



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman Robert H. Newman, Vice Chairman Gail Dotson Dawn Addy Elizabeth M. Iglesias

ROBERT A. MEYERS

MICHAEL P. MURAWSKI ADVOCATE

ARDYTH WALKER STAFF GENERAL COUNSEL

December 30, 2002

Andrew Dickman, Vice Mayor Village of El Portal 500 Northeast 87th Avenue El Portal, FL 33138-3517

Dear Vice Mayor Dickman:

Thank you for your correspondence dated December 25, 2002 wherein you request an opinion from our office in connection with the Florida Sunshine Law. Due to the fact you are seeking an interpretation of a state statute, the Miami-Dade Commission on Ethics and Public Trust has no jurisdiction to provide you with an opinion regarding this matter. Our office's authority to render ethics opinions is limited to issues involving local laws.

There are other sources which may be able to assist you. First, you may want to consult with you city attorney, if you haven't already done so. Secondly, the Office of the Attorney General in Tallahassee handles inquiries about the Sunshine Law and actually maintains a unit that does nothing but respond to Sunshine Law questions.

If you wish to discuss the above matter with me in greater detail, feel free to contact me at your earliest convenience.

Sincerely,

Robert Meyers
Executive Director

112 Northeast 88 Street Village of El Portal, FL 33138 Tel: 305,758.3621 Fax: 305.758.0508 dickmana@bellsouth.net Vice Mayor

ANDREW DICKMAN

Village of El Portal



<u>TO:</u>	Kobe	ert Méyers	Fronts	Andrew Dickman,	Vice Mayor
Fext	305.	579.0273	Pages:	9 including cover	
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The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by repty small, phone or fax and destroy all copies of the original message. Thank you

4). OFFicer Adject was at Conner (women Black's residence prior to his investigation at my home on Dec. 744.



Village of El Portal

500 NORTHEAST 87th STREET EL PORTAL, FLORIDA 33138-5517 TELEPHÓNE (305) 795-7890 FAX (305) 795-7884

December 25, 2002

Robert Meyers, Executive Director COMMISSION ON ETHICS AND PUBLIC TRUST 19 West Flagler Street, Ste. 220 Miami, FL 33130 VIA FAX AND U.S. MAIL

RE: "Sunshine Law" Opinion Request

Dear Mr. Meyers:

I would like the Commission to provide opinions regarding the Florida Sunshine Law in connection with the two events more fully described herein.

- 1. On December 22, 2002 three members of Council, include myself, signed one letter addressed to Mayor Edmonson and Councilwoman Black concerning their decorum on the dais. On December 24, 2002 Councilwoman Black returned to me a copy of her letter with a note indicating that our letter may constitute a Sunshine Law violation (see Exhibit "A"). It is my understanding of the law that we are not precluded from meeting to discuss matters that foresceably will not come before our Council for action (see Exhibit "B"). Since this is a matter of personal decorum between two members of Council and not Village business, I did not and do not foresee the Council taking action on this issue. Therefore, it was and is my opinion that our letter requesting the recipients to respect the sanctity of the dais does not fall within the scope of the Sunshine Law. I respectfully request the Commission's opinion on this matter.
- 2. On December 7, 2002 I hosted a social event at my home for my friends and neighbors to meet the four Village Council candidates I was supporting in the Village general election on December 10, 2002. Two of these candidates were sitting members of Council. Towards the end of this event, I and several of my guests notices an El Portal police car slowly cruising back and forth in front of my home, photographing the cars and people at my house. When I motioned the officer to stop so I could inquire why he was taking photographs, he told me he was investigating a Sunshine Law violation (see Exhibit "C"). It is my understanding that members of the same Council are not precluding from meeting socially so long as they do not discuss matters which foreseeably could come before the Council for official action (see Exhibit "D"). Since the purpose of the event was social and no official Village business was discussed, I was and am of the opinion this event did not and does not fall within the scope of the Sunshine Law. I respectfully request the Commission's opinion on this matter.

Thank you in advance for your prompt attention to my request. Please let me know if you need additional information.

