



**AGENDA
PARKS & RECREATION COMMITTEE
MEETING
DESTIN CITY HALL ANNEX COUNCIL CHAMBERS
TUESDAY, JUNE 30, 2020**

- 1. CALL TO ORDER**
- 2. ATTENDANCE AND INSTRUCTIONS**
- 3. APPROVAL OF MINUTES**
 - A) February 26, 2020**
 - B) May 26, 2020 Minutes**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A) Sunshine & Public Records Law Refresher**
 - B) City of Destin Proclamation; July 2020 is Parks and Recreation Month at City Council meeting July 6, 2020 (6 p.m.)**
 - C) Harbor Lane easement ideas (\$25K); Sandy Trammell discussion**
 - D) Fire Department and Clement Taylor Park Discussion**
 - E) Park Inspections – update from members**
 - F) Ribbon Cutting – Leonard Destin Park suggestions**
- 6. COMMITTEE MEMBER COMMENTS/QUESTIONS**
- 7. STAFF REPORTS**
 - A) Clement Taylor Park**
 - B) Capt. Royal Melvin Heritage Park (Harbor Front)**
 - C) Capt. Leonard Destin Park**
 - D) Joe's Bayou Boat Launch**
 - E) Norriego Point Beach Access and Park**
- 8. COMMENTS FROM THE AUDIENCE**
- 9. NEXT MEETING DATE: TBD**
 - A) July 28, 2020**
- 10. ADJOURNMENT**

If a person decides to appeal any decision made by the City Council, committee, board, panel, or agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will may need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based.

"Persons with disabilities who require assistance to participate in this meeting are requested to notify the Public Services Office 850/837-4242 at least 48 hours in advance".

RESOLUTION 19-27

The City of Destin's Enhanced Public Records
Policy

BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ In addition requirements set forth in Florida Statutes, the City has had in place additional, internal requirements and protocols since 2009 relating to public records and how to handle public record requests. These policies help ensure that the law is adhered to and that the City's goal of full transparency is met.
- ④ See, Operating Instruction ADM-05; Operating Instruction ADM-35; Operating Instruction ADM-56.
- ④ These policies were legally sufficient and represented more stringent requirements than those in place at most state agencies and local governments. In fact, most state agencies and local governments do not have any written policy in place and rely strictly on Chapter 119, Florida Statute. See, The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9).

BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

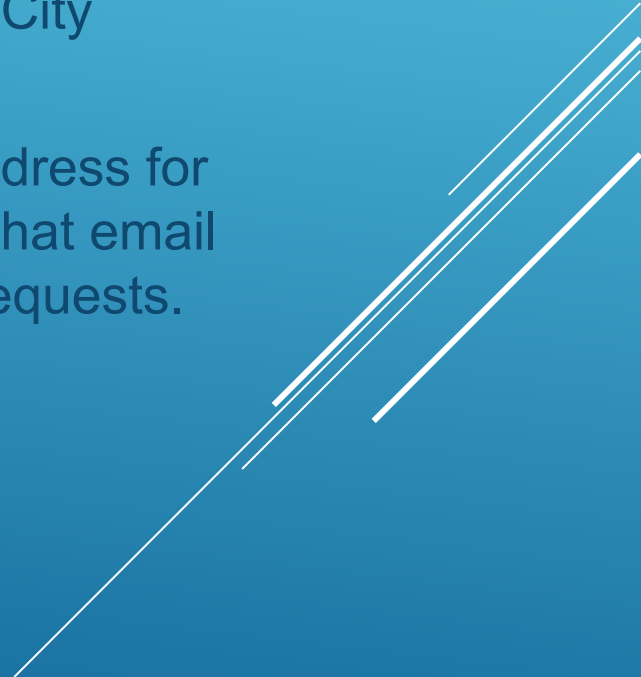
- ④ While legally sufficient, the City's internal Public Records Policies were disjointed and located in separate locations, making compliance more difficult than necessary.
- ④ The attorneys and City staff identified this as an area that could be strengthened and made more efficient by adopting a new policy containing all internal requirements in a single location and strengthening mechanisms already in place beyond those found in Chapter 119, Florida Statutes.
- ④ On November 4, 2019, the attorneys and City staff presented Resolution 19-27 for Council's consideration and Council adopted the Resolution in its entirety.
- ④ Resolution 19-27 is substantially similar to the City of Tallahassee's policy, which legal scholars believe is the "model template for other agencies and local governments to adapt and apply." The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9)

EMAILS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ Use your @cityofdestin email address for all correspondence relating to City business. (D.05).
- ④ If you receive an email at your private email address, then immediately transfer it to your @cityofdestinemail address. (D.05)

