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RESOLUTION NO. 2014-20

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC NOTICE; DIRECTING THE VILLAGE CLERK TO POST ALL PUBLIC/SUNSHINE NOTICES ON THE VILLAGE'S WEBSITE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

WHEREAS, Article 1, Section 24(b) of the Florida Constitution and Section 286.011(1), *Florida Statutes* provide that all meetings of any board or commission of municipal corporations, which includes advisory boards, at which official acts are to be taken are declared to be public meetings open to the public at all times (the "Sunshine Law"); and

WHEREAS, case law is clear that the Sunshine Law is to be construed in its broadest sense, See, *Town of Palm Beach v. Gradison*, 296 So 2d473 (Fla. 1974) ("The statute [Sunshine Law] should be construed so as to frustrate all evasive devices"); and

WHEREAS, the Sunshine Law is not limited to meetings at which final, formal actions are taken, but to any gathering of Village Councilmembers where the Councilmembers may deal with some matter on which foreseeable action will be taken by the Village Council; and

WHEREAS, the Florida Attorney General has previously determined that it is not a violation of the Sunshine Law for elected officials to attend other city board meetings or other public meetings and comment on items that may subsequently come before the commission for final action, if the city board or other public meeting has been properly noticed in accordance with the Sunshine Law and said notice states that one or more elected officials may attend the city board or other public meeting; and

WHEREAS, while the Sunshine Law states that "reasonable notice" must be provided of any public meeting, the type of notice sometimes varies based upon the facts and circumstances of the public meeting scheduled to take place; and

WHEREAS, although prominently posting notices of public meetings in the area in the Village set aside for that purpose will generally satisfy the posting requirement in the Sunshine Law, in order to insure maximum transparency and encourage residents to actively participate in matters that concern the general welfare of the Village, uploading the official notices of all public meetings to the Village's website by the Village Clerk is appropriate; and

WHEREAS, it is the desire of the Village Council to direct the Village Clerk's office to immediately notice and post all public meetings at which one Sunshine Meetings, not only on the Village's bulletin board, but also on the Village's website in a conspicuous manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

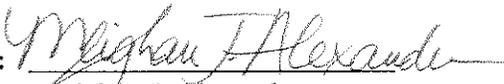
1           **Section 1.**     The above recitals are true and correct and incorporated herein.

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3           **Section 2.**     Upon being notified that one or more elected Village officials intend on  
4 attending a Village board, commission or committee, or attend a non-Village sponsored public  
5 meeting, the Village Clerk's Office shall prepare the appropriate notice and, in addition to all other  
6 legally and/or sufficient notification requirements, shall immediately upload the official notice to the  
7 Village's website in a location that is conspicuous to all in order to insure maximum transparency  
8 and public participation in meetings at which Village related issues may be discussed.

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10          **Section 3.**     This resolution shall take effect immediately upon adoption.

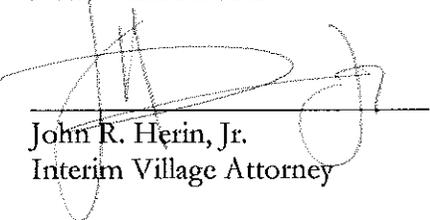
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12          PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2014.

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16   Attest:

  
17   Meighan J. Alexander  
18   Village Clerk

  
19   Shelley Stanczyk  
20   Mayor

21   APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
22   AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

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26     
27   John R. Herin, Jr.  
28   Interim Village Attorney

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30  
31   FINAL VOTE AT ADOPTION:

32  
33   Council Member Patrick Fiore                    YES  
34  
35   Council Member Tim Schaffer                   YES  
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37   Council Member Joan Lindsay                   YES  
38  
39   Vice-Mayor John DuBois                        YES  
40  
41   Mayor Shelley Stanczyk                         YES