

**ETHICS**

INQ 04-108

**From:** ETHICS  
**Sent:** Tuesday, September 07, 2004 10:37 AM  
**To:** 'j7xcu7@bellsouth.net'  
**Subject:** RE: Inquiry from Marsha Matson

Dear Ms. Matson,

If you believe the Citizens' Bill of Rights has been violated, you have the right to file a complaint in Miami-Dade Circuit Court. Based upon the e-mails you have sent me, I do not believe the actions of the Village constitute a violation of the law. My sense is that the Village is concerned about two Palmetto Bay elected officials attending one of your meetings where matters are discussed that could forseebly come before the Village, which if not publicly noticed, could amount to a violation of the Sunshine. The problem the Village has to guard against, especially if you invite one of the elected officials to attend your meeting, is the possibility of a second elected official showing up. Apparently, the Village does not want to take this risk, and as a precaution, deems it necessary to notice these meetings.

Robert Meyers  
-----Original Message-----  
From: j7xcu7@bellsouth.net [mailto:j7xcu7@bellsouth.net]  
Sent: Friday, September 03, 2004 8:37 PM  
To: ethics@miamidade.gov  
Subject: Inquiry from Marsha Matson

To: Robert Meyers  
From: Marsha Matson  
Re: public notification of private neighborhood association  
Sept. 2, 2004

Dear Mr. Meyers,

I would appreciate your guidance as to how I should pursue what I believe is a violation of citizens' rights by the public notice of neighborhood meetings by the Village of Palmetto Bay.

The Village of Palmetto Bay has recently put into effect a policy of public notification of private meetings, the statement of which I am enclosing with this e-mail. I am also enclosing my objections to the policy.

Marsha Matson

>  
> From: <j7xcu7@bellsouth.net>  
> Date: 2004/09/03 Fri PM 08:20:49 EDT  
> To: <eflinn@palmettobay-fl.gov>, <cscurr@palmettobay-fl.gov>, <mpier@palmettobay-fl.gov>  
> Subject: Public notification of private meetings  
>  
> To: Mayor Eugene Flinn, Manager Charles Scurr, and City Clerk Meighan Pier  
> Village of Palmetto Bay  
> From: Marsha Matson, Vice-President of SoBay Association  
> Date: September 2, 2004  
>  
> Dear Mayor Flinn, Manager Scurr, and Clerk Pier,  
>

> I received Meighan Pier's reply to my inquiry regarding the surprise public notice of the SoBay Association meeting of Aug. 18, 2004.

> It appears that the rationale for the surprise public notice by the Village of Palmetto Bay for a meeting of our neighborhood group was that it was a meeting of a private group to which Mayor Flinn had been invited to speak, and that SoBay invited the general public to attend. Another excuse was that Councilman John Breder was a member of SoBay.

> Ms. Pier was wrong about SoBay inviting the public. The SoBay meeting was announced to our e-mail list of members via e-mail. Not a single one of the e-mail SoBay announcements from the president, secretary, or me, the vice president, invited the general public to attend. If you wish to see the various e-mail invitations for an initial meeting on Aug 12, then for the rescheduled meeting on Aug. 18 due to Hurricane Charley, I will be happy to supply them to you.

> Even if a SoBay announcement had invited the public, which was not the case, this would still not have been a reason for the village to place an ad in the newspaper or a notification on its official website. If this were to become the village policy as Ms. Pier has suggested that Mayor Flinn advocates, this would be a violation of citizens' rights to meet freely without government interference. It will also make village officials very unpopular guests at private homes where neighborhood groups meet.

> If this policy is applied because a Councilperson belongs to SoBay, then our officers will need to discuss whether to prohibit public officials from becoming members. While we value Mr. Breder's membership, I do not believe that our group will want to turn over control of our meetings and attendance to the village because of this unreasonable policy.

> Finally, as the vice-president of SoBay, I request on behalf of the hostess for the SoBay meeting, Kemberlie Horowitz, that the village apologize to her for crashing her SoBay meeting and inviting to her home numerous members of the public and a councilperson, all of whom were totally unexpected by her. The village violated a basic rule of civility by placing her home address in a general circulation newspaper and on the village's website without her knowledge or permission.

> As to a better policy for publicly noticing private meetings, I suggest to Mayor Flinn that this can be resolved easily by having the village clerk request that the president of the private association sign a consent form to allow a meeting to be officially noticed when an attending public official is worried about the sunshine law. If the president declines, all the public officials but one who are in attendance should simply leave the meeting as is done at other meetings in the county and municipalities where more than one official on the same board or council attends.

