

BIG-C MEETING MINUTES

Wednesday, October 27, 2021

Town of Belleair Shore

at the

Madeira Beach Commission Chambers
300 Municipal Drive Madeira Beach FL
9:00am

1. The Wednesday October 27, 2021 Barrier Islands Governmental Council (BIG C) Meeting was called to order by President Mayor Alan Johnson at 9:00 AM, followed by the Pledge of Allegiance.
2. Roll Call.

Big C Representatives:

Belleair Shore	Mayor Bob Schmidt
Belleair Beach	Vice Mayor Dave Gattis
Indian Shores	Vice Mayor Mike Hackerson
Treasure Island	Mayor Tyler Payne
Clearwater Beach	City Council Clearwater, Hoyt Hamilton
Indian Rocks Beach	Mayor Joanne 'Cookie' Kennedy
Redington Beach	Mayor David Will
Madeira Beach	Mayor John B. Hendricks
Redington Shore	Mayor Mary Beth Henderson
North Redington Beach	Mayor Bill Queen
St. Pete Beach	Mayor Al Johnson

Guest Speaker: Regina Kardash Esq. Persson, Cohen & Mooney, P.A.
Town Attorney for Belleair Shore and Indian Shores
"A Public Office is a Public Trust" Ethics for Public Officials

Also Present:

Tim Johnson	Waterfront Realty
Gina Johnson	Waterfront Realty
Jennie Blackburn	Commissioner, Redington Shores
Bob Griffin	Publisher Newsletter
John Mortellite	Asst Chief, Pinellas Suncoast FD
Leanne Haely	Duke Energy
Melissa Meshil	Govt. Relations, HCA Healthcare
Jody Armstrong	Dir. Of Outreach, Disability Achievement Center
Clint Belk	Fire Chief, MBFD
Jerry Stockfisch	Reporter, Tampa Bay Newspapers
Bob Daniels	City Manager, Madeira Beach
Megan Powers	Exec. Asst, Madeira Beach
Christopher Hollands	Citizen
Chris Kelly	Waterfront Realty
Sandra Knoebel	Planner, Forward Pinellas
Diantha Schear	Council, Indian Shores
Cinda Krouk	Commissioner, Redington Shores
Larry Schear	Commissioner, Pinellas Suncoast FD
Chiquita Clark	Govt Comm Relations, Duke Energy
Lauren Wilson	Legislative Aide, Senator Brandes
Barbara Colucci	Clerk/Treasurer, Town of Belleair Shore

3. Approval of Agenda.

It was moved by Mayor Henderson and seconded by Mayor Kennedy to approve the agenda. The voice vote was unanimous. President Johnson acknowledged Chiquita Clark from Duke Energy as the new beaches representative from Duke Energy.

4. Approval of September 29, 2021, BIG C Meeting Minutes.

It was moved by Mayor Queen and seconded by Vice Mayor Hoyt to approve the Meeting Minutes from the September Big C meeting. The voice vote was unanimous.

5. Approval of the September 2021, Treasurer's Report.

The September 2021 Treasurer's Report was read by Mayor Kennedy. Opening balance September 1, 2021 was \$1,135.65, no receipts, Digital Eel disbursement of \$9.49, ending balance September 30, 2021 of \$1,126.16. President Johnson noted that the annual invoice from Digital Eel invoice has been received for November 1, 2021 through October 31, 2022 in the amount of \$263.40. (Page 11 of packet It was moved to accept the Treasurer's Report by Mayor Queen and seconded by Mayor Henderson. The voice vote was unanimous.

6. Correspondence

Please see #5 above.

7. New Business

President Johnson referenced the Big C meeting schedule for next year from the agenda packet. Mayor Queen spoke in requesting Madeira Beach Mayor Hendricks to allow the Redington municipalities to use Madeira Beach facilities for their Big C meetings next year along with possibly Belleair Shore.

President Johnson introduced guest speaker Regina Kardash.

Attorney Kardash passed out folders to the panel that included a test for the end of the meeting and some raffle tickets to be used for every correct answer on the test at the end of the presentation. Atty Kardash raffled a 2012 bottle of Perrier Jouet Belle Epoch Champagne. Attorney Kardash noted that this presentation is not legal advise and if any of the panel has any more detailed questions to consult their own municipality legal counsel.

Attorney Regina Kardash presented "A Public Office is a Public Trust" Ethics for Public Officials.

