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NOTICE

The City Council of the City of Port St. Lucie will hold a Workshop Meeting on December 19, 2016, starting at 5:00 p.m., at Port St. Lucie City Hall, Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

AGENDA

1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC TO BE HEARD**
5. **STRATEGIC PLAN DISCUSSION, CITY MANAGER**
6. **REVIVING THE BUDGET ADVISORY COMMITTEE DISCUSSION, COUNCILWOMAN MORGAN**
7. **CITIZEN COMMITTEES DISCUSSION, MAYOR ORAVEC**
8. **FORUM ON RACE RELATIONS & INCLUSION UPDATE, COMMUNICATIONS**
9. **APPROVAL OF SIGNAGE IN CITY RIGHTS-OF-WAY, NEIGHBORHOOD SERVICES**
10. **ADJOURN**

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

NOTICE: Public and Press are invited to review all the backup for Council Meetings. Copies are available in the City Clerk's Office and the Communication Department on Thursday, Friday, and Monday before Council Meetings. On Meeting nights, a copy of backup material is available in the Reception Area for public review. PLEASE LEAVE THE AGENDA BACKUP MATERIAL IN GOOD ORDER FOR OTHERS TO REVIEW.

NOTICE: Anyone wishing to speak during Public to be Heard is asked to fill out a yellow Participation Card and submit it to the City Clerk. Anyone wishing to speak on any Agenda Item is asked to fill out a green Participation Card and submit it to the City Clerk.

Participation Cards are available on the lectern in Council Chambers, at the Reception Desk in City Hall lobby, and in the City Clerk's Office.

AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE TURN ALL CELL PHONES TO SILENT.

COUNCIL ITEM #5
DATE 12/19/16

From: Councilman Carvelli

City of Port St. Lucie
Strategic Plan Review:
K-12 Education Related Information



December 19, 2016

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Connections

In 2013, Kelly Smallridge, CEO of the Business Development Board of Palm Beach County, was trying to convince the CEO of a financial services firm to move his company down from the northeast.

The CEO told her he was sold on the county but indicated there was a hurdle: In a couple of weeks, he said, his wife would come down to check out the schools. The family included four children, who were attending prestigious schools in Connecticut.

Smallridge saw the need to win over the man's wife by connecting the family with good schools. But she says the encounter also amounted to an "aha moment" that brought into focus a major shortcoming in the BDB's overall strategy — the fact that the educational system, always a key concern for business recruits, and the economic development apparatus were strangers.

When it came to schools, she says, "Our efforts were not organized. We'd show up at schools, and the headmaster or the principal didn't know our economic development program, and we didn't know how to promote their schools," she says.

In just two years, the county's business and education leaders have formed a new kind of relationship. The first step involved creating a task force to rally the business community and engage key educational leaders to change the way they present their institutions. One result: The county's K-12 public school system revamped its website, making it easier for users outside the district to learn about the system.

The Business Development Board went a step further. In partnership with the education community, it consolidated information from all the schools in the county — traditional public, charter, private and faith-based high schools, along with colleges and universities — on one website (pbcedu.org). Along with links to each school's website, the site features videos, "points of pride" that highlight accomplishments and school resources, and a mapping tool so that prospective residents can see what resources are near where they might live.

"The whole way we promote our school system online has changed completely," Smallridge says.

Meanwhile, the task force, led by PR and marketing whiz Carey O'Donnell and Ken Kahn, president of LRP Publications, went about giving educational leaders from all school sectors a crash course in basic economic development. They explained what business recruiters do, how they do it — and why educators are important to the effort.

The effort has produced a "more formal, organized process" of taking business prospects on visits to schools. Executives are now squired, concierge-style, to schools where they're greeted by principals or headmasters. The school leaders have learned what questions to expect generally and get coaching in what information a specific executive is interested in, whether

average SAT scores, Ivy League admissions rates, the number of Division I scholarships a school's athletes have garnered, or specialized art, music or science programs at the school.

As the initiative evolved, the interaction between business and education leaders revealed another disconnect — guidance counselors in the K-12 system didn't understand the breadth of the county's economy and weren't in touch with options for students beyond the usual suspects of retail, health care and government.

So in December 2014, all the counselors in the system's "career academies" got a nine-hour bus tour that took them to major employers, where they were briefed on each company's business and job requirements. "They were absolutely in shock as to the depth of quality industries in Palm Beach County," Smallridge says — whether in aviation, life sciences, technology or construction.

Counselors, she says, can now offer "real guidance as to the types and multitude of jobs available in the students' back yard. We've been able to address the issue of 'brain drain' somewhat because they know they can stay here and get a fantastic job opportunity."

There was also a lesson for business leaders: Many training programs oriented toward knowledge-based careers were already in place in the schools. All that was missing was a connection to the local jobs and companies.

The next step in the initiative occurs in February, when each public and private high

school in the county will send a busload of students — more than 1,000 juniors and seniors — to a central job fair. Along with the traditional industries represented, for the first time there will be representatives from a large number of companies in targeted, high-wage industries, including FPL, Pratt & Whitney and Sikorsky. Students won't just wander around; each will get a set of assignments, whether it's getting a signature from a company rep or attending a panel discussion.

Smallridge's realization about the importance of the connection between education and economic development is hardly new. I can't count the number of times I've heard business recruiters say one of the first questions a prospect asks is about the quality of the schools. And in recent years, economic developers and educators in some communities have made efforts to collaborate better.

What's impressive about Palm Beach's effort is how comprehensive it is, and how it's extended all the way into workforce issues. Also, the fact that it has generated results in a short period of time, in a big, complicated county with plenty of stakeholders and political fiefdoms.

Smallridge is justifiably proud. "We have a full-fledged educational initiative that showcases our schools from top to bottom. We're not a foreign organization to these schools, and they're not foreign to us. It's all about building relationships."

"If we can't persuade the CEOs and managers that their children will get a good education here, we won't win the business."

— Kelly Smallridge

Excerpt 2

How Education and Training Affect the Economy

By Brent Radcliffe

The Advantages of Education to a Nation

Globalization and international trade requires countries and their economies to compete with each other. Economically successful countries will hold competitive and comparative advantages over other economies, though a single country rarely specializes in a particular industry. This means that the country's economy will be made of various industries that will have different advantages and disadvantages in the global marketplace. The education and training of a country's workers is a major factor in determining just how well the country's economy will do.

The study of the economics of training and education involves an analysis of the economy as a whole, of employers and of workers. Two major concepts that influence the wage rate are training and education. In general, well-trained workers tend to be more productive and earn more money than workers with poorer training.

When economists speak of "education," the focus is not strictly on workers obtaining college degrees. Education is often broken into specific levels:

- Primary – referred to as elementary school in the U.S.
- Secondary – includes middle schools, high schools and preparatory schools
- Post-secondary – universities, community colleges and vocational schools

A country's economy becomes more productive as the proportion of educated workers increases, since **educated workers are able to more efficiently carry out tasks** that require literacy and critical thinking. As stated earlier, better-educated workers tend to be more productive than less educated ones. However, obtaining a higher level of education also carries a cost. A country doesn't have to provide an extensive network of colleges or universities in order to benefit from education, it can provide basic literacy programs and still see economic improvements.