Don'ts

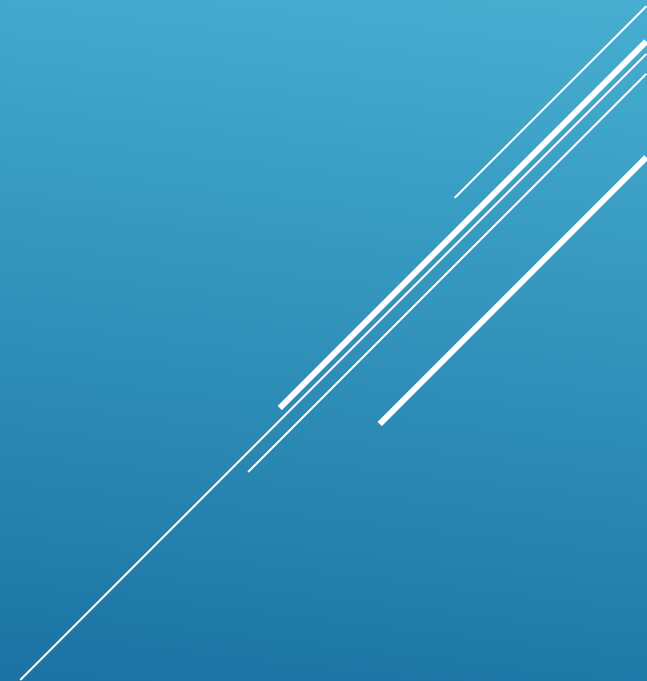
- ④ Use any other email address for any correspondence relating to City business. (D.05)
 - ④ Using your private email address for City business may subject that email address to public records requests.
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TEXT MESSAGING & OTHER FORMS OF INSTANT, WRITTEN COMMUNICATION (E.G., DIRECT MESSAGES ON FACEBOOK, TWITTER, INSTAGRAM, SKYPE, ETC.) -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you receive or send a text message from your private phone, then you must transmit the text message to your @cityofdestin email address. (D.06)

Don'ts



SOCIAL MEDIA ACCOUNTS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you maintain social media accounts, then you must maintain all public records relating to your board or committee on such accounts. (D.07).
- ④ If you maintain accounts and the City receives a public records request, then you must thoroughly search your account and produce any responsive material to the City Clerk. (D.07)

Don'ts

- ④ Delete any social media account relating to the business of your board or committee. (D.07, E.01)
- ④ Delete any public or private message that you may have created or received from any individual or entity relating to the business of your board or committee. (D.07, E.01).

COMMENTS/QUESTIONS

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Sunshine Law Handout

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Last Updated: June 2020

****** This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. ******

The 2018 Government in the Sunshine Manual can be found at:

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
 - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
 - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119
 - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
 - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. See Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
 - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
 - “Public Records” are very broad, essentially including *any* written document and most non-written material. For example:
 - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
 - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
 - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
 - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
 - **If the “public record” is located on my personal device is it exempted?**
 - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
 - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
 - “Non-knowing Violations” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and **do not** destroy it to ensure compliance with the Public Records Act.

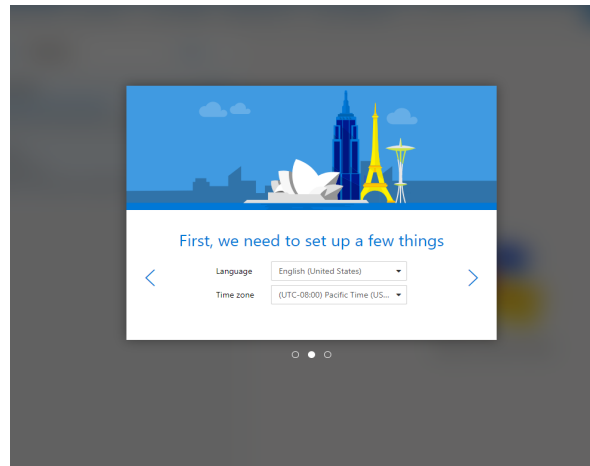
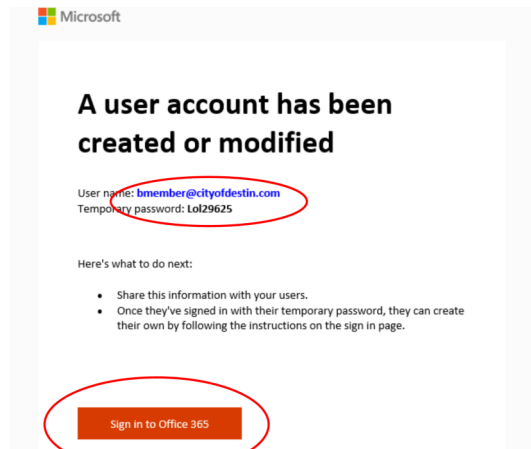
GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
 - (1) “Meetings” of public boards or commissions must be open to the public;
 - (2) Reasonable notice of these meetings must be given to the public; and
 - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
 - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
 - The Sunshine Law defines “meeting” very broadly to include:
 - (a) informal meetings of two or more members; and
 - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
 - One member sends a text message to another board member saying he is “against agenda item 2(b).”
 - This is an obvious but important example of strictly forbidden actions.
 - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
 - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
 - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
 - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
 - One board members emails strictly factual information regarding item 2(b) to other board members.
 - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
 - Two board members carpool to a meeting.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
 - However, because of the possible appearance of impropriety, these types of actions are discouraged.
 - Two board members are at the same charity event.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
 - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

