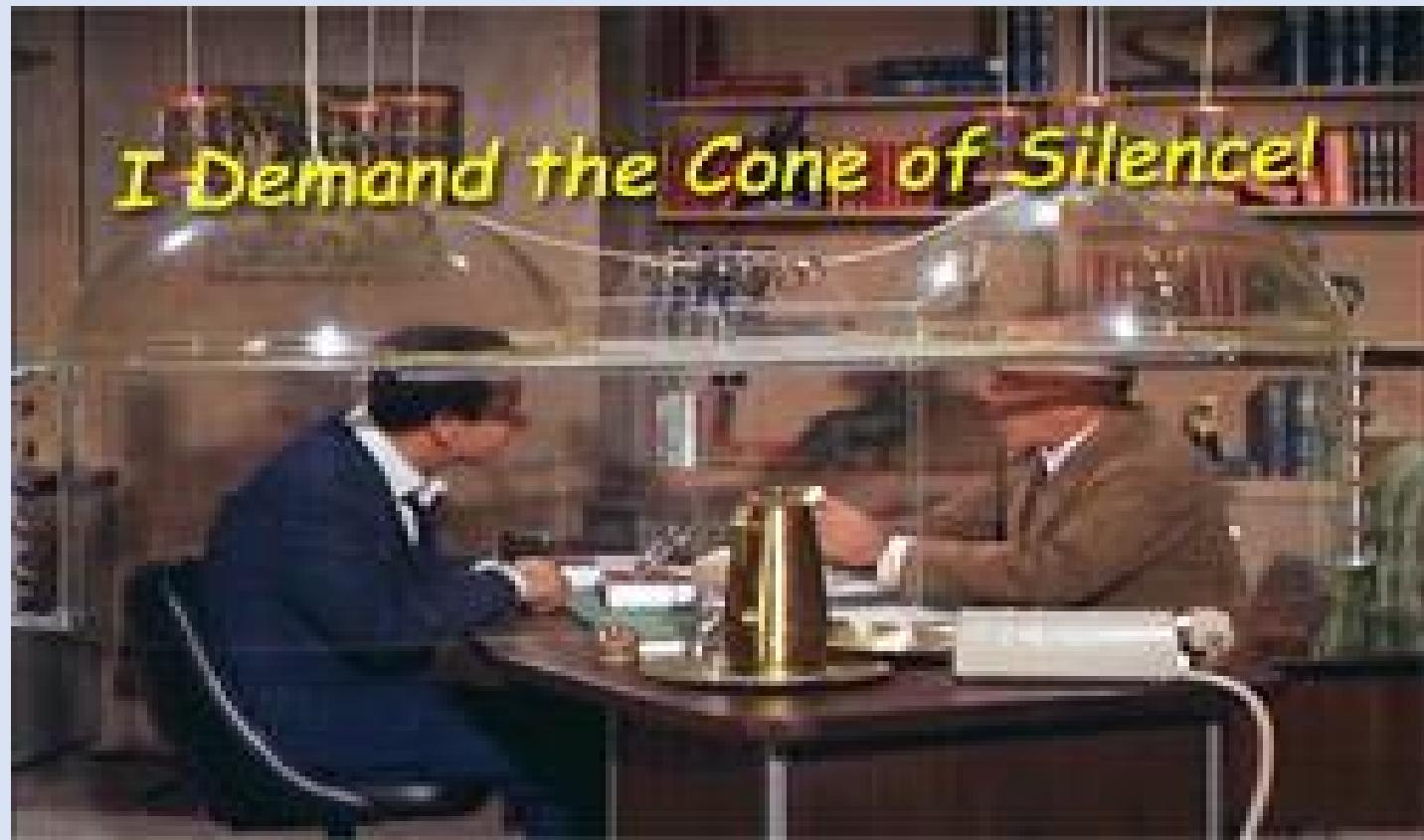


Remember: You *Gotta* Vote even if you are grumpy.
Section 286.012, Florida Statutes

A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain unless there is a possible conflict of interest.



Cone of Silence



I Demand the Cone of Silence!

Cone of Silence

Ethics Code Section 2-11.1(t)

The County Cone of Silence provides for a period in almost every competitive selection process during which restricts communications between designated individuals in the procurement process regarding an advertised bid, RFP or RFQ. The Cone commences after the advertisement of the RFP or RFQ and terminates upon the recommendation to the elected body.



Cone of Silence: Purpose

The purpose of the Cone of Silence is to limit the influence of elected officials, private contractors and lobbyists on the procurement process.



Penalty provisions

- Violators subject to an admonition, letter of instruction or public reprimand and/or
- (\$500.00) fine for the first such violation;
- (\$1,000.00) fine for each subsequent violation;
- Fines double for intentional violations.





Lobbying

Why Coral Gables has a Lobbyist Ordinance?

The lobbyist ordinance is simply designed so that citizens know who it is that is advocating legislative, policy, or procurement decisions by elected officials and government employees, **in the shade, and outside the public's view** and on whose behalf are they doing so.

Yeah, you do.



Lobbying

Section 2-11.1(s), Miami-Dade Code



- Who is a lobbyist?
 - Person, firm or corporation employed by principal (paid or unpaid) who seeks passage, defeat or modification of:
 - Ordinance, resolution, action/decision of Municipal Commission or Council,
 - Action/decision/recommendation of the Municipal Mayor/Manager or any Municipal board or committee,
 - Action/decision/recommendation of Municipal personnel during the entire decision-making process leading to a decision by any Municipal board or committee
 - Includes principal, i.e., owner or representative of company, who lobbies.
 - All lobbyists shall register before engaging in lobbying activity.

Practice Tip

- Best practice is set up a standard process for Board Members or staff when meeting with someone who is or may be a proposer, vendor, or proposer/vendor representative.
 - In some local governments all contacts are preceded by the visiting party having to identify themselves in writing, who they represent, the nature of their contact and whether they are registered as a lobbyist for any other entity.

But I'm not a lobbyist, why should I care?

- You should be diligent to ascertain whether persons required to register pursuant to this section have complied.
- Officials may not knowingly permit a person who is not registered to lobby him/her.



Citizens' Bill of Rights

Citizens' Bill of Rights

Miami-Dade Home Rule Charter, May 1957



- Commission on Ethics empowered to review, interpret and render advisory opinions regarding Citizens' Bill of Rights (Section 2-1072, Miami-Dade County Code since 1997)
- Commission on Ethics given authority to review Citizens' Bill of Rights and implement changes as outlined in Section 2-11.1(cc)(1) of the Miami-Dade County Code of Ethics Ordinance (Citizen's Bill of Rights Referendum).