Countries with a greater portion of their population attending and graduating from schools see faster **economic growth** than countries with less-educated workers. As a result, many countries provide funding for primary and secondary education in order to improve economic performance. In this sense, education is an investment in **human capital**, similar to investment in better equipment. According to UNESCO and the United Nations Human Development Programme, the ratio of the number of children of official secondary school age enrolled in school, to the number of children of official secondary school age in the population (referred to as the enrollment ratio), is higher in developed nations than it is in developing ones. This differs from education spending as a percentage of **GDP**, which does not always correlate strongly with how educated a country's population is. Therefore, **a country spending a high proportion of its GDP** on education does not necessarily make the country's population more educated.

For businesses, an employee's intellectual ability can be treated as an asset. This asset can be used to create products and services which can then be sold. The more well-trained workers employed by a firm, the more that firm can theoretically produce. An economy in which employers treat education as an asset in this manner is often referred to as a knowledge-based economy.

Excerpt 3

Education and Economic Growth

E A Hanushek, Stanford University, Stanford, CA, USA

L WoBmann, University of Munich, Munich, Germany

Education has long been viewed as an important determinant of economic well-being. The theoretical growth literature emphasizes at least three mechanisms through which education may effect economic growth. First, Education can increase the human capital inherent in the labor force, which increases labor productivity and thus transitional growth toward a higher equilibrium level of output (as in augmented neoclassical growth theories, cf. Mankiw et al. (1992)). Second, education can increase the innovative capacity of the economy, and the new knowledge on new technologies, products, and processes promotes growth (as in theories of endogenous growth, cf., e.g., Lucas (1988), Romer (1990), Aghion and Howitt (1998)). Third, education can facilitate the diffusion and transmission of knowledge needed to understand and process new information and to successfully implement new technologies devised by others, which again promotes economic growth (cf., e.g., Nelson and Phelps, 1966; Benhabib and Spiegel, 1994).

Despite these theoretical predictions, the empirical evidence on the impact of education on economic growth has long been mixed. In large part, this seems to reflect measurement problems. Most people would acknowledge that a year of schooling does not produce the same cognitive skills everywhere. They would also agree that families and peers contribute to education. Health and nutrition further impact cognitive skills. Yet, until recently, research on the economic impact of education – largely due to expedience – has almost uniformly ignored these aspects. Recent research shows that ignoring differences in the quality of education significantly distorts the picture of how educational and economic outcome are related.

Summary

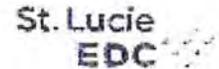
The accumulated evidence from analyses of economic outcomes is that the quality of education – measured on an outcome basis of cognitive skills – has powerful economic effects. Economic growth is strongly affected by the skills of workers. What people know matters.

This message is important in developed and developing countries alike. In the latter, much of the discussion of development policy today simplifies and distorts this message. It recognizes that education matters, but focuses most attention on ensuring that everybody is in school – regardless of the learning that goes on. As a recent report by the World Bank Independent Evaluation Group (2006) documents, high priority was accorded to increasing primary school enrolment in developing countries over the past 15 years. Whether children were learning garnered much less attention. International

testing indicates that, even among those attaining lower secondary schooling, literacy rates (by international standards) are very low in many developing countries. By reasonable calculation, many countries have fewer than 10% of their youth currently reaching minimal literacy and numeracy levels, even when school attainment data look considerably better (cf. Hanushek and Woessmann (2008) for details. Because of the reported findings – that knowledge rather than just time in school is what counts for economic growth – policies must pay more attention to the quality of schools.

Related Information

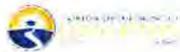
St. Lucie Economic Development Strategic Plan



SWOT Summary

The following is a summary of the findings of the SWOT Analysis:

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Pro-Business Governments, Good County Administration and Staff, Good ED Staff, Strong Chamber (26) • Land Assets, low cost and lots of acreage (13) • Quality of Life: Affordable, Baseball, PGA, Beaches, Tradition Development, Hospitals/Trauma Centers, Ocean Marine Research, Navy Seal Museum (12) • Port, Airport, Rail (12) • Transportation-Location/Road Access (I-95, Turnpike), and Good Strategic Central Location (8) • Indian River State College (IRSC) (8) • Education-Formal and Informal (4) • Improve and expand the Airport (14) • Existing businesses/expansion (14) • Expansion of the Port (11) • Treasure Coast Research Park- Brand and Promote the park (10) • Provide leadership with permitting and customer service (7) • Tourism Infrastructure-hotels, meeting space, etc. (6) • Infrastructure Improvements: Relocate wastewater facility, Relocate rail, New I-95 Interchange, Complete Crosstown Parkway connection (5) • Encourage development of Mixed-Use at Tradition, LTC Ranch, Southern Groves, City Center (3) 	<ul style="list-style-type: none"> • Lack of articulated vision (16) • Poor school ratings (15) • Lack of Shovel Ready Sites for light manufacturing and lack of Class "A" Office (12) • Workforce-availability and quality (11) • High crime in NE section of the County (9) • Lack of coordination between gov't, on permitting, regulations, land use, impact fees, etc. (8) • Lack of countywide marketing effort (5) • Lack of Action-Cost of Doing Nothing (35) • Improvements needed to the K-12 delivery system, school branding (25) • EDC Regressing (20) • All Aboard Florida (4) • Bio-Tech/ Life Sciences firms leaving (4)
<h3>OPPORTUNITIES</h3>	<h3>THREATS</h3>