ANDREW DICKMAN

El Portal Vice Mayor

Very Truly Yours

500 NORTHEAST 87th STREET EL PORTAL, FLORIDA 33138-3517 TELEPHONE (305) 795-7880 FAX (305) 795-7884

December 22, 2002

This to Minni Dade Ethics
for Investigation of Passible

Mayor Audrey Edmonson VILLAGE OF EL PORTAL 500 NE 87th ST El Portal, FL 33138

Councilwoman Daisy Black VILLAGE OF EL PORTAL 500 NE 87th ST El Portal, FL 33138

Sunshine Violations.

RE: Council Decorum

Honorable Mayor and Councilwoman:

The undersigned Councilpersons wish to strongly encourage greater respect and decorum between the two of you during future committee and council meetings. Your behavior last week at the special council meeting was embarrassing and disruptive, and not at all appropriate for elected officials. Neither the village nor our government should have to endure another year of this type of interaction on the dais. This behavior reflects negatively on the entire Council and it distracts us from conducting Village business.

We believe it is unacceptable for a Councilperson to use OUR meetings to advance personal attacks against another Councilperson or against the Village itself. Such behavior only serves to demonstrate a Councilperson's ill will towards the entire Council and bad faith in representing the citizens of El Portal.

We must all remember that El Portal has a 5-member council form of government, not a strong mayor or a 1-council form of government. Courtesy and consideration should be extended towards each other and remaining focused on the task at hand should be our highest priority. We don't have to like each other or always agree with each other, however, we do have an obligation and duty to respect each other and to focus on Village business.

There is much work to be done in 2003, not the least of which is implementing the new Charter. This will require cooperation, dedication and setting aside personal agendas. El Portal residents are depending on us to get this done and to operate the Village in a professional manner. Your ongoing and very public feud is clearly eroding your political support both in the community and among your colleagues on council, and should it continue, we are concerned it will impact our reputations and ability to do our jobs as councilpersons.

Please use this holiday season to reflect on our advice, and perhaps try to heal your rift, so that we can make 2003 a very productive and rewarding year.

Most Respectfull

AMBREW DICKMAN.

El Portal Vice Mayor

MARIETTĖ SAINTVIL.

El Portal Councilwoman

ANTHONY PEREA. El Portal Councilman

Exhibit "B"

PART I GOVERNMENT IN THE SUNSHINE LAW

A. WHAT IS THE SCOPE OF THE SUNSHINE LAW?

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied 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 are three basic requirements of s. 286.011, F.S.:

- (1) meetings of public boards or commissions 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 complete text of the Government in the Sunshine Law and related statutes may be found in Appendix B.

A right of access to meetings of collegial public bodies is also recognized in the Florida Constitution. Article 1, s. 24. Fla. Const., was approved by the voters in the November 1992 general election and became effective July 1, 1993. Virtually all collegial public bodies are covered by the open meetings mandate of the open government constitutional amendment with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution. The complete text of the amendment may be found in Appendix A.

The requirements of the Sunshine Law and Art. I, s. 24, Fla. Const., are discussed in detail in Part I.

B. WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?

1. Are all public agencies subject to the Sunshine Law?

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." The statute thus applies to public

Exhibit "C"

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25/12 2002 14:47 FAX 3057583621 ANDREW DICAMAN, ESS. EL PORTAL POLICE DEPARTMENT

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EXHIBIT "D"

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- Q. Can two members of a public board attend social functions together?
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500 NORTHEAST 87th STREET EL PORTAL, FLORIDA 33138-3517 TELEPHONE (305) 795-7880 FAX (305) 795-7884

December 22, 2002

of El Portal

THEAST 87th STREET

L. FLORIDA 33138-3517

HONE (305) 795-7880

X (305) 795-7884

The Street of the

Mayor Audrey Edmonson VILLAGE OF EL PORTAL 500 NE 87th ST El Portal, FL 33138

VILLAGE OF EL PORTAL 500 NE 87th ST El Portal, FL 33138

RE: Council Decorum

Honorable Mayor and Councilwoman:

The undersigned Councilpersons wish to strongly encourage greater respect and decorum between the two of you during future committee and council meetings. Your behavior last week at the special council meeting was embarrassing and disruptive, and not at all appropriate for elected officials. Neither the village nor our government should have to endure another year of this type of interaction on the dais. This behavior reflects negatively on the entire Council and it distracts us from conducting Village business.