Guarantees All Citizens:

- Prompt and convenient service from local government;
- Truthful information from public servants.
- Right to inspect and copy public records.
- Proper notice of and opportunity to participate in public meetings.
- Transparency in budgeting and auditing.

Public Record

2016 Miami-Dade County Referendum

All audits, reports, minutes, documents and other public records of the county and the municipalities and their boards, agencies, departments and authorities shall be open for inspection **and copying, consistent with the requirements of the State of Florida's public records laws** at reasonable times and places convenient to the public.



On behalf of the Commission on Ethics

Dr. Judith Bernier, Chair

Wifredo "Willy" Gort, Vice Chair

Nelson C. Bellido, Esq., Commissioner

Dava J. Tunis, Esq., Commissioner

Professor Sandy Boisrond, Esq., Commissioner

Ignacio J. Vázquez, Jr., Executive Director

**Thank you for your invitation & your kind
attention.**

Happy Dance
All Done !



*Coral Gables Ethics Code,
Government in the Sunshine,
Quasi-Judicial Proceedings*

Cristina M. Suárez, City Attorney





City of Coral Gables Ethics Code

CORAL GABLES.
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PROHIBITED INVESTMENTS

SEC. 2-11.1(L), MIAMI-DADE CODE

SEC. 2-294, CORAL GABLES CODE



- No elected official, employee, or **board member** shall have investments, either personally or through an immediate family member, which will create a “substantial conflict” between his/her private interests and the public interest.

WHO IS “IMMEDIATE FAMILY?”

- County – spouse, domestic partner, parents, stepparents, siblings, half-siblings, step-siblings, children and stepchildren.

(Sec. 2-11.1(b)(9), Miami-Dade Code)

- City – spouse, parents, children, brothers and sisters, registered domestic partner, stepparents, stepchildren, uncle, aunt, in-laws - *City adds uncles and aunts and in-laws* (including both parents and siblings) (Sec. 2-286, Coral Gables Code)

GIFTS

SEC. 2-11.1(E), MIAMI-DADE CODE

SEC. 2-289, CORAL GABLES CODE



- It is unlawful to solicit or demand a gift in exchange for an official duty or public action.
- “Gift” is anything of economic value, including: meals, travel, loans, entertainment, hospitality, or a promise of such, without adequate consideration.
- Difference in market value & discounted price (if not part of larger discount program) = gift
- **Note:** Under State law, may not accept a gift from a lobbyist over \$100.

WHAT IS NOT A GIFT?

SEC. 2-11.1(E), MIAMI-DADE CODE

SEC. 2-289(B), CORAL GABLES CODE



- City & County:

- Political contributions (specifically authorized by State law);
- Awards for civic or professional achievement (i.e. plaque, shovel);
- Informational books/pamphlets;
- Gifts from relatives or member of one's household

WHAT IS NOT A GIFT?

SEC. 2-289(B), CORAL GABLES CODE

- Additional exceptions under City Code:
 - Gifts solicited by city employees or departmental personnel **on behalf of the city** in the performance of their official duties for use solely by the city in conducting its official business
 - Gifts solicited by commissioners **on behalf of the city** in the performance of their official duties for use solely by the city in conducting its official business;
 - Gifts solicited by commissioners, or their staff members, **on behalf of any nonprofit organization** for use solely by that organization where neither the commissioner, nor his or her staff receives any compensation as a result of the solicitation.
 - Costs of events attended in appointed official, elected official, or city employee in their official capacity

GIFT DISCLOSURE

SEC. 2-11.1(E)(4), MIAMI-DADE CODE

SEC. 2-289(D), CORAL GABLES CODE



- Who?
 - Board members
 - (*Also includes employees and elected officials.*)
- What?
 - Quarterly Gift Disclosure form
- When?
 - End of the quarter following the quarter in which the gift was made (i.e. gift(s) received Jan-Mar must be reported by the end of June). ***Note: series of gifts from same individual/entity which total exceeds \$100 in a quarter = disclosure**
- Where?
 - City Clerk's Office (may be filed through the board liaison)

EXPLOITATION OF OFFICIAL POSITION

SEC. 2-11.1(G), MIAMI-DADE CODE

SEC. 2-290, CORAL GABLES CODE



- No elected official, employee or board member may use or attempt to use his/her official position to secure special privileges or exemptions for him/herself or others.

Same as County Code.

- Examples (from previous COE complaints)
 - North Miami Commissioner – exerting influence to get upgrades to mother's home which was part of city's grant program.
 - Miami Commissioner – calling Chief of Police during traffic stop.
 - North Miami Commissioner – using city soccer field for his league without paying for use.
 - NMB Commissioner– interfering with Code Enforcement by yelling at officer not to go by his home again.
 - South Miami – endorsing fellow commissioner while on dais during televised meeting.
 - El Portal Mayor – asked Code Enforcement officer to use his personal truck to move a donated piano to her daycare

CONFIDENTIAL INFORMATION

SEC. 2-11.1(h), MIAMI-DADE CODE

SEC. 2-291, CORAL GABLES CODE



- Elected officials, employees and **board members** may not:
 - accept employment or engage in any business or professional activity that they might reasonably expect would induce them to disclose confidential information acquired by reason of their official position;
 - disclose confidential information gained through their official position with the City; or
 - use such information, directly or indirectly, for personal gain or benefit.

Same as County Code.

APPEARANCES

SEC. 2-11.1(M)(2), MIAMI-DADE CODE

SEC. 2-295, CORAL GABLES CODE



Elected officials, employees, and **board members** may not:

- appear before **any** municipal board or agency (**includes City employees**) on behalf of **3rd** parties seeking a benefit; or
- receive compensation for services rendered, directly or indirectly, from **3rd** party who has applied for or is seeking a benefit from the municipality.
- County - Board members may not appear before their own board but may appear before other municipal boards.
- City – Board members may not appear before their own board or before the City Commission.
- Both allow architects, in certain circumstances.
- **City adds** – Board members may not, after deliberating, considering or ruling on an application, appear before a higher board to testify as an affected party. Exception: Chair may appear before City Commission to provide board's recommendation.

