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STAFF GENERAL COUNSEL

March 23, 2009

Denny Wood
18615 S.W. 107th Avenue
Cutler Bay, FL 33157

RE: REQUEST FOR ADVISORY OPINION- RQO 09-10

Dear Mr. Wood:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 26, 2009 and rendered its opinion based on the facts stated in your request.

You requested an opinion regarding notice, agenda and minute requirements for county boards under Section (A) (3) (public records) and (A) (6) (right to notice) and (A) (8) (right to public hearing) of the Citizens Bill of Rights.

Specifically, the Ethics Commission answered the following questions:

- 1. Does the requirement to provide notice of meetings of boards extend to subcommittee meetings of the same organization?**

Section (A) (6) of the Citizens' Bill of Rights requires that committee or subcommittee meetings receive the same public notice as meetings of the entire board. However, individual board members who are not members of a particular subcommittee do not have to personally notified unless they have requested notice of all meetings from committee staff.

2. Are boards required to provide draft minutes prior to approval of the minutes by the board?

Draft minutes are public records as defined under state law and are therefore "other public records" as defined under Section (A)(3) of the Citizens' Bill of Rights. Accordingly, draft minutes may be provided to board members as well as the general public.

3. May a board member respond to a letter from the general public seeking reconsideration of an issue that has been presented to the board? May a board member discuss the issue with a fellow board member?

The Citizens' Bill of Rights does not prohibit board members from corresponding with members of the public regarding issues that may come before the board. However, state law does prohibit communication regarding some issues that may come before boards and does prohibit discussion among board members of any issue (including election of officers, policy questions, contracts or legal requirements) where future or further action may be taken. Discussion includes two-way written communication regarding any issue that may come before the board.

4. Can a board member ask the Chairman to place a particular issue on the next agenda via e-mail if the request is also sent to other board members and staff?

Section (A)(8) of the Citizens' Bill of Rights provides that any interested party may request a hearing regarding a significant policy issue. Therefore, a board member may ask the Chair to place a particular item on the next agenda. Although a written request between members is permissible, a board may request that such requests be sent to all board members or forwarded through staff.

5. May a board member sit on two committees?

Section 2-11.38 of the Code of Miami-Dade County permits a board member to sit on more than one committee on a time.

For your information, I am attaching a copy of the Citizens' Bill of Rights. The Ethics Commission's interpretation of the law is based on interpretation of similar provisions under Florida's sunshine and public record laws. However, you may want to consult the Florida Office of Attorney General for specific state law questions regarding sunshine and public record issues.

If you have any questions regarding this opinion, please call the undersigned at (305) 350-0613 or Ardyth Walker, Staff General Counsel at (305) 360-0616.

Sincerely Yours,



ROBERT MEYERS
Executive Director

Enclosure