2015-16 District Grades

District Name	English Language Arts Achievement	English Language Arts Learning Gains	English Language Arts Learning Gains of the Lowest 25%	Mathematics Achievement	Mathematics Learning Gains	Mathematics Learning Gains of the Lowest 25%	Science Achievement	Social Studies Achievement	Middle School Acceleration	Graduation Rate 2014-15	College and Career Acceleration 2014-15	Total Points Earned	Total Components Points	Percent of Total Possible	Grade 2016	Informational Baseline Grade 2015	
1 ST. JOHNS	74	61	46	77	65	51	80	88	57	91	61	751	11	68	99	A	A
2 OKALOOSA	63	55	44	71	61	49	69	80	56	82	66	696	11	63	98	A	A
3 SARASOTA	66	55	43	69	62	44	66	78	55	79	60	677	11	62	99	A	A
4 BREVARD	60	53	41	60	55	44	62	72	69	86	67	669	11	61	98	B	A
5 GILCHRIST	56	49	40	61	56	46	66	70	59	94	72	669	11	61	99	B	A
6 NASSAU	63	54	44	65	58	47	68	73	52	91	60	675	11	61	99	B	A
7 SANTA ROSA	65	55	42	67	57	44	67	78	55	83	60	673	11	61	99	B	A
8 MARTIN	59	56	45	58	53	42	61	73	57	89	66	659	11	60	98	B	A
9 SEMINOLE	62	54	38	62	57	40	64	78	72	86	50	663	11	60	98	B	A
10 WAKULLA	59	54	43	58	54	44	65	76	68	78	56	655	11	60	99	B	A
11 MONROE	57	53	43	61	59	48	66	75	57	77	48	644	11	59	99	B	A
12 SUMTER	60	55	44	63	56	41	61	73	66	80	48	647	11	59	99	B	A
13 WALTON	60	55	42	63	60	51	63	78	47	74	51	644	11	59	98	B	B
14 COLLIER	56	56	43	61	59	46	59	70	53	84	56	643	11	58	99	B	A
15 LAFAYETTE	50	52	51	59	51	43	60	64	64	87	60	641	11	58	98	B	B
16 LEON	58	53	39	60	56	38	56	75	66	87	54	642	11	58	99	B	A
17 PALM BEACH	55	55	44	58	55	42	60	72	60	79	61	641	11	58	98	B	A
18 ALACHUA	55	52	36	55	54	39	59	73	78	74	57	632	11	57	96	B	A
19 CLAY	57	51	40	62	55	42	61	76	43	84	58	629	11	57	98	B	A
20 DADE	55	54	45	53	51	41	54	65	66	78	61	623	11	57	99	B	B
21 UNION	54	47	36	69	57	48	55	76	50	78	60	630	11	57	98	B	A
22 BROWARD	55	54	43	56	53	40	54	69	61	77	55	617	11	56	99	B	B
23 CALHOUN	57	55	46	58	49	41	62	78	34	84	49	613	11	56	98	B	A
24 CITRUS	56	49	38	61	56	44	61	70	53	77	52	617	11	56	99	B	A
25 GULF	51	51	43	64	60	50	55	66	34	84	57	615	11	56	98	B	B
26 LIBERTY	49	47	44	48	49	45	59	70	54	78	68	611	11	56	97	B	B
27 ORANGE	54	52	40	52	54	44	56	68	75	78	45	618	11	56	98	B	B
28 CHARLOTTE	52	51	42	56	54	44	57	72	50	76	46	600	11	55	98	B	B
29 DIXIE	53	53	48	49	46	46	53	67	47	97	49	608	11	55	97	B	B
30 DUVAL	48	49	40	49	50	42	56	64	62	77	67	604	11	55	97	B	B
31 FLAGLER	58	51	39	61	55	41	56	70	60	77	40	608	11	55	98	B	B
32 HILLSBOROUGH	51	50	39	53	52	38	54	71	77	76	47	608	11	55	98	B	A
33 INDIAN RIVER	51	49	38	51	52	40	54	70	58	81	62	606	11	55	97	B	A
34 PINELLAS	51	49	38	53	51	38	58	67	69	78	51	603	11	55	98	B	B
35 BAY	51	49	39	57	55	42	53	71	45	71	59	592	11	54	98	B	B
36 HERNANDO	52	47	38	58	54	43	57	73	44	78	54	598	11	54	98	B	B
37 LEE	53	50	39	52	48	39	51	65	63	75	54	589	11	54	98	B	B
38 VOLUSIA	51	48	36	55	52	41	64	68	57	72	51	595	11	54	97	B	B
39 MANATEE	49	49	40	54	53	40	51	67	46	78	57	584	11	53	98	C	B
40 OSCEOLA	51	50	41	48	49	41	55	66	59	81	44	585	11	53	98	C	B
41 PASCO	53	49	36	53	50	36	56	72	55	79	46	585	11	53	98	C	B
42 WASHINGTON	49	47	38	53	53	46	57	63	64	70	39	579	11	53	97	C	B
43 BAKER	47	45	37	58	53	44	47	63	40	82	54	570	11	52	98	C	B
44 COLUMBIA	50	48	39	55	50	46	58	65	56	71	39	577	11	52	98	C	B
45 LAKE	50	48	38	52	50	39	54	67	61	76	41	576	11	52	98	C	B
46 LEVY	42	47	43	48	47	40	51	73	45	82	54	572	11	52	97	C	B
47 ST. LUCIE	47	50	43	46	47	39	52	63	57	75	54	573	11	52	98	C	B
48 SUWANNEE	44	45	39	44	48	42	48	62	58	68	65	563	11	51	98	C	B
49 TAYLOR	41	45	38	50	49	43	55	62	75	65	38	561	11	51	97	C	C
50 HOLMES	46	47	40	46	48	46	46	65	37	81	46	548	11	50	98	C	C
51 MARION	45	46	38	45	46	36	52	63	44	81	49	545	11	50	98	C	B
52 OKEECHOBEE	39	47	42	45	49	43	43	50	64	66	61	549	11	50	98	C	C
53 ESCAMBIA	45	46	38	46	46	35	53	57	56	73	48	543	11	49	99	C	B
54 GLADES	43	47	46	48	46	52	40	49	52	81	30	534	11	49	98	C	C
55 HIGHLANDS	45	47	40	50	48	41	46	60	53	64	47	541	11	49	98	C	C
56 JACKSON	53	49	38	53	47	39	52	63	37	70	39	540	11	49	98	C	B
57 POLK	46	49	41	44	44	36	47	60	52	69	54	542	11	49	98	C	C
58 HENDRY	40	46	38	41	48	45	42	57	50	77	43	527	11	48	99	C	C
59 BRADFORD	40	41	43	39	47	40	44	51	55	77	38	515	11	47	97	C	C
60 FRANKLIN	44	44	40	44	44	41	55	54	43	49	33	491	11	45	95	C	C
61 HARDEE	43	46	42	44	45	39	48	41	50	60	41	499	11	45	98	C	C
62 DESOTO	32	39	35	33	39	32	36	54	62	62	59	483	11	44	99	C	C
63 MADISON	34	37	31	40	45	37	35	38	60	58	64	479	11	44	98	C	C
64 GADSDEN	33	39	34	39	39	39	29	37	63	65	44	461	11	42	96	C	D
65 PUTNAM	37	42	35	40	41	36	37	50	49	55	45	467	11	42	99	C	C
66 HAMILTON	26	33	34	39	35	34	30	43	25	74	62	435	11	40	95	D	D
67 JEFFERSON	27	47	43	24	32	40	23	25	21	73	27	382	11	35	96	D	D