ACTIONS PROHIBITED WHEN FINANCIAL INTERESTS INVOLVED

SEC. 2-11.1(N), MIAMI-DADE CODE
SEC. 2-296, CORAL GABLES CODE

- Elected officials, employees, and **board members** shall not participate in any official action directly or indirectly affecting a business in which he/she or any member of his/her *immediate family* has a **financial interest**.
- Financial interest may be direct or indirect.
- Financial interest may be direct or indirect

LOBBYISTS (CITY)

SEC. 2-305, CORAL GABLES CODE

- Definition:

- Individual, firm, corporation, partnership, firm
- Employed or retained (**paid or unpaid**),
- By a principal,
- Who seeks to encourage the passage, defeat or modification of:
- to governmental actions (i.e. ordinances, resolutions, rules, regulations, executive orders, procurement actions, decision of the City Commission, the mayor, **any City board/committee**, or city personnel.)
- During time period of decision-making process.
- Specifically includes “principal” as lobbyist.
- Encompasses all forms of communication.

LOBBYISTS (CITY) CONT.

Excludes:

- Representatives of governmental entities;
- Person who appears on behalf of homeowner's association without compensation/reimbursement;
- Expert witnesses providing testimony at a public meeting;
- Persons requested to appear in quasi-judicial proceedings;
- Vendor who communicates regarding performance of their contract;
- Foreign dignitaries;
- Individuals appearing for purpose of self-representation;
- Attorneys during quasi-judicial proceedings;
- Person employed by principal whose normal scope of employment does not include lobbying and who is not engaged in lobbying on behalf of principal;
- Persons engaged in a list of activities regarding a procurement matter.

LOBBYIST REGISTRATION

SEC. 2-305(B), CORAL GABLES CODE

- Must register and pay annual fee (may be waived on finding of financial hardship).
- Must state, under oath, name and contact information of lobbyist, name and contact information of principal, specific issue, existence of any business association or financial relationship with any employee of the City.
- Notice of withdrawal required if lobbyist wishes to withdraw.
- Must complete lobbyist training within 60 days of registration (as of August 2021)
 - All members of the commission and personnel shall be diligent to ascertain whether persons required to register have complied and adds that a **commissioner and/or personnel may not knowingly permit a person who is not registered to lobby. The diligence requirement may be satisfied by maintaining a written log.**
 - Must announce, on the record, that he/she is a registered lobbyists when presenting before the City Commission or a board/committee

CAMPAIGN/POLITICAL CONSULTANTS PROHIBITED FROM LOBBYING
AND DOING BUSINESS WITH CITY
SEC. 2-307, CORAL GABLES CODE

- Paid campaign/political consultants are prohibited from
 - **lobbying the city commission**
 - lobbying elected official for whom consultant currently provides or has provided consulting services within past election cycle
 - contracting with the city
- for a period commencing upon retention by an incumbent elected official or upon the swearing-in of a newly-elected official and **ending 24 months following the swearing-in of any elected official for whom the campaign/political consultant provided campaign consulting services within the past election cycle**



Government in the Sunshine Law

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THE CITY BEAUTIFUL

GOVERNMENT IN THE SUNSHINE

Art. 1, Sec. 24, Florida Constitution

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

GOVERNMENT IN THE SUNSHINE

§ 286.011, Florida Statutes

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

SCOPE OF THE SUNSHINE LAW



- Applies to appointed committees or groups that are delegated any decision-making authority.
- Any gathering of two or more members of the same elected or appointed public collegial board when they meet to discuss any matter which will foreseeably come before that board for action.
- Private discussions about board business are prohibited regardless of whether in person, over the telephone, through written communications, including emailing, texting, social media (if communicating back and forth).
- Use of liaisons between board members (e.g. asking staff to poll other board members) is also prohibited.
- Applies to boards created pursuant to law or ordinance or otherwise established by public agencies or officials.
- Staff meetings are not normally subject to the Sunshine Law if undertaking traditional staff functions.

WHAT IS A MEETING?

- Sunshine Law extends to the discussions and deliberations as well as formal action taken by a public board.
- There is no requirement that a quorum be present for a meeting of members of a public board to be subject to section 286.011. The law is applicable to any gathering, whether formal or casual, of two or more members of the same board to discuss some matter on which foreseeable action will be taken by the public board.
- Hough v. Stembridge, 278 So. 2d 288 (Fla. 3d DCA 1973).
- The term “meeting” extends to e-mail correspondence, as well as meetings conducted over electronic media, such as Facebook, if the exchange or discussion concerns matters that foreseeably will come before the board for official action
State v. Childers, No. 02-21939-MMC; 02-21940-MMB; AGO 09-19.
- If a board delegates its decision-making authority to a single individual, or a non-board member is being used as a liaison between or to conduct a de facto meeting of board members, the Sunshine Law may apply.

THREE BASIC REQUIREMENTS FOR PUBLIC MEETINGS

- 
- 1) Meeting must be open to the public;
 - 2) Reasonable notice of such meeting must be provided;
 - 3) Minutes must be promptly prepared and open to public inspection

Requirements strictly construed.

OPEN TO THE PUBLIC



Accommodations:

- Public boards should take **reasonable steps** to ensure that the location where the meeting is held will accommodate for the expected turnout.
- Facility must be kept open and accessible.

Communication:

- A violation may occur if, during a meeting, board members are speaking to each other about the item, in a manner not audible to the public and outside of the record.
- A violation may occur if, during a recess of a public meeting, board members discuss issues before the board.

MORE ON MEETINGS

- Meetings at facilities that discriminate are prohibited.
- Meeting space may not restrict public access.
- Meeting space must be ADA accessible.
- Luncheon meetings should be avoided.
- Out-of-town meetings are generally prohibited but balancing test applied.
- Inspection trips permitted but no discussion related to government business.
- Excluding certain members is permitted ONLY if unruly or disruptive and person has been warned.
- Cameras/tape records are permitted but cannot be disruptive.

NOTICE REQUIREMENT FOR MEETINGS

(NOT ITEMS IN PARTICULAR)

- “**Reasonable notice**” required – what is **reasonable** depends on **facts and board involved**. Reasonable notice also required for rescheduled meetings.
- Notice should contain **time and place** and general subjects to be discussed or agenda, if available.
- Should be posted in **designated public area** and on **webpage**.
- For matters of great public importance, consider providing notice in newspaper of general circulation.

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MINUTES

- The use of the term "minutes" in Section 286.011, F.S., contemplates **a brief summary or series of brief notes or memoranda reflecting the events of the meeting.**
 - **AGO 82-47.**
- An agency is not prohibited from using a written transcript of the meeting as the minutes, if it chooses to do so.
 - **Inf. Op. to Fulwider, June 14, 1993.**
- Board meetings may be recorded but minutes must still be taken.
- - **AGO 75-45**
- “Promptly recorded and open to public inspection” means “its plain and ordinary course.”
 - **Inf. Op. to Board of Trustees, January 27, 2009**
- Minutes are public record when the person responsible for preparing the minutes has performed the duty even if not officially approved by the board.
 - **AGO 91-26**

WRITTEN CORRESPONDENCE BETWEEN BOARD MEMBERS

A board member **may send a written report (including via email) to other board member** on a subject that will be discussed at a public meeting without violating the Sunshine Law if:

- 1.) prior to the meeting there is no interaction related to the report among the board members and;
- 2.) the receiving board member does not respond.