Attorney Kardash presented:

Florida Ethics Laws

- Purpose and Application

Regulations:

- Article II, Section 8, Florida Constitution
- Part III, Chapter 112, Florida Statutes
- Florida Commission on Ethics

Amendment 12

Lobbying Restrictions, effective December 31, 2022.

- Prohibition on lobbying for compensation on issues of policy, appropriations, or procurement
Council Member Hoyt noted that this prohibits an elected official to be a paid lobbyist, Attorney Kardash expounded on this. President Johnson asked if this pertained to people who are not being paid. Attorney Kardash answered that the purpose of this is to limit the effect of undo influence of a public official, so advised to be careful of stretching this policy.
- Expanded to six years
- Includes Elected Municipal Officials

PROHIBITED CONDUCT

- Solicitation or acceptance of Gifts or Honoraria
 - F.S. § 112.313(2)
 - F.S. § 112.3149
- Unauthorized Compensation
 - F.S. § 112.313(4)
- Misuse of Public Position
 - F.S. § 112.313(6)
- Disclosure or Use of Certain Information
 - F.S. § 112.313(8)

Prohibited Employment and Business Practices

- Dual Office Holding
 - Art. II, § 5 Fla. Const.
President Johnson asked, if your term is running out can you apply for a different position. Attorney Kardash explained that as long as your term expires before the date of new office position, a person would not have to file a resignation, as there would not be an overlap of the positions.
- Doing Business with One's Own Agency
 - F.S. § 112.313(3)
- Conflicting Employment or Contractual Relationships
 - F.S. § 112.313(7)
- Anti – nepotism
 - F.S. § 112.3135

Voting Conflicts

- F.S. § 112.3143
- Disclosure Required
 - State Form
 - Minutes of Subsequent Meeting

Mayor Kennedy asked even if an officer does all of these statutory things, couldn't there be the 'look' of impropriety in some instances. Attorney Kardash explained that it is better to bear on this side of caution, due to the fact that public perception can sometimes be more detrimental than the actual. Mayor Kennedy asked if there is an amount of money in a business and the official has done all of the required things, but the 'look' of impropriety is there, an official can proceed. Attorney Kardash spoke on steps to take on whether or not this might constitute an actual conflict.

Financial Disclosure Basics

- Form 1 Statement of Interests
 - Required of all elected and appointed officials pursuant to State Statute. F.S. § 112.3145
 - Must be filed within thirty (30) days of taking office and by July 1st every year in office thereafter.

Requesting an Ethics Opinion

- Who can request an opinion?
- How to request an opinion?
- What is the effect of published opinions?

Filing an Ethics Complaint

- Who can file?
- How does the investigative process work?
- What happens after the Report and Recommendation is issued?

Attorney Kardash administered her exam to the panel.

Mayor Hendricks won the raffle.

ABUSE OF PUBLIC POSITION, EFFECTIVE DECEMBER 31, 2020.

- Required Commission to define “disproportionate benefit” by rule
- Required to specify intent
- Enacted under Rule 34-18.001, Florida Admin. Code
 - Effective September 30, 2019
- Penalties Enacted

Rule 34.18.001, Florida Administrative Code

- Six Factors
- The number of those who benefit
- Connection to the public official
- Nature of the benefit
- Degree of the benefit
- Certainty of the outcome
- Similarly situated individuals
- Intent: inconsistent with the performance of public duties.

Penalties Adopted

F.S. § 112.317(1)(a)

- Impeachment
- Removal from office
- Suspension from office
- Public censure and reprimand
- Forfeiture of no more than one-third of his or her salary per month for a period not to exceed 12 months
- A civil penalty not to exceed \$10,000.00
- Restitution of pecuniary benefits

Mayor Kennedy asked what if it is job related, but it is a family member once or twice removed. Attorney Kardash explained that the statute explains this and to speak with counsel.

Published Commission Opinions

- CEO 19-23
- CDD Board of Supervisors
- Constitutional violation is triggered only if public officers and employees are acting contrary to the proper performance of their duties. The prohibition requires not just conduct resulting in a “disproportionate benefit,” but also the abuse of his or her public position to obtain that benefit.
 - CEO 21-1
- City Police Officer
- Even though there was a “disproportionate benefit” that does not automatically indicate “an abuse or wrongful intent” necessary to establish a violation.
 - CEO 21-2
- County Commissioner
- A vote on retirement compensation resolution would not result in a “disproportionate benefit” for the public officer that differed in degree when compared to other eligible class members because it would be uniformly applied.
 - CEO 21-3
- City Council Member
- Business owned by Council Member sold consulting services as a sub of a sub to the Sheriff’s office. No misuse or abuse of public position found, but a voting conflict would exist on any budget containing funding for pharmacy consulting services.