FLORIDA COUNTIES BY FAMILY INCOME VS. SCHOOL RANKING

Rank	County	Per capita income	Median household income	Median family income	Population	Number of households	DISTRICT RANKING	Variance Between Income And School Ranking**
1	St. Johns	\$36,027	\$62,663	\$79,080	190,039	75,338	1	0
2	Seminole	\$29,795	\$58,971	\$70,597	422,718	164,706	9	7
3	Martin	\$35,772	\$53,210	\$70,271	146,318	63,899	8	5
4	Collier	\$37,046	\$58,106	\$68,556	321,520	133,179	14	10
5	Clay	\$26,872	\$61,185	\$67,922	190,865	68,792	19	14
6	Nassau	\$29,089	\$58,712	\$66,233	73,314	28,794	6	0
7	Leon	\$25,803	\$44,490	\$66,157	275,487	110,945	16	9
8	Monroe	\$35,516	\$53,821	\$66,152	73,090	32,629	11	3
9	Palm Beach	\$33,610	\$53,242	\$64,445	1,320,134	544,227	17	8
10	Okaloosa	\$28,621	\$54,242	\$64,224	180,822	72,379	2	-8
11	Wakulla	\$21,892	\$53,301	\$63,924	30,776	10,490	10	-1
13	Santa Rosa	\$25,384	\$55,129	\$62,929	151,372	56,910	7	-6
14	Broward	\$28,631	\$51,694	\$62,619	1,748,066	686,047	22	8
15	Sarasota	\$33,045	\$49,388	\$62,326	379,448	175,746	3	-12
16	Alachua	\$24,741	\$40,644	\$61,188	247,336	100,516	18	2
17	Brevard	\$27,606	\$49,523	\$60,842	543,376	229,692	4	-13
18	Duval	\$25,854	\$49,463	\$60,114	864,263	342,450	30	12
19	Hillsborough	\$27,062	\$49,536	\$59,886	1,229,226	474,030	32	13
20	Lee	\$29,445	\$50,014	\$58,950	618,754	259,818	37	17
21	Pinellas	\$28,742	\$45,258	\$58,335	916,542	415,876	34	13
22	Manatee	\$28,072	\$47,812	\$57,547	322,833	135,729	39	17
23	Indian River	\$31,918	\$47,341	\$57,477	138,028	60,176	33	10
24	Orange	\$25,490	\$50,138	\$57,473	1,145,956	421,847	27	3
25	Port St Lucie	\$27,300	\$48,002	\$57,377	179,413	73,713	47	22
26	Bay	\$25,033	\$47,770	\$56,877	168,852	68,438	35	9
27	Walton	\$27,746	\$47,273	\$56,282	55,043	22,301	13	-14
28	Lake	\$25,323	\$46,477	\$55,935	297,052	121,289	45	17
29	Baker	\$19,593	\$47,276	\$55,597	27,115	8,772	43	14
30	Volusia	\$24,768	\$44,400	\$55,569	494,593	208,236	38	8
31	Flagler	\$24,939	\$48,090	\$54,754	95,696	39,186	31	0
32	Lafayette	\$18,069	\$46,445	\$54,024	8,870	2,580	15	-17
33	Escambia	\$23,474	\$43,573	\$53,495	297,619	116,238	53	20
34	Union	\$13,657	\$41,794	\$53,469	15,535	4,048	21	-13
35	Pasco	\$24,164	\$44,228	\$53,457	464,697	189,612	41	6
36	Charlotte	\$26,938	\$45,037	\$52,533	159,978	73,370	28	-8
37	St. Lucie	\$23,296	\$45,196	\$51,943	277,789	108,523	47	10
38	Polk	\$21,881	\$43,946	\$51,395	602,095	227,485	57	19
39	Sumter	\$24,180	\$43,079	\$51,268	93,420	41,361	12	-27
40	Osceola	\$20,536	\$46,328	\$50,203	268,685	90,603	40	0
41	Hernando	\$22,775	\$42,011	\$50,135	172,778	71,745	36	-5
42	Miami-Dade	\$22,957	\$43,605	\$50,065	2,496,435	867,352	20	-22
43	Jackson	\$17,177	\$38,257	\$49,600	49,746	17,417	56	13
44	Liberty	\$17,003	\$40,777	\$48,750	8,365	2,525	26	-18

45	Columbia	\$19,366	\$38,214	\$47,726	67,531	24,941	44	-1
46	Marion	\$22,384	\$40,339	\$47,614	331,298	137,726	51	5
47	Bradford	\$16,997	\$41,126	\$47,583	28,520	9,479	59	12
48	Jefferson	\$19,647	\$41,359	\$47,059	14,761	5,646	67	19
49	Gulf	\$17,968	\$39,178	\$46,979	15,863	5,335	25	-24
50	Madison	\$16,346	\$37,459	\$46,791	19,224	6,985	63	13
51	Gadsden	\$16,843	\$35,728	\$46,773	46,389	16,952	64	13
52	Washington	\$18,470	\$36,216	\$46,742	24,896	8,864	42	-10
53	Hamilton	\$15,794	\$37,613	\$46,616	14,799	4,617	66	13
54	Franklin	\$21,005	\$36,490	\$46,083	11,549	4,254	60	6
55	Taylor	\$18,649	\$37,408	\$46,012	22,570	7,920	49	-6
56	Citrus	\$22,551	\$37,933	\$45,568	141,236	63,304	24	-32
57	Suwannee	\$18,782	\$36,352	\$45,012	41,551	15,953	48	-9
58	Glades	\$17,872	\$39,429	\$44,046	12,884	4,533	54	-4
59	Gilchrist	\$18,309	\$37,039	\$43,994	16,939	6,121	5	-54
60	Levy	\$18,703	\$35,737	\$43,256	40,801	16,404	46	-14
61	Okeechobee	\$19,664	\$38,339	\$43,229	39,996	14,013	52	-9
62	Putnam	\$18,402	\$34,645	\$43,184	74,364	29,409	65	3
63	Hardee	\$14,668	\$37,466	\$43,001	27,731	8,245	61	-2
64	Holmes	\$15,285	\$32,247	\$42,731	19,927	7,354	50	-14
65	Highlands	\$19,579	\$34,946	\$41,955	98,786	42,604	55	-10
66	Dixie	\$17,066	\$32,312	\$39,914	16,422	6,316	29	-37
67	Calhoun	\$15,091	\$31,699	\$39,332	14,625	5,061	23	-44
68	DeSoto	\$15,989	\$35,979	\$38,986	34,862	11,445	62	-6
69	Hendry	\$14,734	\$37,298	\$38,564	39,140	12,025	58	-11

** This column compares the county income to where their schools are ranked. Green figures indicate that the schools are ranked higher than their income.

Red indicates schools ranked lower than their income level. This relates to the excuse that lower income counties have lower rated schools.

*** This is comparing PSL figures with SLC School figures. It is relevant because that is the comparison businesses and new residents use.

PSL SCHOOLS 2015 VS 2016 GRADES

School Name	Grade 2016	Informational Baseline Grade 2015
PALM POINTE AT TRADITION	A	A
WEST GATE K-8 SCHOOL	A	A
RENAISSANCE CHARTER SCHOOL AT TRADITION	A	A
MOSAIC DIGITAL ACADEMY UPPER	B	
SOUTHERN OAKS MIDDLE SCHOOL	B	B
RENAISSANCE CHARTER SCHOOL OF ST. LUCIE	B	B
ST. LUCIE WEST K-8 SCHOOL	B	C
TREASURE COAST HIGH SCHOOL	C	B
ST. LUCIE WEST CENTENNIAL HIGH	C	B
SOUTHPORT MIDDLE SCHOOL	B	C
COLLEGE PREPARATORY ACADEMY OF THE TREASURE COAST	B	A
MANATEE ACADEMY K-8	C	C
OAK HAMMOCK K-8 SCHOOL	C	C
ALLAPATTAH FLATS K-8	C	C
NORTHPORT K-8 SCHOOL	C	C
PORT ST. LUCIE HIGH SCHOOL	C	C
MORNINGSIDE ELEMENTARY SCHOOL	B	A
VILLAGE GREEN ENVIRONMENTAL STUDIES SCHOOL	B	C
WINDMILL POINT ELEMENTARY SCHOOL	B	C
IMAGINE SCHOOL NAU CAMPUS	C	C
FLORESTA ELEMENTARY SCHOOL	C	C
BAYSHORE ELEMENTARY SCHOOL	C	C
RIVERS EDGE ELEMENTARY SCHOOL	C	A
SAVANNA RIDGE ELEMENTARY SCHOOL	C	C
MARIPOSA ELEMENTARY SCHOOL	D	C
PARKWAY ELEMENTARY SCHOOL	D	C
MOSAIC DIGITAL ACADEMY LOWER	C	

