



JNQ 07-101

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

June 27, 2007

Katie A. Edwards
Dade County Farm Bureau
1850 Old Dixie Hwy.
Homestead, FL 33033

Dear Ms. Edwards:

Thank you for your request for opinion letter dated June 19, 2007. The most relevant facts are that four members of the board of directors of the Dade County Farm Bureau (Farm Bureau) serve on the county's Agricultural Practices Advisory Board (Ag Practices Board) and the county ordinance establishing the Ag Practices Board includes seats for members of the Farm Bureau. Furthermore, the Ag Practices Board is a public board, and its members must adhere to the provisions of the Sunshine Law and the Public Records Act.

The Sunshine Law states that a public meeting is mandated when two or more members of the same board or committee meet and discuss public business or, alternatively, when they discuss matters that could foreseeably come before their board. Public business is defined as issues or items of interest within the authority and jurisdiction of the board in question. Conversations, correspondence and other forms of communications between multiple board members are outside the Sunshine Law when the discussions are unrelated to public business.

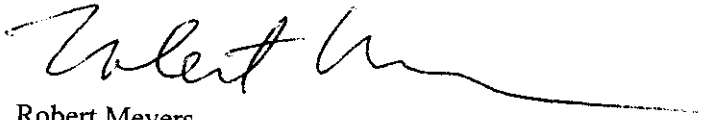
You pose a three-part question concerning an agricultural issue discussed at a Farm Bureau board of directors meeting which will also be discussed by the abovementioned county advisory board or one of its subcommittees. The first part covers the application of the Sunshine Law when three of the four Farm Bureau board members sitting on the Ag Practices Board leave the room while the item is being discussed. Assuming that the agricultural issue under discussion is likely to be heard by the Ag Practices Board, a Sunshine Law violation would only be triggered if two or more of the Farm Bureau board members participated in the discussion. If multiple members did not participate but remained in the room, that, too, would violate the Sunshine Law. As long as three of the four leave the room, the provisions of the Sunshine Law have been met.

The second part of your question is whether any of the four directors can participate in discussion on the issue. If you are referring to a discussion held by the Ag Practices Board, then all four of the Farm Bureau board members can participate and vote due to the fact no public meeting occurred at the board meeting of the Farm Bureau – assuming three of the four absented themselves from the meeting. If you are referring to a discussion by the Farm Bureau board, only one of the four board members is allowed to stay in the room and participate in the discussions.

The last part of your question addresses abstentions by these Farm Bureau board members at a meeting of the Ag Practices Board. A private meeting between two or more public board members would not be cured by abstaining at the Ag Practices Board meeting. If only one board member attends the Farm Bureau board meeting, there would be no reason for the other board members to abstain once the item reached the Ag Practices Board or one of its subcommittees. Moreover, abstentions are only permitted when a public board member has a real or perceived conflict of interest. In all other circumstances, public board members must vote if they remain present at a meeting.

If you wish to discuss this opinion with me, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a long horizontal line extending to the right.

Robert Meyers
Executive Director



DADE COUNTY FARM BUREAU

1850 Old Dixie Hwy., Homestead, FL 33033 • Tel. 305-246-5514 • Fax 305-245-9170



June 19, 2007

Mr. Robert Meyers
Executive Director
Miami-Dade County Commission on Ethics
19 West Flagler Street, Suite 209
Miami, FL 33130

Dear Mr. Meyers:

I am respectfully requesting your opinion on the following matter which pertains to multiple members of the board of directors of the Dade County Farm Bureau (Farm Bureau) serving on the Agricultural Practices Advisory Board (Ag Practices).

The Dade County Farm Bureau is a 501(c)(5) organization whose objectives are to educate members about the important issues involving the agriculture industry; to use this knowledge to provide the industry with a strong public relations outlet; to influence policy and legislation that is of concern to the agriculture industry and; to promote an educational program to advance the interests and welfare of agriculture.

We currently have four members of our board of directors serving on the above referenced board which operates under the Sunshine Law and whose members are appointed to represent various agricultural stakeholder organizations, as set forth in its enabling ordinance.

Please provide an opinion on the following questions:

An agricultural issue (e.g., development of a County owned and operated all-terrain vehicle park in the agricultural area) is discussed at a Farm Bureau board of directors meeting that will be discussed at the Ag Practices board or subcommittee meeting.

- a. Do all but one of the four who serve on the Ag Practices board have to leave the room while the item is being discussed?
- b. Can any of the four directors participate in discussion on the issue?
- c. If the issue results in a resolution or motion that results in a vote, do the members of the Ag Practices board abstain from voting?

Thank you for your assistance. Please feel free to contact me at (305) 246-5514 if you require additional information.

Sincerely,

Katie A. Edwards
Executive Director