Best practice is not to do so; only use when necessary.

E-MAIL CORRESPONDENCE



- E-mail communication of factual background information from one council member to another is a public record but does not constitute a meeting subject to the Sunshine Law when it does not result in the exchange of council members' comments or responses on subjects requiring council action.
 - AGO 01-20
- Exception: If the report is circulated among board members for comments with such comments being provided to other members, there is interaction among the board members which is subject to Section 286.011. (ie., do not “reply all”).
 - AGO 90-03
- Best course of action: If you wish to distribute information to fellow board members, send it to the staff liaison who can then share it with the Board members.

PENALTIES & SANCTIONS

- **Criminal Violation:** Any member of a board or commission or of any state agency or authority of a county, municipal corporation, or political subdivision who *knowingly* violates the Sunshine Law is guilty of a *misdemeanor of the second degree*. Section 286.011(3)(b), F.S.
- **Non-Criminal Violation:** any public officer violating the provisions of the Sunshine Law that is guilty of a noncriminal infraction, is punishable by a *fine not exceeding \$500*.
Section 286.011(3)(a), F.S.



Quasi-Judicial

v.

Legislative
Hearings

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LEGISLATIVE PROCEEDINGS

- “open-ended, affecting a broad class of individuals or situations,” “result[ing] in the form[ation] of a general rule or policy,” and “prospective, determining what the law shall be in future cases”
- Adoption of laws of wide-application (i.e. prohibiting polystyrene, requiring landscapers to register, regulating construction times)
- Setting forth policy – usually in the form of a resolution.
- Function performed most often by City Commission.

QUASI-JUDICIAL BOARDS



- Historic Preservation Board
- Construction Regulation Board
- Code Enforcement Board
- Board of Architects
- Board of Adjustment
- Planning & Zoning Board

TEST TO DETERMINE WHETHER BOARD IS SITTING IN A QUASI-JUDICIAL CAPACITY

“It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial...Generally speaking **legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule**”

Snyder v. Bd. of County Commissioners, 627 So. 2d 469 (Fla. 1993).

QUASI-JUDICIAL PROCEEDINGS

- Decisions that:
 - (1) have an impact on a limited number of persons or property owners,
 - (2) when the decision is contingent on a set of facts,
 - (3) where the decision can be viewed as the **application** of policy, rather than **setting** policy.
- Ex: rezoning, site plan approval, variance
- Decision must be based on *competent substantial evidence*.
- Ex parte communications prohibited.

REQUIREMENTS OF QUASI-JUDICIAL PROCEEDINGS

**Board is sitting like a judge.*

(Must also consider whether you can be “fair and impartial.”)

Parties must be provided with:

- 1.) notice of the hearing.
- 2.) an opportunity to be heard, and
- 3.) the parties must be able to present evidence, cross-examine witnesses, and be informed of all facts upon which the quasi-judicial body acts.
- 4.) Ex parte communications are prohibited.

WHAT IS AN Ex-PARTE COMMUNICATION?

- A communication between a Commissioner (outside of a public hearing) and one of the parties.
- Creates a presumption of prejudice.

Possible types of ex parte communications:

Written Information: including letters, faxes and e-mail.

Oral Communications: telephone calls and private meetings.

INADVERTENT EX-PARTE COMMUNICATIONS

How to cure:

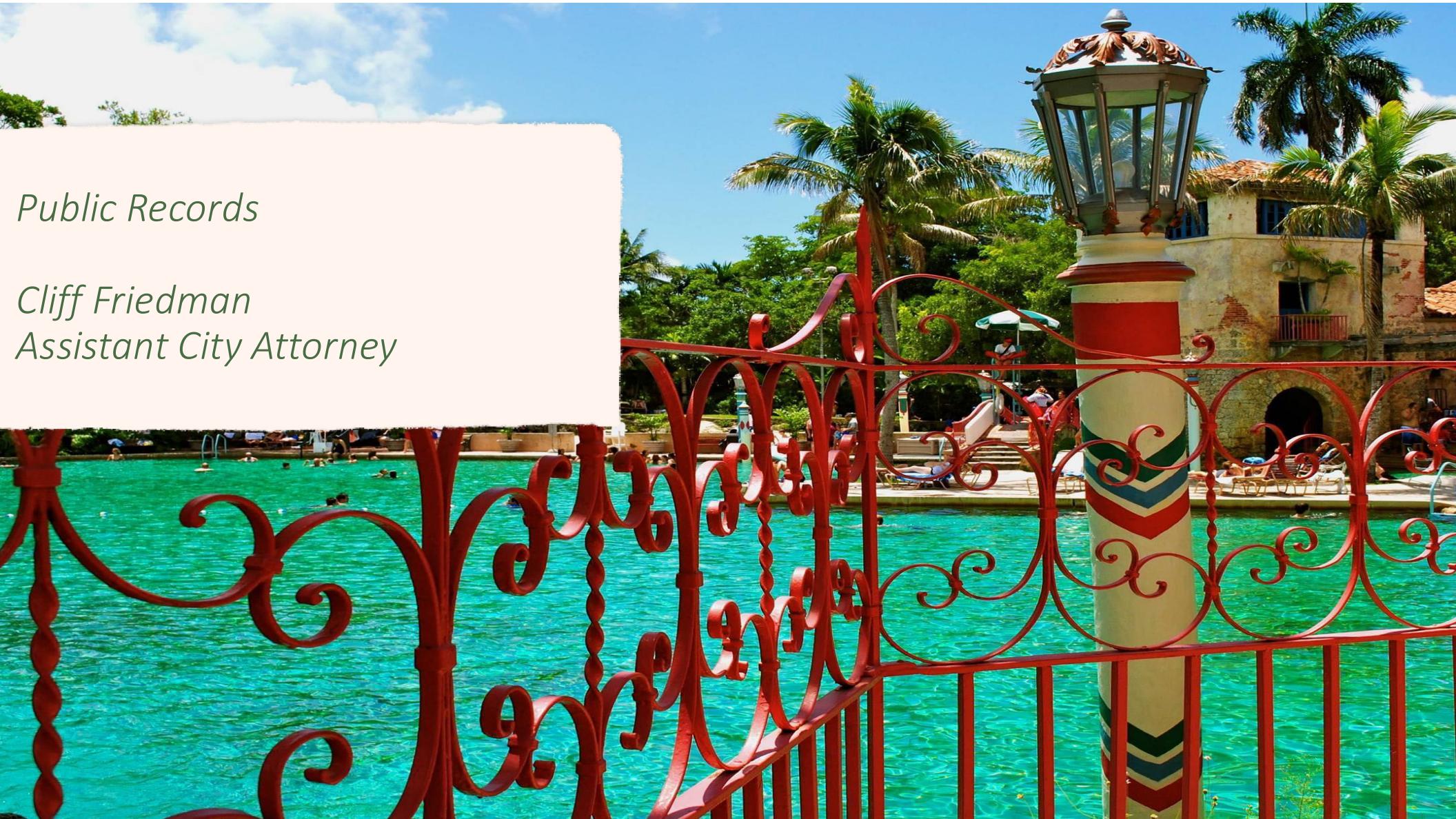
- The complete substance of what was presented at the ex-parte meeting should be disclosed at the public hearing.
- Any written ex-parte communication should be made part of the record on the item.
- If a party then expresses concern that it has been prejudiced by the ex-parte communication, the party should be allowed time to respond to the information.