PSL SCHOOLS RANKED BY TOTAL POINTS

District Name	School Name	English Language Arts Achievement	Mathematics Achievement	Social Studies Achievement	Percent of Total Possible Points	Grade 2016	Informational Baseline Grade 2015	Percent of Minority Students	Percent of Economically Disadvantaged Students
ST. LUCIE	PALM POINTE AT TRADITION	67	78	90	67	A	A	58	50
ST. LUCIE	WEST GATE K-8 SCHOOL	63	70	90	65	A	A	59	58
ST. LUCIE	RENAISSANCE CHARTER SCHOOL AT TRADITION	65	58	92	64	A	A	50	47
ST. LUCIE	COLLEGE PREPARATORY ACADEMY OF THE TREASURE COAST	63	50	82	61	B	A	55	49
ST. LUCIE	MORNINGSIDE ELEMENTARY SCHOOL	67	77	59	59	B	A	49	65
ST. LUCIE	SOUTHERN OAKS MIDDLE SCHOOL	48	59	82	57	B	B	53	69
ST. LUCIE	RENAISSANCE CHARTER SCHOOL OF ST. LUCIE	55	53	66	57	B	B	61	62
ST. LUCIE	VILLAGE GREEN ENVIRONMENTAL STUDIES SCHOOL	62	66	57	57	B	C	59	75
ST. LUCIE	MOSAIC DIGITAL ACADEMY UPPER	77	56	81	56	B		30	27
ST. LUCIE	ST. LUCIE WEST K-8 SCHOOL	58	60	69	56	B	C	62	65
ST. LUCIE	SOUTHPORT MIDDLE SCHOOL	45	57	59	55	B	C	55	76
ST. LUCIE	WINDMILL POINT ELEMENTARY SCHOOL	51	67	54	54	B	C	64	77
ST. LUCIE	MANATEE ACADEMY K-8	50	58	62	52	C	C	60	69
ST. LUCIE	TREASURE COAST HIGH SCHOOL	49	36	59	50	C	B	65	63
ST. LUCIE	ST. LUCIE WEST CENTENNIAL HIGH	49	33	65	50	C	B	57	66
ST. LUCIE	OAK HAMMOCK K-8 SCHOOL	43	53	68	50	C	C	64	69
ST. LUCIE	ALLAPATTAH FLATS K-8	38	46	62	49	C	C	66	78
ST. LUCIE	NORTHPORT K-8 SCHOOL	44	47	60	49	C	C	61	82
ST. LUCIE	MOSAIC DIGITAL ACADEMY LOWER	62	27	49	49	C		45	35
ST. LUCIE	FLORESTA ELEMENTARY SCHOOL	44	55	47	47	C	C	53	74
ST. LUCIE	BAYSHORE ELEMENTARY SCHOOL	45	58	46	46	C	C	59	74
ST. LUCIE	RIVERS EDGE ELEMENTARY SCHOOL	50	61	46	46	C	A	47	70
ST. LUCIE	IMAGINE SCHOOL NAU CAMPUS	42	37	71	45	C	C	56	67
ST. LUCIE	SAVANNA RIDGE ELEMENTARY SCHOOL	45	43	45	45	C	C	61	83
ST. LUCIE	PORT ST. LUCIE HIGH SCHOOL	39	29	53	42	C	C	54	68
ST. LUCIE	MARIPOSA ELEMENTARY SCHOOL	44	53	40	40	D	C	56	76
ST. LUCIE	PARKWAY ELEMENTARY SCHOOL	40	41	35	35	D	C	66	83



"A City for All Ages"

RUSS BLACKBURN
City Manager

CITY OF PORT ST. LUCIE

Office of the City Manager

MEMORANDUM

COUNCIL ITEM #5
DATE 12/19/16

TO: MAYOR & CITY COUNCIL
VIA: RUSS BLACKBURN, CITY MANAGER
SUBJECT: Strategic Plan Discussion
City Council Workshop Item – 12/19/2016
DATE: December 15, 2016

For your information...

Please find the Strategic Plan Update PowerPoint Presentation and Additional Information for the upcoming City Council Workshop scheduled for December 19, 2016, as provided by Patricia Roebing, Assistant City Manager.

Should you have any questions or need additional information, please advise.

Thank you.

City of Port St. Lucie Strategic Plan Update

**City Council Workshop
PowerPoint Presentation**

**Russ Blackburn, City Manager
December 19, 2016**

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Agenda

I. Current Strategic Plan

II. Looking forward to Development of Modified Plan



I. Current Strategic Plan





City of Port St. Lucie: Strategic Plan

VISION 2030

PORT ST. LUCIE 2030
is the Safe, Beautiful, and Friendly City for All Ages.

has Great Neighborhoods
Top Quality Educational Opportunities
for Lifelong Learning;
with a Diverse Local Economy and Jobs;
and Convenient Mobility Options;
and Leisure Opportunities for an
Active Life Style.

PORT ST. LUCIE 2030
has Tradition; the St. Lucie River – a Natural
Florida Experience; with a Vibrant City Center
and U. S. 1; and St. Lucie West.

YOUR HOMETOWN

GOALS 2020

**FINANCIALLY SOUND CITY, HIGH
PERFORMANCE CITY ORGANIZATION**

GROWING LOCAL ECONOMY

**BALANCED AND RESPONSIBLE
SUSTAINABLE GROWTH**

**IMPROVED MOBILITY WITHIN
PORT ST. LUCIE**

EXPANDED LEISURE ACTIVITIES

POLICY AGENDA 2015 – 2016

Top Priority

City Communications Program Upgrade
Action Plan: Digital Domain, VGTI, Torrey Pines
Crosstown Parkway
Sidewalk Program: Projects and Funding
City Economic Framework: Goals, Policies, Tool Kit
Utility Relocation Bill Advocacy

High Priority

Community Report Card/Performance
Metrics/Community Survey
Tax Rate and Services FY 2015 – 2016
City Center Development
Riverwalk Plan: Extension
McCarty Ranch Preserve
Schools Strategy
Stormwater/Water Quality Plan

MANAGEMENT AGENDA 2015 – 2016

Top Priority

Citywide Technology Plan/Funding
Neighborhood Area Plans: Next Steps
Leisure Needs Analysis for 13 – 20

Crosstown Parkway Linear Park

High Priority

Formalized Citywide Internship Program
City Organization Assessment/Review: Phase II
Land Development Regulations: Update
Changing the Organization Culture
City Career Academy: Development
Countywide Radio Upgrade

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Port St. Lucie City Government: Our Mission

*is to provide Exceptional Municipal Services
that are Responsive to the Community
and to Plan for Smart and Balanced Growth
while acting in a Financially Responsible Manner.*

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Port St. Lucie City Government: Vision 2030

*is the Safe; Beautiful; and Friendly City for All Ages;
has Great Neighborhoods;
Top Quality Educational Opportunities
for Lifelong Learning;
with a Diverse Local Economy and Jobs;
and Convenient Mobility Options;
and Leisure Opportunities for an Active Life Style;
has Tradition; the St. Lucie River – a Natural Florida Experience;
with a Vibrant City Center and U. S. 1; and St. Lucie West.*

“YOUR HOMETOWN”

CityofPSL.com



Port St. Lucie City Government: Goals 2020

Financially Sound City, High Performance City
Organization

Growing Local Economy

Balanced and Responsible Sustainable Growth

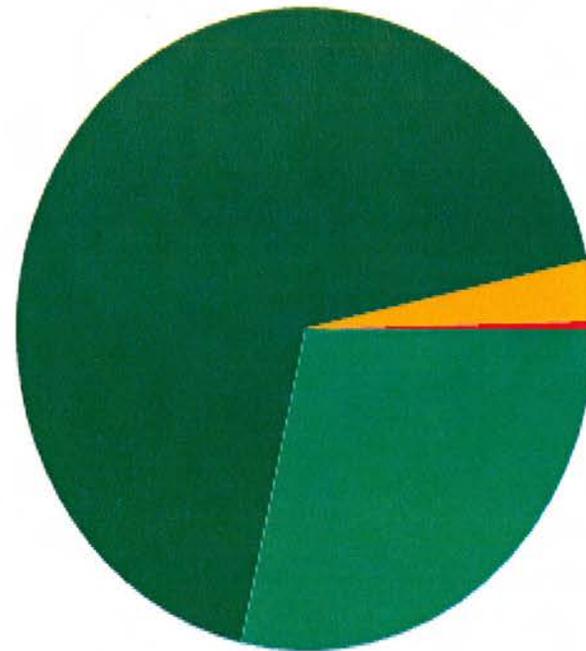
Improved Mobility within Port St. Lucie

Expanded Leisure Activities

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AchieveIt: Overview of all Action Items