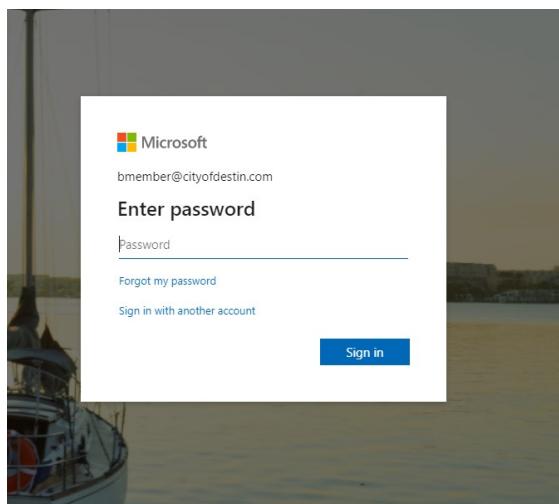
- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
 - **Knowing Violations** can result in 2nd degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
 - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
 - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- **Rules of Thumb:** Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.

Getting Started with your City of Destin Email

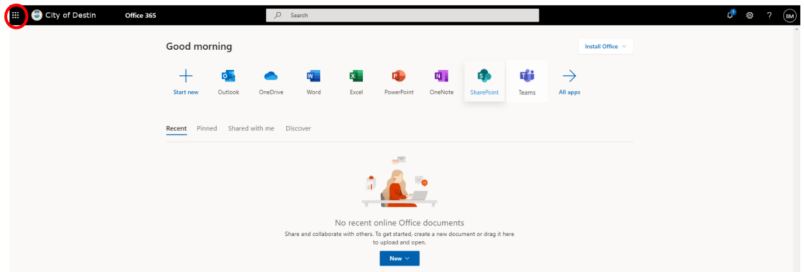
- 1) You will receive an email from Microsoft alerting you that your account has been created. Make note of your username and password and then click the "Sign in to Office 365" button below:
- 4) Outlook will then ask you to set your time zone and choose a theme. This allows you to personalize the appearance of your email:



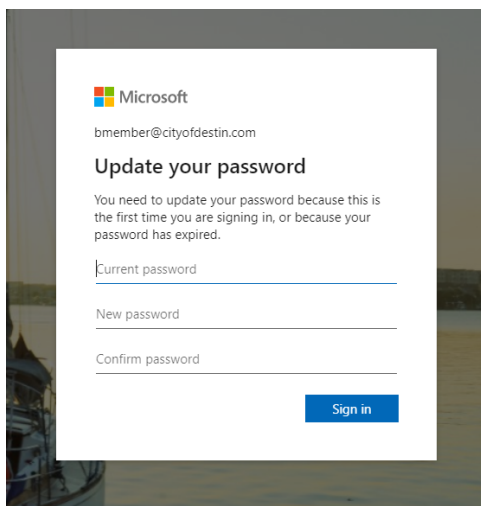
- 2) This will open the Microsoft sign in page in your web browser. Enter the temporary password from your email here:



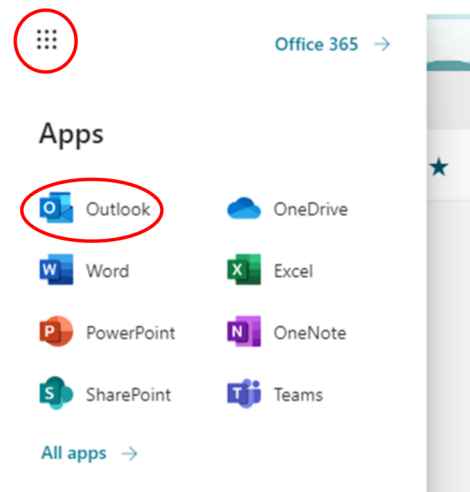
- 5) Once you have signed in, you will be presented with the Office Homepage. From here you may navigate to your email (Outlook). *You also may use the quick nav menu or visit www.Outlook.com.



- 3) You will be prompted to change your password after successfully signing in:



- 6) Accessing Outlook from the quick nav menu:



Or you may visit www.Outlook.com for easy access