WHAT IS NOT A PROHIBITED EX-PARTE COMMUNICATION?

- City staff, such as planners, engineers, and other experts, may meet with quasi-judicial officers to advise them of their professional opinions regarding quasi-judicial applications.
- As long as the staff members are not attempting to influence the decision maker and the communications.

Public Records

*Cliff Friedman
Assistant City Attorney*



Florida Public Records Law

Florida Constitution, Sec. 24(a):

- "Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution."

Florida Public Records Act, Fla. Stat. Ch. 119:

- Provides public with the right to access any public record made or received in connection with the official business of any state or local government agency.

ACCESS TO PUBLIC RECORDS

- “Every person who has custody of the public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions and under supervision by the custodian of the public records”
 - Section 119.07(1)(a), F.S.
- Bottom line – if material falls within the definition of a "public record," it must be disclosed to the public upon request unless there is an applicable exemption.

WHAT IS A PUBLIC RECORD?



- All materials made or received by an agency in connection with the transaction of official business which are used to perpetuate, communicate or formalize knowledge. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).
 - “Agency” includes public officials and employees
 - This may include: documents, papers, letters, maps, books, tapes, emails, electronic calendars, and messages (including sent via text, etc.)
- The record should be produced in the format that it is maintained.
 - Example: if the record is a PDF and the requester wants an Excel
- If a requested record does not exist, you are not required to create one.
 - Example: the requester asks clarifying questions about a record

WHAT IS A PUBLIC RECORD?



- Drafts shared for comment?
- Notes to self?
 - Personal notes can be public records if they are intended to communicate, perpetuate or formalize knowledge of some type. *See, Miami Herald Media Company v. Sarnoff*, 971 So. 2d 915 (Fla. 3d DCA 2007)
 - However, public employees' notes to self-designed for own use in remembering certain items, are not public records. *Justice Coalition v. The First District Court of Appeal Judicial Nominating Commission*, 823 So. 2d 247 (Fla. 1st DCA 2002)
 - *See also*, Op. Att'y Gen. Fla 10-55 (2010), notes not public records if not transcribed or shown to others.
- Private emails?

REQUESTING PUBLIC RECORDS

- “person” includes individuals, firms, associates, joint ventures, partnerships, estate trusts, corporations and all other groups or combinations, regardless of whether the “person” is a citizen of the State of Florida.
- Requests can be made anonymously.
- It is not mandatory that public records requests be made in writing (unless specified)
- The motivations of the person making a public records request are not relevant.
- A request cannot be denied because it is overbroad

RESPONSE TIME



- **Prompt Response:** Acknowledgment of a request to inspect or copy a public record must be made promptly and in good faith.
 - **Section 119.07(1)(c), F.S.**
- **Reasonable Right of Access:** The time it takes to locate a record, review it for exempt information, and provide a copy to the requestor.
 - Section 119.07(1)(a) F.S.; Tribune Co. v. Cannella, 458 So.2d 1075, 1078 (Fla. 1984).

FEES



As a general rule, there is no fee for the mere inspection of a public record and fees for providing copies of public records must be statutorily authorized. The custodian of the public records must furnish a copy of a requested record upon payment of the fee prescribed by law. If there is no statutorily prescribed fee, the record custodian can charge no more than 15 cents a page for paper copies.

EXTENSIVE USE FEES

- If a request for records requires an “**extensive use**” of agency resources, whether personnel or information technology or both, an agency may charge a special service charge in addition to the per-copy charge or the actual cost of duplication.
- An extensive use fee must be reasonable and based on actual costs incurred, it cannot be automatically applied.
- Local agencies have a great deal of flexibility in assessment of fees.
- In 2021 the City Commission adopted an updated Public Records and information request policy setting fees for extensive use requests, those requests taking over 30 minutes of staff time.

CORAL GABLES PUBLIC RECORD AND INFORMATION REQUEST POLICY

- Resolution 2021-220, adopted by the City Commission:
 - Defines extensive use and information requests, and sets out all applicable fees and procedures.
 - Many documents are available to the public on the City's website, including all resolutions and ordinances, meeting minutes etc.
 - Police and Fire have separate procedures for record requests.
 - Forward any public record requests that may be sent to you, to your staff liaison.

EXEMPTIONS

- As of 2023, the Legislature had enacted 1,054 exemptions to the Public Records Act.
- Exemptions, set by Florida Statutes
 - Examples: Social Security Numbers, Law Enforcement Officer addresses, Bank Account Numbers, Security System information.
- Confidential and Exempt v. Exempt Information
 - Agency may release exempt information but not information that is confidential and exempt except when specified by the exemption.
 - Email addresses are never exempt from disclosure.
 - Are you a protected person?