We believe it is unacceptable for a Councilperson to use OUR meetings to advance personal attacks against another Councilperson or against the Village itself. Such behavior only serves to demonstrate a Councilperson's ill will towards the entire Council and bad faith in representing the citizens of El Portal.

We must all remember that El Portal has a 5-member council form of government, not a strong mayor or a 1-council form of government. Courtesy and consideration should be extended towards each other and remaining focused on the task at hand should be our highest priority. We don't have to like each other or always agree with each other; however, we do have an obligation and duty to respect each other and to focus on Village business.

There is much work to be done in 2003, not the least of which is implementing the new Charter. This will require cooperation, dedication and setting aside personal agendas. El Portal residents are depending on us to get this done and to operate the Village in a professional manner. Your ongoing and very public feud is clearly eroding your political support both in the community and among your colleagues on council, and should it continue, we are concerned it will impact our reputations and ability to do our jobs as councilpersons.

Please use this holiday season to reflect on our advice, and perhaps try to heal your rift, so that we can make 2003 a very productive and rewarding year.

Most Respectfully

ANDREW DICKMAN,

El Portal Vice Mayor

MARIETTE SAI

El Portal Councilwoman

ANTHONY PEREA.

El Portal Councilman

Exhibit "B"

PART I GOVERNMENT IN THE SUNSHINE LAW

A. WHAT IS THE SCOPE OF THE SUNSHINE LAW?

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied 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 are three basic requirements of s. 286.011, F.S.:

- (1) meetings of public boards or commissions 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 complete text of the Government in the Sunshine Law and related statutes may be found in Appendix B.

A right of access to meetings of collegial public bodies is also recognized in the Florida Constitution. Article I, s. 24, Fla. Const., was approved by the voters in the November 1992 general election and became effective July 1, 1993. Virtually all collegial public bodies are covered by the open meetings mandate of the open government constitutional amendment with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution. The complete text of the amendment may be found in Appendix A.

The requirements of the Sunshine Law and Art. I, s. 24, Fla. Const., are discussed in detail in Part I.

B. WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?

1. Are all public agencies subject to the Sunshine Law?

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." The statute thus applies to public

Exhibit "C"

EL PORTAL POLICE DEPARTMENT CASE LOG

CASE#	ADDRESS	INCIDENT	OFFICER	N/R 39 JU	V DATE
02-1747	Sooblk/1105=	4.0.A. BPPD	CONDY	D	12-7-07
02-1748	8700 N. MIAMI AY.	Au Maria		α	12-7-0
02-1749	251 NE. 8657	ALARM	BRITANT	1	1270
02-1750	144 NE 88 ST.	ELECTIONVIOLATION	ADUET		12-7-02
2-1751	112 NE 88 ST.	INFORMATION	ADLET		12-7-02
02-1752	112 NE 885T.	THREAT AGAINST ROLLS			12-7-02
02-1753	25 NO. 86 57	VANDALISM	137:1/45		12-702
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2-1763	8500 BISC B WO #F	OI ING	SKNDEROFF	7	17-9-01
2-1764	170 NE8757	911 HANG	SCHOEROFF	7=	12-9-01
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2-1770	177 NE 865+	Towed Vehicle	Adlet		12-11-02
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2-1772	148 NW 90 ST	RIMINAL USE OF I.D.	ADLET		12-11-02
2-1773	236 NE 87 ST	ANDLORD - TEVANT	ADUST		12-11-52