Chapter 112 Florida Statutes

- Prohibited Conduct
- Prohibited Business and Employment Practices
- Voting Conflicts
- Financial Disclosure Basics

8. Legislative Update

Mayor Queen spoke on HB 403 (Home Based Businesses) noted that it is terrible. Mayor then spoke on a newer bill SB 280, noted that it is all about passing ordinances and what municipalities will have to do to pass an ordinance. Stressed that ALL need to read this bill. It is going to basically do away with Home Rule. Copies were passed around to the panel. It was noted that there is a companion bill of SB 620 that coincides with SB 280. Mayor Queen stressed that what needs to be done is to get someone from the Florida League of Cities here to talk about these bills. Mayor Will questioned whether or not they can come together to talk to representatives about this. Mayor Queen stressed that they all need to do something about this. They need to get the Mayor's Council, Florida League and Suncoast involved. This is going to affect everybody and impact every municipality badly. Mayor Kennedy also noted HB 325 that has to do with short term rentals. Mayor Kennedy noted that it is being said that this is a very good bill this time and she spoke to Rep. DiCeglie on this. Mayor Kennedy feels that the Big C should make a list of the bills that are a problem for the municipalities so the problems can be explained to the legislators. The grandfather clause was discussed. Mayor Kennedy stated that she feels that they need to band together to fight these bills. Mayor Kennedy stated that she also spoke with Senator Hooper and he seems to be on the same mind set. Mayor Queen noted that if we do not get these bills stopped, these cities are going to go away. President Johnson will take this up with the next Mayor's Council meeting and Mayor Queen will take this up with the Florida League of Cities.

9. Public Comments

Mr. Larry Schear, Commissioner Pinellas Suncoast FD announced that Chief Burton will be retiring and his replacement will be Jeff Haverson, Haines City.

Jody Armstrong, Director of Outreach Disability Achievement Center. Spoke on the beach mats for wheelchair accessibility grants. Mayor Queen questioned size and whether or not there are any problems with the turtle ordinance. This question is being researched now, but the mats are perpendicular to the general turtle paths. President Johnson asked who is looking at the permits...FWC? Ms. Armstrong noted that it is the FDP. She also explained that she would like to try to submit the permits all at one time because we are the only ones that have funding for this. The Forward foundation has stepped up to fund this project.

10. City Events

- Mayor Henderson, Redington Shores, November 12 and 13th Town wide Yard Sale
- Mayor Hendricks. Madeira Beach, Final Fridays, October 29 (Johns Pass Village) Candy for kids with a band. Weekend of Nov. 4, King of the Beach Tournament
- Vice Mayor Hackerson, Indian Shores, all is quiet.
- Vice Mayor Gattis, Belleair Beach, Halloween Costume Contest Pets and Children
- Mayor Schmidt, Belleair Shore, all is quiet. Thanks to Mayor Hendricks for allowing Belleair Shore to have the Big C and to Regina Kardash for sponsoring the breakfast.
- Mayor Queen, North Redington Beach, all is quiet.
- Council Hamilton, Clearwater, all is quiet.
- Mayor Will, Redington Beach, Nov. 6, wine fest. All inclusive food and wine event. Nov 12, movie in the park.
- Mayor Kennedy, Indian Rocks Beach, started signature events with Oktoberfest last weekend. Halloweenfest from 10-1 October 30, Nov 6 from 3-7 Taste of the Beaches, Women's Tea of IRB from 1-3p Nov 13
- Mayor Johnson, St. Pete Beach, Trunk or Treat Oct 28, Concert in the Park 7PM Oct 29, Toby Keith tribute band, Chowder Challenge Nov. 9, Halloween parade Pass-a-grille October 30 golf carts.

11. Adjourn

The meeting adjourned at 10:55 AM. The next meeting will be Wednesday, December 1, 2021 9:00 AM, at the Town of Indian Shores, 19305 Gulf Blvd, Indian Shores.

Minutes Prepared by:
Barbara Colucci
Town Clerk Belleair Shore, FL

Date Approved 12/1/2021

ATTEST:



Amber LaRowe, CMC, City Clerk
City of St. Pete Beach

APPROVED:



Alan Johnson, President,
Barrier Islands Governmental Council Mayor, City
of St. Pete Beach