> Marsha Matson

> > From: "Charles Scurr" <cscurr@palmettobay-fl.gov>  
> > Date: 2004/08/30 Mon AM 11:34:47 EDT  
> > To: <j7xcu7@bellsouth.net>  
> > Subject: FW: second request from Marsha Matson

> > -----Original Message-----

> > From: Meighan Pier [mailto:mpier@palmettobay-fl.gov]  
> > Sent: Friday, August 27, 2004 10:56 AM  
> > To: 'Charles Scurr'; 'Eugene Flinn Jr.'; 'Eve Boutsis'  
> > Subject: RE: second request from Marsha Matson

> >  
> > Mr. Scurr:  
> >  
> > As you were on the Hurricane Charley Relief mission when this matter  
> > occurred, allow me to explain the reason for my placing the SoBay  
> > meeting on the web. Mayor Flinn felt it would be good, prudent  
practice  
> > for the Village to insure that proper Sunshine notice was in place  
in a  
> > continuing effort to insure that members of the public receive full  
> > Sunshine notices, due to the fact that both the generally circulated  
> > South Dade NewsLeader and the web site www.mypalmettobay.com  
advertised  
> > the SoBay meeting asking for individuals to invite their neighbors  
to  
> > attend and participate, and, specifically as the Mayor was mentioned  
as  
> > the keynote speaker who would be discussing the Southwest Charrette  
(I  
> > understand that Councilman Breder has paid his dues to this  
> > association). There is a difference between a private meeting that  
> > invites a public official to attend and a meeting of a private group  
> > that advertises their meeting and requests the general public to  
come.  
> >  
> > Mayor Flinn has also asked that all future meetings that we are  
aware of  
> > where there may be a possibility of more than one Council member  
> > attending, regardless of whether they are City sponsored or if any  
City  
> > matter would be on the agenda, that we post notices of these  
meetings in  
> > the appropriate places (bulletin board and web site). While the  
> > Sunshine Law does not specifically prohibit more than one Council  
member  
> > from attending meetings sponsored by private organizations so long  
as  
> > the council members avoid discussion among themselves on issues  
> > concerning the Village, Mayor Flinn feels that it is prudent to  
> > advertise these types of meetings as a matter of practice. He  
further  
> > stated that these meetings would be far too numerous and possibly  
have  
> > too short of notice for us to advertise in the paper; therefore,  
> > meetings that are not specifically sponsored by the Village would be  
> > exempt from our seven day notice rule as we may not be aware of the  
> > meeting in sufficient time.  
> >  
> > Sincerely,  
> > Meighan Pier, Village Clerk  
> > Village of Palmetto Bay  
> > (305) 259-1234  
> >  
> >  
> > -----Original Message-----  
> > From: Charles Scurr [mailto:cscurr@palmettobay-fl.gov]  
> > Sent: Friday, August 27, 2004 9:59 AM  
> > To: mpier@palmettobay-fl.gov; 'Eugene Flinn Jr.'; 'Eve Boutsis'  
> > Subject: FW: second request from Marsha Matson  
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> >  
> >  
> > -----Original Message-----  
> > From: Charles Scurr [mailto:cscurr@palmettobay-fl.gov]  
> > Sent: Friday, August 27, 2004 9:57 AM  
> > To: 'j7xcu7@bellsouth.net'  
> > Subject: RE: second request from Marsha Matson

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> > Marsha  
> >  
> > I don't know. I'll check with Meighan  
> >  
> > CS  
> >  
> > -----Original Message-----  
> > From: j7xcu7@bellsouth.net [mailto:j7xcu7@bellsouth.net]  
> > Sent: Friday, August 27, 2004 7:49 AM  
> > To: cscurr@palmettobay-fl.gov  
> > Subject: second request from Marsha Matson  
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> >  
> > Aug. 27, 2004  
> > Dear Mr. Scurr,  
> >  
> > This is my second request for information on public notice of  
> > non-governmental meetings, specifically who authorized and who  
placed  
> > the public notice for a the Aug. 18, 2004 SoBay Civic Association  
> > meeting. Also I request information on the policy of the Village  
of  
> > Palmetto Bay on public notice for non-governmental meetings.  
> >  
> > Please see my Aug. 25 e-mail below.  
> >  
> > Marsha Matson  
> >  
> > First request  
> >  
> > Aug. 25, 2004  
> > Dear Mr. Scurr,  
> >  
> > As vice-president of SoBay Association, I was surprised to see the  
Aug.  
> > 18,  
> > 2004 meeting of SoBay officially noticed on the Village of Palmetto  
Bay  
> > website. I understand that it was also noticed in a newspaper.  
> >  
> > I request the name of the person who asked for the public  
notification  
> > of the  
> > SoBay meeting, and the name of the person who placed the meeting on  
the  
> > village  
> > calendar and in the newspaper.  
> >  
> > I would also appreciate a statement of village policy regarding the  
> > public  
> > notice of non-governmental activities.  
> >  
> > Marsha Matson  
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