- 66 On Track (28.6%)
- 157 Achieved (68%)
- 7 Off Track (3%)
- 1 At Risk (0.4%)



Policy Agenda 2015-2016
“Top Priority”

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**Action: City Communications
Program Upgrade**

Priority: Policy - Top

Activity/Milestone	Time	Status Update
1. Council Workshop: Expectations, Direction, Funding	9/2015	✓ Completed
2. Prepare report with options	1/2016	✓ Completed
3. Council Decision: Direction, Funding	2/2016	✓ Completed

Responsibility: Kristina Ciuperger, Communications Director



Current Activities: City Communications Program Upgrade

Item	Status
<input type="checkbox"/> Live "Special Meeting" coverage - PSL TV 20	<input type="checkbox"/> Ongoing broadcasting capability
<input type="checkbox"/> U-Verse	<input type="checkbox"/> Implemented; ongoing
<input type="checkbox"/> PIO – July 2016	<input type="checkbox"/> Council Authorized Position
<input type="checkbox"/> Policies & Procedures	<input type="checkbox"/> In progress
<input type="checkbox"/> Department Analysis	<input type="checkbox"/> Part one (SWOT/Staffing) completed; Part two (equipment evaluation/replacement needs) in progress
<input type="checkbox"/> Communications Liaison – January 2017	<input type="checkbox"/> Council Authorized Position
<input type="checkbox"/> Community engagement	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Social Media	<input type="checkbox"/> Launched Instagram and PD Facebook in July
<input type="checkbox"/> City Branding	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Collateral Design	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Website	<input type="checkbox"/> Implemented SiteImprove; launched website rebuild in November 2016



Website Redesign

"Information Confusion"



CityofPSL.com



"Information Confusion" (Our Version)

CALENDAR CIVIC CENTER BOTANICAL GARDENS SAINTS GOLF COURSE

OFFICIAL WEB SITE
City of Port St. Lucie

Home Government About PSL Doing Business Jobs Contact

QUICK LINKS

- Public Meeting Agendas
- Public Records Request
- FRRI**
- New Website Redesign
- Veterans Home Lottery
- Pay City Utilities Bill
- News Archives
- VGTI**
- Facility & Park Closures
- Stormwater Pollution Prevention
- Good News
- Lien Searches & Payouts
- Strategic Plan

VIDEO SPOTLIGHT

Positively PSL - December Events:
Larry Lankow, of Port St. Lucie's Parks & Recreation Department, tells residents and visitors about the wide range of holiday events happening in the City in December.
11 min, 49 seconds

Watch on YouTube

CITY NEWS STORIES

Pay Your Utility bill a whole new way
December 7, 2016
Two new online payment options will include a one-time payment option, as well as a registered account portal with many new features. [READ MORE](#)

City of Port St. Lucie website down for maintenance on Friday, Dec. 9
December 6, 2016
All online services on the City's website would be unavailable during this maintenance period. [READ MORE](#)

Public Information Meeting: Port St. Lucie / Galin Blvd. Improvement Plan, Dec. 7
December 5, 2016
The City of Port St. Lucie invites residents to discuss the planned improvements to the intersection at Port St. Lucie Blvd. and Galin Blvd. [READ MORE](#)

The Saints Golf Course Test Drive Event, Dec. 7
December 5, 2016
The Saints Golf Course invites residents on Wednesday, December 7th, from 10 a.m. to 3 p.m. to talk with on-site Wilson Staff professionals and 'test drive' the new TRITON driver. [READ MORE](#)

The City of Port St. Lucie's Guide to Holiday Events
December 2, 2016
The holidays are upon us, and the City of Port St. Lucie has a variety of events for residents and visitors of all ages to enjoy the spirit of the season. Here's our guide to all the holiday happenings to help you plan so you won't miss a minute of seasonal fun. [READ MORE](#)

FPL Preventative Maintenance

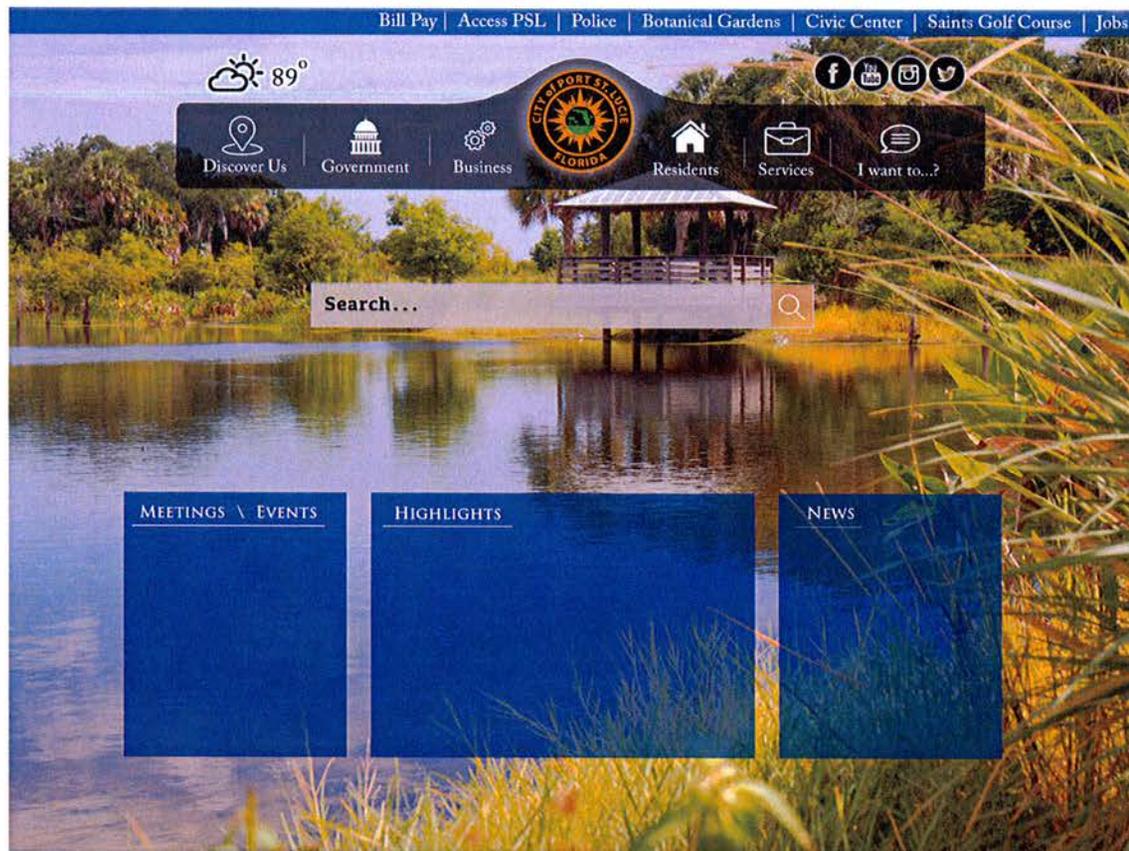
Sign up for e-newsletters
Enter email address below

