

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, February 05, 2013 4:15 PM
To: Frigo, Victoria (COE)
Subject: INQ-Roger Carlton, Surfside Town Manager

I received an inquiry from Roger Carlton, Surfside Town Manager concerning the legality of a "Round Table Discussion" among member of the Town Commission. The discussion was organized by Commissioner Joseph Graubart to be an informal discussion among elected officials about various contemporary town issues which were listed on an agenda for the meeting. The meeting of the Commission members was advertised as a public meeting, would be held in the Commission Chambers, and the Clerk would be in attendance to take minutes. However, Commissioner Graubart had let it be known that he did not want any other town officials in attendance at the session.

I informed Mr. Carlton that any public meeting of a public board must be held pursuant to the Sunshine Law, Section 286.011, Florida Statutes. The Sunshine Law does not permit the exclusion of any person from a public meeting, unless that exclusion is made for the purpose of maintaining order in the meeting or otherwise falls under a recognized exemption from the requirements of the Sunshine Law. The arbitrary exclusion of non-elected town officials from a public meeting is neither necessary to the orderly conduct of the meeting, nor permitted under any legally recognized exemption. Therefore, I advised Mr. Carlton that such exclusion would be in violation of the Sunshine Law. Mr. Carlton has so informed Commissioner Graubart.

From: Roger Carlton [<mailto:RCarlton@townofsurfsidefl.gov>]
Sent: Tuesday, February 05, 2013 3:29 PM
To: Joe Graubart; Sandra Novoa; Linda Miller; Sarah Johnston
Cc: Daniel Dietch; Marta Olchyk; Michael Karukin; Michelle Kligman; Centorino, Joseph (COE)
Subject: RE: Tonights Round Table

Joe, I spoke with Joe Centorino, Director of the Commission on Ethics and Public Trust, regarding excluding staff or anyone else from a public meeting of elected officials. His firm opinion was that such exclusion would be illegal. You may wish to contact Joe directly at 305 350-0613 or seek an opinion from Linda Miller. We have set up the Commission Chambers in a round table format and Sandra and I will be the only persons from staff in attendance. Linda and Sarah may attend at their own choice. We have worked very hard to provide an open and transparent government and exclusion of anyone is of great concern particularly when you have created a long agenda of contemporary topics, many of which are on the next or upcoming Town Commission Agendas, for discussion.

From: Joe Graubart
Sent: Tuesday, February 05, 2013 1:52 PM
To: Roger Carlton; Sandra Novoa; Linda Miller; Sarah Johnston; Dawn Hunziker; Donald Nelson; Duncan Tavares; Joe Graubart
Subject: Tonights Round Table

Hello:

As much as I may love you all, please know, understand and honor my original request: this is suppose to be an informal gathering for we elected officials - NOT Town Officials. I do understand the need for minutes and perhaps 'legal' ?

Linda & Sarah: please inform me: any quasi judicial items on this months Agenda (February) that we need to avoid?

Linda, Sarah, Sandra kindly forward this to elected officials and copy me.

Thank you for your cooperation,

Joe G

Sent from my Verizon Wireless Droid

NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, February 06, 2013 8:36 AM
To: Frigo, Victoria (COE)
Subject: FW: Tonights Round Table

Please include with file on the INQ to Roger Carlton. Thanks.

From: Joe Graubart [<mailto:jgraubart@townofsurfsidefl.gov>]
Sent: Tuesday, February 05, 2013 5:00 PM
To: Roger Carlton; Sandra Novoa; Linda Miller; Sarah Johnston; Joe Graubart
Cc: Centorino, Joseph (COE)
Subject: RE: Tonights Round Table

Roger:

Now that I am at a computer I would like to more fully respond.

No one is excluding anyone. That's why it was advertised. This "Round Table" was in lieu of a suggestion (by the Mayor and you) to have a 'retreat' similar to the one former Town Manager Gary Word held for the full Commission approximately 3 years ago at the Miami Shores Community Center; at a cost of approx 10 – 12 thousand dollars. The cost for this evening's 'Round Table' is approximately 'nothing'.

This commission, by 4 to 1 voted against repeating this format and expense, and in favor of my suggestion of a 'Round Table' with an 'open mic' for the Commissioners and residents. The Mayor and the 'sixth' Commissioner, meaning you were against and fought this idea from the get go. The main idea as we discussed was to not have residents and/or Commissioners intimidated by anyone. And, yes – you in particular. While I know you think residents are content, I believe that you are the number one reason as to why so few residents attend meetings – along with of course they feel powerless against you as quite frankly I and, it appears others on the Commission have expressed this at meetings as well.

I am very sorry that you felt the need to bother Director Centorino over something not only so very petty – but, so personal in nature. However, it personifies the way you have treated so many of us on the Commission for far too long. Once again, no one is being excluded. Town Clerk Novoa is attending (to record the session/meeting) as well as (I think) both the Interim and Assistant Town Attorneys. And, you are very well aware of this.

Roger, for both my good health, yours and possibly others – I very much look forward to your retirement in April... if not sooner. I wish you and your family good health and happiness.

Lastly, Town Charter states that the Manager works for the Commission... however, I certainly will never forget working for you.

Note: Town Attorney Miller, kindly forward this to the Commission and cc me. Thanks



Joe Graubart

Commissioner
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
Phone (305) 861-4863
Fax (305) 861-1302
jgraubart@townofsurfsidefl.gov

From: Roger Carlton
Sent: Tuesday, February 05, 2013 3:29 PM
To: Joe Graubart; Sandra Novoa; Linda Miller; Sarah Johnston
Cc: Daniel Dietch; Marta Olchyk; Michael Karukin; Michelle Kligman; Joe Centorino (centori@miamidade.gov)
Subject: RE: Tonights Round Table

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