SANCTIONS



- A knowing violation of Ch.119, F.S., is a 1st degree misdemeanor punishable by a fine up to \$1,000 and a jail term not exceeding one year. (**Sec. 119(1)(b) and (2)(a), F.S.**)
- An unintentional violation of public records laws is a non-criminal infraction punishable by a fine not exceeding \$500.
- Those who have intentionally violated the law can be suspended or removed from office. (**Sec. 112.52(1), F.S.**)
- An agency that has been found to have violated the law- whether an intentional or unintentional violation will be required to pay attorney fees and court costs. (**Sec. 119.12, F.S**)

REQUESTING RECORDS FOR YOUR BOARD OR COMMITTEE

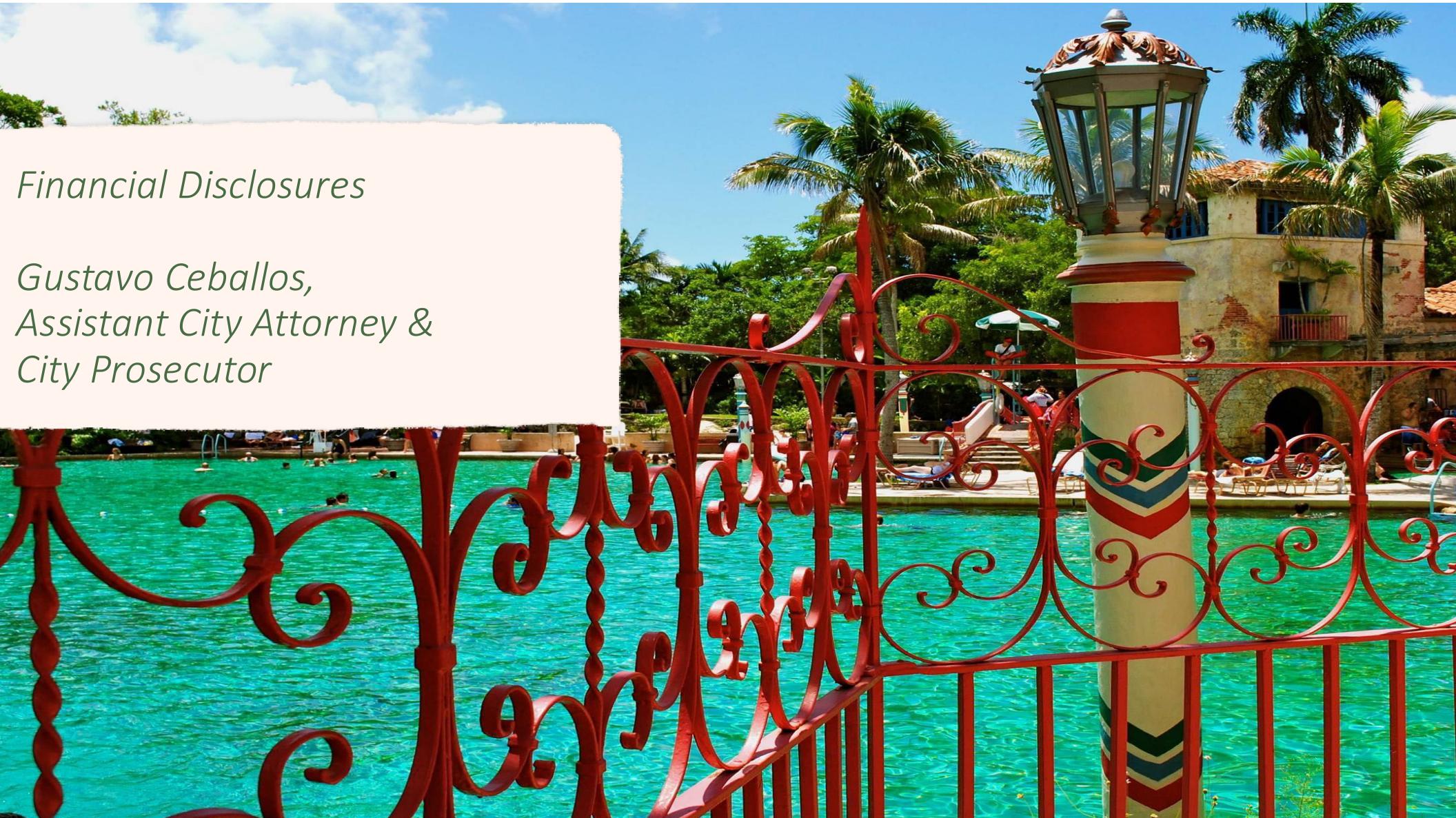
- Reasonable requests for information and documents can be made by the Chair and board members within the jurisdiction of their board/committee.
- Requests should be made at a meeting or by email and relate to a board/committee agenda item.
- Requests should be made to the staff liaison with copies to the City Clerk and City Attorney's office.
- If there is disagreement about the request, such as scope or jurisdiction, request would be brought to the full board and the City Attorney's office would serve as parliamentarian.
- This is a separate process from the public record process which would apply to requests made in an individual capacity
- CAO 2017-39.

YOUR PUBLIC RECORDS

- Emails, texts, or other messages you send and receive related to City Business.
- Reports and documents you send and receive in your capacity as a Board and Committee member.
- If you are communicating about the official business of your Board or Committee, or items that could conceivably come before your Board or Committee, those are public records even if they are sent or received from your private email address or cell phone.
 - Please cc or forward all emails to your City staff liaison so they will be properly retained.
- Your responsibility to maintain records on your private devices.
- If you receive a request for any public records in your possession, please contact the City at publicrecords@coralgables.com.

Financial Disclosures

*Gustavo Ceballos,
Assistant City Attorney &
City Prosecutor*





Financial Disclosure

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WHO HAS TO FILE?

- “**Autonomous personnel**” members of semi-autonomous boards entrusted with day-to-day policy setting operation and management of certain defined City functions.
 - Examples: Retirement board
- “**Quasi-judicial personnel**” members of boards that perform quasi-judicial functions.
 - Examples: Planning and Zoning Board, Board of Adjustment and Code Enforcement Board
- “**Advisory personnel**” – members of City advisory boards whose responsibility is to recommend legislation or give advice to the City Commission.
 - Examples: Landscape Beautification Advisory Board, Library Advisory Board, Transportation Advisory Board, and Parks and Recreation Advisory Board

WHAT NEEDS TO BE FILED?

- **State of Florida - “Form 1 - Statement of Financial Interest”**

- Board Members (F.S. 112.3144 & 112.3145)
- Ex: Board of Adjustment, Historic Preservation Board, Planning and Zoning Board, Pension Board, Construction Regulation Board, & Code Enforcement Board.
- Form may be obtained at City Clerk's Office or from your board liaison.

