



MINUTES OF THE CITY COUNCIL WORK SESSION
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

December 13, 2016

1:00 PM

ORDER OF
BUSINESS

1 **Call to Order - Roll Call**

The work session was called to order by Mayor Rob Marlowe at 1:01 pm. Those in attendance were, Deputy Mayor Bill Phillips, Councilwoman Judy DeBella Thomas, Councilman Jeff Starkey and Councilman Chopper Davis.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers and City Commissioner Clifford Merz from Safety Harbor.

DISCUSSION ITEMS

2 **Ethics Presentation by Nicole Nate, Esq., Zach Lombardo, Esq. and City Attorney Timothy Driscoll, Esq.**

City Manager Manns introduced Ms. Nicole Nate, Esq. from Bryant Miller Olive. She stated that in 2015 the Florida Legislature passed a law requiring all local officials complete a mandatory four hour training each year in ethics. Ms. Nate then made a presentation to Council regarding public meetings. A meeting is considered a communication between two or more board members of the same board or council. Communication includes in person, by phone or written about any matter that may come before the board or council. Also includes social media and text messages. Exchange of information between members of a board through a liaison is prohibited in general. City Attorney Driscoll recommended to Council that comments to the newspaper should be kept to only things that have already been said at a public meeting. A meeting must be public, reasonably noticed and open to the public and have minutes taken. Reasonable notice can vary on facts and circumstances but generally is twenty-four hours. There is no prescribed form for content but should contain time, place and subject matter. Acceptable methods include posting, press release and electronic media. Meeting minutes do not have to be verbatim but rather a summary of comments. If meetings are recorded and/or broadcasted minutes must still be taken. Meeting exemptions include pending litigation, labor negotiations, risk management committees, security system meeting or vendor negotiations. Violations can include criminal penalties and fines. Violations can be cured as long as there is an independent final action taken in the Sunshine.

Ms. Nate then moved on to her presentation regarding public records. She stated the definition of a public record is very broad. The general policy and exemptions are found in Chapter 119 however public records are referenced throughout Florida Statutes. Reasonable time is based on the nature and the volume of the request. The records are based on the content not where the information is stored. Violations can include jail time, civil penalty fees, removal from office and attorney fees and costs.

Following Ms. Nate's presentation, City Attorney Driscoll then made a presentation to Council regarding the roles and responsibilities of Council members. Mr. Driscoll discussed the difference between a strong-mayor form of government and the Council-Manager form of government. City Council is similar to the legislative and judicial branches of government. The City Council sets policy and also acts as a panel of judges during quasi-judicial matters. The City Manager functions as the executive branch. The City Manager creates the policy set forth by Council. Per the City Charter the City Council has administrative powers over the City Manager, City Attorney and the Special Magistrate. There is also a provision in the City Charter prohibiting interference with the administrative operations of the city and staff. The Charter provides that City Council's interaction with staff should only go through the City Manager. City Council is prohibited to direct staff to take any actions. City Attorney Driscoll reminded Council that a violation of any of the provisions of the City Charter can result in the removal from office. City Attorney Driscoll also stated that when the Council is at the dais, comments made are a reflection of the city.

Mr. Zach Lombardo, Esq., also from Bryant Miller Olive then made a presentation to Council regarding ethics. He stated a public office is a public trust. The Commission on Ethics duties include advisory opinions, investigate complaints, recommend penalties and administer automatic fines for failing to file your annual disclosure. No public officer shall solicit or accept anything of value based upon the understanding of a vote. You can accept a gift as long as it does not influence you and it is reported if over \$100. Gifts from political committees and vendors cannot be accepted under any reason. Gifts from lobbyist can be accepted if reported over \$25 not to exceed \$100. Mr. Lombardo then discussed the misuse of public position. The next topic discussed was disclosure or use of certain information. A current or former public officer may not disclose or use information not available to members of the general public and gained by reason for their position. The final prohibited act is honoraria which is receiving something for a speaking engagement.

Mr. Lombardo then moved on to discuss the prohibition of doing business with one's agency. It is prohibited to do any kind of business if there is a material interest involved. A public official is prohibited from a contractual relationship if there is a recurring conflict which would impede full and faithful discharge of public duties. Competitive bidding may be allowed if it meets certain criteria and filings. A public officer may not accept public employment if the position is being offered to gain influence or other advantage based on the public officer's office or candidacy. Mr. Lombardo then discussed nepotism. However in cities with a population of less than 35,000 restrictions do not apply when appointing relatives to boards other than those with land-planning or zoning responsibilities. There is a broad definition as to what a relative is. Lobbying is prohibited until two years after leaving office. Mr. Lombardo then discussed voting conflicts. No public officer shall vote in any official capacity which would inure to his or her special private gain or loss. Mr. Driscoll told Council that if a member knows of something on an upcoming agenda to let him know about any conflict early so he has time to investigate and provide proper advice. The Ethics Commission does have the right to dismiss a conflict. A member must vote unless there is a conflict. The final section of the presentation by Mr. Lombardo was on financial disclosure. Financial disclosures are due by July 1st each year. It is for each asset/liability worth more than \$1,000. Real property does not include residence/vacation homes. No disclosure of dollar amounts just the sources of where they come from.

There being no further business to consider, upon proper motion, the meeting adjourned at 5:01 pm.

Approved: _____ (date)

_____ (signed)

Initialed: _____

Judy Meyers, City Clerk