- About our city
- City Charter
- City Council Rules
- Code of ordinances
- Strategic Plan
- Services
- Pay water/sewer bill
- Animal Control
- Building
- Code Compliance
- Garage sales (permitted)
- Helpful Links
- New residents info
- Parks & Recreation
- Police Department
- PSL-TV20
- Public meetings and agendas
- Trash pick-up/recycling
- Utility Systems
- Financial
- 2016-17 Budget
- 2015-16 Budget
- 2014-15 Budget
- 2013-14 Budget
- 2012-13 Budget
- 2011-12 Budget
- 2010-11 Budget
- 2015 CAFR
- 2014 CAFR
- Current bid list

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Visual Example of Some of the Potential Changes



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Action: Action Plans; Digital Domain, VGTI, Torrey Pines

Priority: Policy - Top

Activity/Milestone	Time	Status Update
1. Digital Domain		✓ Completed
2. VGTI		<input type="checkbox"/> Ongoing
3. Torrey Pines		<input type="checkbox"/> Ongoing

Responsibility: O. Reginald Osenton, City Attorney



Current Activities: Action Plan, Digital Domain, VGTI, Torrey Pines

Item	Status
<input type="checkbox"/> Staff has quarterly meetings with Torrey Pines and Council is updated annually or when necessary.	<input type="checkbox"/> On going
<input type="checkbox"/> VGTI: Ongoing litigation. Working on redefining the role of the Receiver. The VGTI property is being actively marketed.	<input type="checkbox"/> On going



Action: Crosstown Parkway

Priority: Policy - Top

Activity/Milestone	Time	Status Update
1. Resolve Conservation Alliance Lawsuit	TBD	<input type="checkbox"/> Appeal scheduled for court hearing Jan. 2017
2. Secure easement for river crossing from Board of Trustee	2/2016	<input type="checkbox"/> ERP/SSL Permit to be issued shortly
3. Finalize permitting	4/2016	<input type="checkbox"/> Ongoing
4. Initiate construction	4/2016	<input type="checkbox"/> Scheduled for early 2017
5. Complete ROW land acquisition	10/2016	<input checked="" type="checkbox"/> Completed
6. Complete construction	6/2018	<input type="checkbox"/> Ongoing

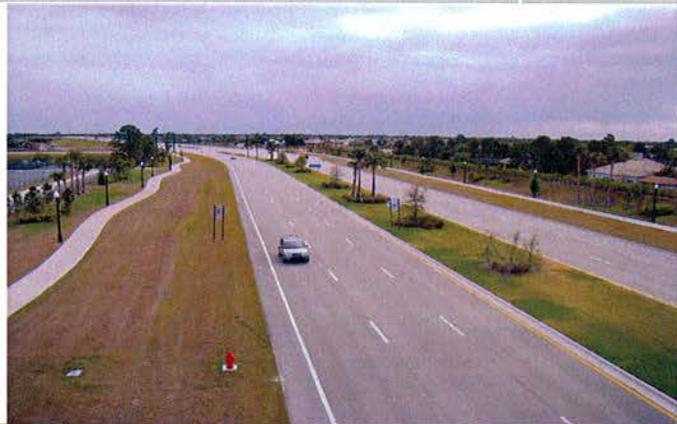
Responsibility: Jim Angstadt, Public Works Director

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Current Activities: Crosstown Parkway

Item	Status
<input type="checkbox"/> Utility Facility Relocations are underway	<input type="checkbox"/> On going
<input type="checkbox"/> Construction plans are being finalized	<input type="checkbox"/> On going
<input type="checkbox"/> CEI/Contractor scheduling road closures	<input type="checkbox"/> In progress
<input type="checkbox"/> CEI/Contractor preparing for initial Erosion Control BMP installation	<input type="checkbox"/> In progress
<input type="checkbox"/> CEI/Contractor finalizing plans for gopher tortoise surveys	<input type="checkbox"/> In progress



Crosstown Parkway



CROSSTOWN PARKWAY EXTENSION



RS&H

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**Action: Sidewalk Program;
Projects and Funding**

Priority: Policy - Top

Activity/Milestone	Time	Status Update
1. Develop Phase V – Project List and Recommendations	5/2016	✓ Completed
2. Council Decision: Project Priority	6/2016	☐ In progress

Responsibility: Jim Angstadt, Public Works Director



Current Activities: Sidewalk Program: Projects and Funding

Item	Status
<ul style="list-style-type: none"> <input type="checkbox"/> Staff presented Phase V project list to City Council and received requests for additional information. Information is being finalized and will be brought back for final decision at a future workshop. 	<ul style="list-style-type: none"> <input type="checkbox"/> On going
<ul style="list-style-type: none"> <input type="checkbox"/> Staff continues with design and construction of sidewalks in accordance with City Council direction. 	<ul style="list-style-type: none"> <input type="checkbox"/> On going



Sidewalk Program: Phase V Priority List

RECOMMENDED PHASE V SIDEWALK PRIORITY LIST					
<i>Roadway</i>	<i>From</i>	<i>To</i>	<i>ROW (Feet)</i>	<i>Length (Feet)</i>	<i>Length (Miles)</i>
Floresta	Airoso	Existing sidewalk	80	882	0.17
Hillmoor	Hospital	Woodstork Trail	100	2,851	0.54
Hillmoor	Lennard	Playground	100	580	0.11
Kestor	Wakefield	Becker	80	6,336	1.20
Kestor	Darwin	Existing sidewalk	80	723	0.14
Selvitz	Milner	Peachtree	100	2,435	0.46
Lakehurst	Bayshore	Airoso	80	6,758	1.28
Morningside	Treasure Island	Cambridge	100	2,798	0.53
Sandia	Lakehurst	Crosstown	80	4,224	0.80
Sandia	Crosstown	Thornhill	80	2,640	0.50
Torino	Cashmere	Topaz Way	100	6,970	1.32
Torino	Vizcaya Falls	Midway	100	6,125	1.16
Village	Village	Crosstown	150	88	0.02
			<i>Total</i>	43,410	8.22



Action: City Economic Framework; Goals, Policies, Tool Kit, City Response

Priority: Policy - Top

Activity/Milestone	Time	Status Update
1. Council Presentation: City Economic Development – Discussion on Tools and Incentives	9/2015	✓ Completed
2. Develop Council Report: Budget, Amendments, Ordinance Changes	TBD 3/2016 Winter Retreat 6/20/2016 Workshop	✓ Completed Presentation “City Economic Development” Presentation “Economic Development – A Call to Action” (Discussed Action Plan & Funding)

Responsibility: Patricia Roebing, Assistant City Manager



Current Activities: City Economic Framework: Goals, Policies, Tool Kit, City Response

Item	Status
<input type="checkbox"/> Business Navigator Position approved in FY 16/17 Budget; Advertised position.	<input type="checkbox"/> In progress
<input type="checkbox"/> Annual Investment in Economic Development Council of SLC Partnership fees approved for FY 16/17	<input checked="" type="checkbox"/> Completed



**Action: Utility Relocation Bill
Advocacy**

Priority: Policy – Top

Activity/Milestone	Time	Status Update
1. Meeting with Council Members	7/2015	✓ Completed