FORM 1 STATEMENT OF FINANCIAL INTERESTS		2018	FOR OFFICE USE ONLY:
(Please print or type your name, address, address, and phone number.)			
LAST NAME - FIRST NAME - MIDDLE NAME:			
MAILING ADDRESS:			
CITY: ZIP: COUNTY:			
NAME OF AGENCY:			
NAME OF OFFICE OR POSITION HELD OR BOUGHT:			
You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.			
CHECK ONLY IF <input type="checkbox"/> CANDIDATE OR <input type="checkbox"/> NEW EMPLOYEE OR APPOINTEE			
*** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ***			
DISCLOSURE PERIOD: THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER IN DECEMBER OR IN ANOTHER MONTH.			
<input type="checkbox"/> DECEMBER 31, 2018 <input checked="" type="checkbox"/> SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR			
MANNER OF CALCULATING REPORTABLE INTERESTS: FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR OF USING REPORTING THRESHOLDS THAT ARE RELATIVE VALUES (USUALLY BASED ON PERCENTAGE VALUES) (SEE INSTRUCTIONS FOR FURTHER DETAILS). CHECK THE ONE YOU ARE USING (MUST CHECK ONE): <input type="checkbox"/> COMPARATIVE (PERCENTAGE) THRESHOLDS <input type="checkbox"/> DOLLAR VALUE THRESHOLDS			
PART A - PRIMARY SOURCES OF INCOME [Enter sources of income to be reporting person - See instructions] (If you have nothing to report, write "none" or "nil")			
NAME OF SOURCE	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY	
PART B - SECONDARY SOURCES OF INCOME [Enter interests, shares, or other sources of income to businesses owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "nil")			
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
PART C - REAL PROPERTY [Enter buildings owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "nil")			
FILED INSTRUCTIONS: Be sure and where to file this form are located at the bottom of page 2.		INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.	
FL FORM 1-CORAL GABLES 1/2/04 REPLACES FORM 1-CORAL GABLES 1/2/04 Effective January 1, 2004		Revised in reverse side PAGE 1	

WHAT NEEDS TO BE FILED?

- Miami-Dade County – “Source of Income Statement”
 - Advisory Board members and those not required to file Form 1
 - Form may be obtained at City Clerk’s Office
 - Alternatively a copy of tax returns or a financial statement on form approved by State or national banks can be filed.

SOURCE OF INCOME STATEMENT		
Disclosure for Tax Year Ending	First Name	Middle Name/Initial
Last Name		
Mailing Address - Street Number, Street Name, or P.O. Box		
City, State, Zip	D Number	
If your home address is your mailing address, or if your home address is exempt from public records pursuant to Fla. Stat. §197.07, read instruction on the following page and check here: <input type="checkbox"/>		
Filing as an Employee		
<input type="checkbox"/> County Employee	<input type="checkbox"/> Municipal Employee, Name of Municipality:	Position held or sought
Department where employed		
Work address	Work telephone	Term began on
Filing as a Board Member		
<input type="checkbox"/> County Board Member	<input type="checkbox"/> Municipal Board Member, Name of Municipality:	Board where serving
Work address	Work telephone	Term began on
List below every source of income you received, along with the address and the principal activity of each source. Include your public salary. Price the sources of income in descending order, with the largest source first. Also include any source of income received by another person for your benefit. However, the income of your spouse or any business partner need not be disclosed. If continued on a separate sheet, check here: <input type="checkbox"/>		
Name of Source of Income	Address	Description of the Principal Business Activity
I hereby swear (or affirm) that the information above is a true and correct statement.		
Signature of person disclosing		Form Office Use
Print name		Received By
Date signed		Received Date
		Spanned Date
		Comments

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WHEN & WHERE DO I NEED TO FILE?

- City Clerk's Office
- By 12 noon on July 1st of each year including the July 1st following the last year that person served on board/committee.
- Disclosure due July 1st is for preceding calendar year (i.e. 7/1/24 – statement for 2023).

Rules of Procedure

*Stephanie Throckmorton,
Deputy City Attorney*





Rules of Procedure
Robert's Rules of Order
aka
How to Run a Meeting

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ROBERT'S RULES OF ORDER, NEWLY REVISED

To the extent not in conflict with the City Code, rules adopted by the board, or applicable state law, each board shall adhere to ***Robert's Rules of Order, Newly Revised.*** City Code Secs. 2-55(a), 2-77(a)(1).

- *Questions of order*
- *Methods of organization*
- *Conduct of business*

PARLIAMENTARIAN

The City Attorney shall serve as parliamentarian and shall advise and assist the chairperson in matters of parliamentary law. In the absence of a rule of procedure, the parliamentarian shall refer to Robert's Rules of Order, Revised, on all rulings. City Code Sec. 2-8o.

QUORUM



- What is a *quorum*?
- The minimum number of members who must be present at meetings of a deliberative assembly for business to be validly transacted. RONR (11th ed.), p. 21.

QUORUM



- General Rule: A *quorum* for all boards' meetings shall consist of *a majority* of the board's total membership. City Code Sec. 2-55(b).
 - *Example:* If a board has five (5) members, three (3) members must be present to constitute a quorum.
 - Exception: Those boards whose creating resolution or ordinance provides for a different quorum.
 - *E.g.* Sustainability Advisory Board; Board of Architects

QUORUM



- General Rule Regarding Required Vote
 - The ***decision of a majority of the board members present*** and voting at a meeting at which a quorum is present ***shall be the decision of the board.*** City Code Sec. 2-55(b).
 - *Example:* If a board has five (5) members and three (3) members are present, there is a quorum and the decision of two (2) members present shall be the decision of the board.

QUORUM

- Exceptions Regarding Required Vote

- **Historic Preservation Board**, Zoning Code Sec. 14-105.3(B) (HPB is a nine (9) member board, so five (5) members constitute a quorum. Adoption of any motion requires ***the affirmative vote of a majority of the full Board.***)
- **Planning and Zoning Board**, Zoning Code Sec. 14-102.3(B) (P&Z is a seven (7) member board, so four (4) members constitute a quorum. The ***affirmative vote of four (4) members of the Board shall be necessary for the adoption of any motion.***)
- **Board of Adjustment**, Zoning Code Sec. 14-104.3(B) (BOA is a seven (7) member board, so four (4) members constitute a quorum. The ***affirmative vote of four (4) members of the Board present*** shall be necessary to authorize a variance or grant an appeal.)

QUORUM



- What if there is no quorum present?
- Can you appear via zoom?
- What if we lose quorum during the meeting?
- What if we only have the minimum number of people to make a motion (HPB, Bd of Adjustment, P&Z)

CONDUCT OF BUSINESS

- ***Open to the Public:*** All meetings of boards and committees shall be open to the public in accordance with Florida's Sunshine Law. City Code Sec. 2-77(2).
- ***Official Agenda:*** There shall be an official agenda for every meeting which shall determine the order of business conducted at the meeting. City Code Sec. 2-79(a).