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SUSPECT / SUBJECT REPORT STATE OF, FLORIDA **INFORMATION** 0 7 you (aviection PEREA, ANTHONY 1 FL EL PORTAL 33150 85 NW 86 STREET CANDIDATE FOR VILLAGE COUNCIL PRESENT AT FUNCTION 3 0 S W Yes 🗖 No 🗍 MARCUM, TODD **EL PORTAL** FL 33150 12 NW 86 STREET RESIDENT AT FUNCTION Yes 🔲 No 🗀 W M 0 V VI, or P S 2 COURCILWOMEN Z SAINTVIL MARIETTE 550 NW 87 STREET **EL PORTAL** FL 33150 VILLAGE OF EL PORTAL 500 NE 87 STREET COUNCIL MEMBER BRN B 0 1 BLK Z EDMONDSON, AUDREY 3 Stete 295 NW 88 STREET **EL PORTAL** 33138 VILLAGE OF EL PORTAL 500 NE 87 STREET MAYOR BRN В F 4 1 0 1 S Hair Color BLK UPON MY ARRIVAL, I DID OBSERVE THREE (3) COUNCIL MEMBER'S PERSONAL VEHICLES PARKED AT THE ABOVE RESIDENCE, COUNCIL MEMBER DICKMANS HOME. I TOOK A PHOTOGRAPH AND OBSERVED COUNCIL MEMBER SAINTVIL EXITING THE RESIDENCE AND DRIVE AWAY IN HER CAR. A SHORT TIME LATER I MADE A SECOND DRIVE BY AND OBSERVED MAYOR EDMONSON, COUNCIL MEMBER DICKMAN AND CANDIDATE PERERA STANDING OUTSIDE THE RESIDENCE. I TOOK A PHOTOGRAPH OF MAYOR EDMONDSON AND COUNCIL MEMBER DICKMANS CARS PARKED ALONG THE ROADSIDE. COUNCIL MEMBER DICKMAN ASKED IF THERE WAS A PROBLEM TO WHICH I ADVISED THAT AN ANONYMOUS RESIDENT HAD CONTACTED ME ABOUT A POSSIBLE SUNSHINE VIOLATION AT HIS HOME. COUNCIL MEMBER DICKMAN SAID HE WAS HAVING A BARBECUE WITH SOME FRIENDS AND DIDN'T KNOW IT WAS A VIOLATION TO DO SO. MAYOR EDMONDSON THEN WALKED UP AND TOLD ME I HAD SPENT ENOUGH TIME ON THAT STREET AND TOLD ME LEAVE AND TO PATROL SOMEPLACE ELSE AND GO DO YOUR JOB. CHIEF MORALES WAS CONTACTED AND ADVISED OF INCIDENT. 02-1752 EP11-18 1 2 - 0 7 - 0 2 D. Adlet Routed To Assigned To Date Cleared 2. Arrest on Primary Offerse Secondary Off Without Prosecution 3. Death of Offende 4. V/W Refused to Cooperate 5. Presecution Declined 6 Juvenile / No Custod)

EL PORTAL POLICE DEPARTMENT

EL PORTAL POLICE DEPARTMENT SUSPECT / SUBJECT REPORT 1 INFORMATION STATE OF, FLORIDA 0 1 7 1 - 1 0 1 KENNEDY, LAWRENCE JR 1. #1 3. Both 1 2. #2 1 EL PORTAL FL 156 NW 90 STREET 33150 RESIDENT AT FUNCTION Date of Birth or Age 5 | 0 | S W M Yes 🔲 No 🗀 //WorP OFF/RIC Indicator 1.61 2.82 3.83 4.64 | 1 MURPHY, LARRY EL PORTAL FL 33150 **214 NW 91 STREET** RESIDENT AT FUNCTION Date of Birth or Age VW. orP W W Yes 🖸 No 🚨 1.85 2.82 3.63 4.64 Ζip Last Known Address (Street, Apt, Number) City State Clothing (Describe) Race Date of Birth or Ace Suspect Code S-Suspect E-Escape A-Arrestes Z-Other Last Known Address (Street, Apt, Number) Ζiρ City ee (Location/Describe) Eye Celer 09-18 EP11-18 1 2 - 0 7 - 0 2 D. Adlet ID, Number Released To Assigned To Date Cleared Clearance Type I. Arrest 2. Exceptional OBTS Numi 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6 Juvenile / No Custody 3 | 3

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112 Northeast 88 Street Village of El Portal, FL 33138 Tel: 305.758.3621 Fax: 305.758.0508 dickmana@bellsouth.net

Vice Mayor ANDREW DICKMAN Village of El Portal



To:	Robert Meyers	From:	Andrew Dickman, \	Vice Mayor
Fax:	305.579.0273	Pages:	9 including cover	
Phone	•	Date:	25-Dec-02	
Re:	Opinion request	CC:		
☑ Urg	ent 🗆 For Review	☐ Please Comment	☐ Please Reply	□ Please Recycle
• Con	nments:			
You m	ay contact me via cell pho	ne at 305.335.1303 betwee	en Dec. 26-31.	
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The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email, phone or fax and destroy all copies of the original message. Thank you