

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, July 20, 2018 9:35 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-176 Julianna Strout, Chair, North Bay Village Charter Review Board (Sunshine Law)

INQ 18-176 Strout

From: Julianna Strout [mailto:juliannaclarestrout@gmail.com]
Sent: Thursday, July 19, 2018 4:54 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: Re: INQ 18-176 Julianna Strout, Chair, North Bay Village Charter Review Board (Sunshine Law)

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Dear Mr. Centorino,

Thank you for taking the time to review my email and the details about the situation. I appreciated your input and helping me understand further the guidelines of the sunshine law. Enjoy the rest of your week.

Kindest Regards,

Julianna Strout

On Thu, Jul 19, 2018 at 4:35 PM, Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov> wrote:

Ms. Strout,

You inquired concerning whether you and other members of the North Bay Village Charter Review Board may have discussions concerning the your availability and the availability of other Board members to appear at public meetings of the North Bay Village Commission to discuss and elaborate on issues that were considered by the Board during its past deliberations. You have indicated that the Charter Review Board, of which you served as Chair, has completed its work in reviewing the Village Charter and making certain recommendations that are now going before the Village Commission for further discussion and action. There have been issues regarding the scheduling of these meetings and the members have expressed concern that you and others may not be able to attend meetings on certain dates due to personal reasons. You have informed that the Charter Review Board has no further scheduled meetings and that there is no reason to expect that there will be any further meetings of that Board, due to its completion of its work. The discussions that you have alluded to have to do only with scheduling of meetings of the Village Commission that would include input from you and other members of the Charter Review Board, but that no action would be taken at such meetings by the Charter Review Board.

The Sunshine Law, Section 286.011, Florida Statutes, applies to any gathering of the members [of a public board] where the members deal with some matter on which *foreseeable* action will be taken by the board.” *City of Miami Beach v. Berns*, 245 So. 2d 38, 40 (Fla. 1971). The Sunshine Law does not apply to discussions by board members of matters that have already been decided and on which no “foreseeable” action will be taken in the future. Given the circumstances that you have related, it is my opinion that members of your board may engage in private discussions relating to past board decisions at this point because its work has been completed and there is no foreseeable time at which it will be taking any further action on any of these matters as a board.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

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From: Julianna Strout [mailto:juliannaclarestrout@gmail.com]
Sent: Wednesday, July 18, 2018 10:11 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Request for clarification

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Hello Mr, Centorino,

Thank you for taking the time to speak with me this morning. As stated this morning I believe there is a little confusion regarding the Sunshine law and how it's applied. I gave you a little background on the situation, but would greatly appreciate your clarification in writing.

I am the Chair in North Bay Village for the charter review board. As well as a candidate for the At-Large Seat for the commission. I had requested on numerous occasions the meeting to be scheduled for the board presentation to the commission. As a board, we have already discussed the charter and have already voted on every item. The time frame for us as a board to continue our work has concluded. My position as Chair, however, has not. My final task was to create a presentation to showcase to the commission our decisions as a board and present that to our commission & residents. I had given my availability and when requested the dates for consideration to present to the commission, instead was given a date that they knew I was not available for. I reached out to the clerk for clarification as to why I was not included in this scheduling since I will be the one presenting to the commission. I feel that if I'm not there presenting to the commission they will be misled by our attorney or whomever the commission would then chose. This has happened before on the June 10th commission meeting. The commission was asked how the charter voted or if they had voted on an item and our attorney misled the commission regarding how the charter board had voted.

So you can see my concern when as the chair when scheduling this meeting to the commission I was left out. When the Charter board found out I wasn't going to be available to present they were upset and requested the commission reschedule so it was a date that would work for me as the Chair since I did the work and created a presentation to educate the commission and residents. When that was denied I requested thru the clerk to schedule a meeting as a board to discuss what are the next steps. Who will present how do we get our message across to the residents and the commission? An email chain started on everyone's availability and concern as to why I wasn't included in this process and why hadn't Powell finished his job with preparing documents for the board to review.

Through this email exchange on checking availability, our attorney Powell said that if we continue emailing each other about our availability and concern about not including me in the meeting he said we were violating the sunshine law and its a felony charge and shouldn't talk any further via email. We never discussed business only availability and why wasn't Julianna included and why haven't you "Powell" finished your job.

Please see below email from Powell to a board member.

"Norman Powell <NPowell@nbvillage.com>

to KIP, Pili, Humberto, Yvonne, me, marvin.wilmoth, watsonisland, p.norris, reginemonestime

Good Afternoon Kip,

I consider discussions over the last days Charter business. I understand my caution or approach may be considered conservative. However, given that the Sunshine Law governs the Committee's communications and can involve civil and criminal penalties, my recommendation is to avoid communications that relate in the business of the Committee amongst members and carbon copying other Members. I have requested that anyone who wants a further explanation to call me.

Thank you.

Norman C. Powell, Esq.,

Village Attorney

Law Offices of Norman C. Powell

1666 J.F. Kennedy Causeway, Suite 420

North Bay Village, Florida 33141

Telephone: 786-275-6923

Facsimile: 786-348-0167

E-mail: npowell@nbvillage.com"

Based on our conversation if we already voted on everything and our job as a board is done, how are we violating the sunshine law. Please send me an email detailing that our board via email hasn't done this so I can take the fear away from our board members.

Thank you again for your time and assisting me in this matter.

kindest regards,

Julianna Strout

857-207-2387