CONDUCT OF BUSINESS

- Can you request items be placed on the agenda?
- Can we require staff to attend our meetings?
- Where can we have our meetings?
- Who sets the meeting dates and times?
- Can anyone attend?
- Are all meetings on zoom?
- Is there public comment?

CONDUCT OF BUSINESS

Chairperson

- Each board and committee shall meet annually to elect one of their members as a chairperson and one as a vice-chairperson. City Code Sec. 2-55(a).
- The chairperson presides at all meetings of the board or committee. City Code Sec. 2-78.
 - In the absence of the chairperson, the vice-chairperson shall perform the duties and functions of the chairperson until the chairperson's return and resumption of duty.

CONDUCT OF BUSINESS

Chairperson's responsibilities include (City Code Sec. 2-78):

- *Open the meeting* after determining a quorum is present by *calling the meeting to order*;
- *Announce the business* to come before the board;
- *Recognize board members* who seek the floor (*all questions and comments are to be directed through the chairperson*);
- *Repeat every motion and state every question*;
- *Preserve decorum and order*;

CONDUCT OF BUSINESS

- Chairperson's responsibilities (continued):
 - ***Call to order any member*** who violates any of these procedures;
 - ***Expedite business*** in every way compatible with the rights of the members;
 - ***Remain objective.*** For the chairperson to make a motion, the gavel must be relinquished to the vice-chairperson or other members in order of seniority.
 - ***Declare the meeting adjourned*** when the board so votes or in the event of an emergency.

RULES OF DEBATE

- What is a ***motion***?
 - A ***motion*** is a ***formal proposal*** by a member, in a meeting, ***that the board or committee take certain action***. RONR (11th ed.), p. 58.
 - Three steps to bringing a motion before the board, RONR (11th ed.), p. 32:
 1. A member ***makes*** the motion (“moves” or “offers”);
 2. Another member ***seconds*** the motion;
 3. The chairperson ***states the question on the motion***.

RULES OF DEBATE

- ***Motions***, City Code Sec. 2-81(b)

- A motion and a second to the motion is to precede any action on an agenda unless there are speakers to be heard.
- All motions shall be made and seconded before debate.
- Once a motion is presented and seconded, it is under consideration and no other motion shall be received, except ***to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided.***

RULES OF DEBATE

- ***Motions to Amend***, City Code Sec. 2-81(c)
 - An ***amendment*** to a motion ***must be germane***; it must relate to the substance of the main motion.
 - A motion may be amended in one of two ways:
 - **By consent** of the members.
 - **Formal amendment**.

RULES OF DEBATE

- What does this look like?
- A: I move that we recommend the City Commission consider adopting legislation requiring purple shirts for employees every Thursday.
- B: I second that motion.
- Chairperson: Is there any debate?
- Debate/Public Comment
- Roll Call

RULES OF DEBATE

- What does this look like?
- A: I move that we recommend the City Commission consider adopting legislation requiring purple shirts for employees every Thursday.
- B: Will you accept a friendly amendment to change that to green shirts?
- A: Yes.
- B: I second the motion as amended.
- **Chairperson:** We have on the floor a motion to recommend that the City Commission adopt legislation requiring green shirts for employees every Thursday. Is there any debate?
- **Debate/Public Comment**
- **Roll Call**

RULES OF DEBATE

- What does this look like?

Quasi-Judicial Board Motions:

- Approval/Denial of an application
- Conditions of approval
- Substantial competent evidence

Advisory Boards:

- Recommendations to staff
- Requests for action by the City Commission

RULES OF DEBATE

- Decorum, City Code Sec. 2-81(a).
- Every member who wishes to speak should address the chairperson, and upon said recognition by the chairperson, should confine the discussion to the question under debate.
- Once recognized, a member should not be interrupted unless such member is being called to order.
- A member is deemed to have yielded the floor when the member has finished speaking.

RULES OF DEBATE

- What does this look like?
- Board member :“Madam Chair, I’d like to ask a question of staff”.
- Board member: “Through the Chair, I’d like to discuss that point”.
- Chair: “We’ll hear from Mr. X then Mrs. Y”
- Chair: “ Mr. B, please let staff finish their presentation then we will take questions”.

CIVILITY CODE

Civility Code, Resolution No. 2021-187

- Purpose is to further establish rules of decorum and civility during public meetings; and
- Intended to facilitate an open, orderly, and respectful environment for all those in attendance and to foster an atmosphere of fairness, courtesy, and respect for differing points of view.

CIVILITY CODE

All individuals attending a public meeting must:

- ***Wait to be acknowledged*** before speaking.
- ***Not interrupt*** an individual who has the floor.
- ***Refrain from***
 - disrupting the public meeting;
 - physically threatening behavior;
 - profanities, insults, or other disparaging remarks;
 - making comments, references, or statements regarding race, gender, ethnicity, religion, or sexual orientation;
 - creating, provoking, or participating in any type of disturbance involving unwelcome physical contact; and
 - speaking on cell phone during meeting.
- ***Endeavor to cite only the truth*** and not knowingly misrepresent, mischaracterize, or misquote information.

VOTING



The following procedures apply to voting, City Code Sec. 2-82:

- **All votes** shall be taken **by voice**.
- **Roll call vote**: A method of voting wherein the clerk calls each member's name in alphabetical order, rotating the names with each subsequent roll call, with the chairperson voting last.
- **Unanimous consent vote**: means that the opposition feels that discussing or voting on the issue is useless and decides to keep silent accepting the results.
- **Voice vote (unanimous)**: Means that all the votes are the same. The voice vote generally means that the majority adopts the main motion, or more than half of the members adopt the main motion.

VOTING



- *Each member present must give a vote, unless the member has publicly stated that the member is abstaining from voting due to a conflict of interest.*
- If any member declines to vote “yea” or “nay” by voice, *that silence shall be counted as a “yea” vote.*
- A member momentarily absent for a vote on a particular item *may record a vote*, and any member *may change a vote before the next item is called* for consideration or before a recess or adjournment is called.

MOTIONS FOR RECONSIDERATION

- A motion to reconsider can be made by any member on the prevailing side. City Code Sec. 2-82(e).
- A motion to reconsider can be made as late as the following board meeting.

ADJOURNMENT

- No meeting should be permitted to continue beyond 9:00 p.m. without the approval of a majority of the board. City Code Sec. 2-84
- A new time limit must be established before taking a vote to extend the meeting.



Thank you for your attention!

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