Responsibility: Jesus Merejo, Utility Systems Director



Current Activities: Utility Relocation Bill Advocacy

Item	Status
<p><input type="checkbox"/> This bill died during the 2015 Legislative Session. A revised version of the bill passed during the 2016 Legislative session and went into effect March 10, 2016. In summary, the bill states that local governments, and not utilities, are required to bear the cost of relocating a utility's equipment if such equipment is located within a public utility easement. "Utility" refers to water, sewage, gas, power, telephone, television lines, etc. Should utility equipment need to be relocated in the future, the costs will be taken from the enterprise fund, not the general fund.</p>	<p><input type="checkbox"/> Ongoing</p> 



Policy Agenda 2015-2016
“High Priority”

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**Action: Community Report
Card/Performance
Metrics/Community Surveys**

Priority: Policy - High

Activity/Milestone	Time	Status Update
1. Review performance measures/define measure	6/2016	✓ Completed
2. Prepare report with options/recommendations	6/12/2016	✓ Completed
3. Present report at Summer Retreat	7/20/2016	✓ Completed

Responsibility: Patricia Roebing, Assistant City Manager



Current Activities: Community Report Card/ Performance Metrics / Community Survey

Item	Status
<input type="checkbox"/> Updates to Panda Program	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Capture Data – Utilities Customer Service, Police Dept, Social Media, Access PSL, Utilities Operations	<input type="checkbox"/> Ongoing
<input type="checkbox"/> GovQA (Public Records Management)	<input type="checkbox"/> Go Live January 2017 / Training
<input type="checkbox"/> City 311 – Program Implementation	<input type="checkbox"/> In progress
<input type="checkbox"/> Professional Performance Measurement consultant and software program	<input type="checkbox"/> Future RFP for services or In-House



**Action: Tax Rate and Services for
FY 2015-2016**

Priority: Policy - High

Activity/Milestone	Time	Status Update
1. Council Decision: Budget FY 2015-2016	9/2015	✓ Completed

Responsibility: Dave Pollard, OMB Director

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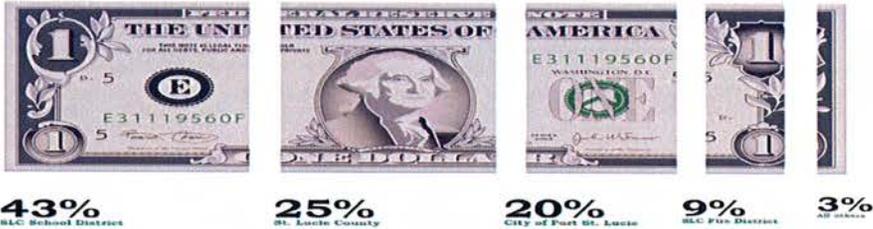


Current Activities: Tax Rate and Services For FY 2015-16

Item	Status
<input type="checkbox"/> Financial projections are being updated to forecast the impact to the future millage rate	In progress
<input type="checkbox"/> The City Manager's proposed budget for FY 2017-18 should be available by June 30 th	<input type="checkbox"/> Ongoing
<input type="checkbox"/> As part of the development of the proposed budget for FY 2017-18, the City Manager will consider the allocation of resources to support the proper level of service in the various departments and programs	<input type="checkbox"/> Ongoing

Where Does Your Tax \$ Go ?

Only 20 cents of your tax dollar goes to the City of Port St. Lucie



Action: City Center Development

Priority: Policy – High

Activity/Milestone	Time	Status Update
1. Complete Market Analysis		✓ Completed There is demand for development in Eastern CRA. It does not equal the scale of development approved for the City Center project in 2005
2. CRA Board: Presentation, Direction on Options	8/2015	✓ Completed A presentation of the market analysis was provided at a Special Meeting of the CRA Board on August 17, 2015. There was a discussion regarding property ownership and legal update.

Responsibility: Bridget Kean, CRA Director

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Action: City Center Development

Priority: Policy – High

Activity/Milestone	Time	Status Update
3. CRA Board: Direction	9/2015	✓ Completed Update rescheduled to CRA Board meeting of November 23, 2015. Discussion of City Center, tax certificates, and SEC action against Lily Zhong. No recommendation due to potential for county tax deed sale of 16 of 22 City Center properties and SEC intervention.
4. CRA Board/Council Decision: Direction	12/2015	✓ Completed City Center project discussed at March 23, 2016 Winter Retreat. Staff presentation and recommendation to consider specialized legal counsel to represent City and CRA interests with SEC receiver.. May 9, 2016 Special Legal Counsel presentation outlining City's options. Council voted for Option 1.

Responsibility: Bridget Kean, CRA Director

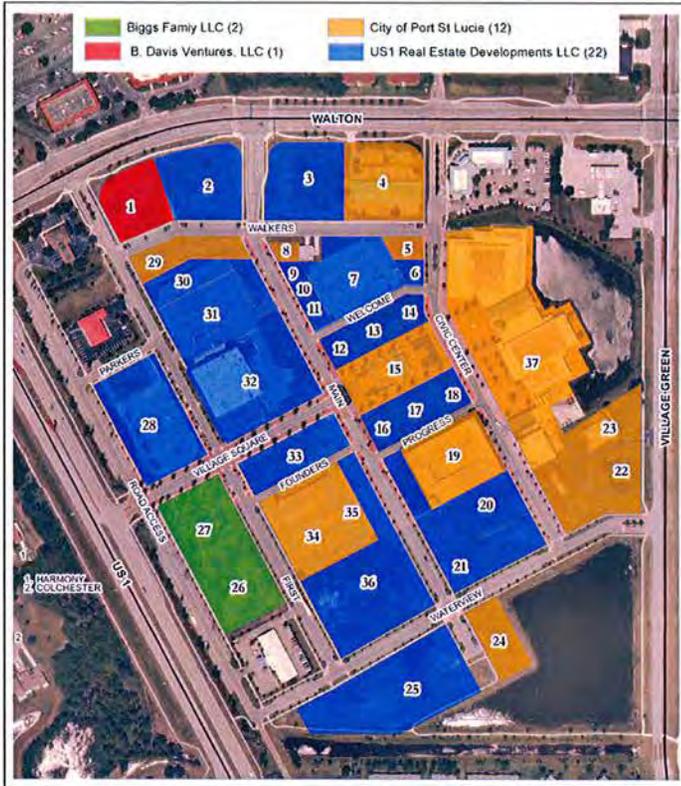


Current Activities: City Center Development

Item	Status
<input type="checkbox"/> Maintain focus on City Center as main project in Eastern CRA	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Special legal counsel continuing to facilitate the receiver's efforts to obtain a purchaser for the City Center properties.	<input type="checkbox"/> Ongoing



City Center Development



City Center Project Ownership Interests:

- City - 12 parcels
- Private owners – 3 parcels
- Lily Zhong – 22 parcels

Action: Riverwalk Plan; Extension

Priority: Policy – High

Activity/Milestone	Time	Status Update
1. Issue RFP: Design, Environment Assessment, Permitting a. Conservation Tract b. Westmoreland Parcel c. Riverwalk	11/2015	✓ Completed
2. Receive/Evaluate Response	1/2016	✓ Completed
3. Council Decision: Direction	3/2016	Contract was approved on September 12, 2016 by City Council and went into effect on October 1, 2016.
4. Initiate Process	4/2016	Preliminary Site Plan presented for review and discussion with CRA Board at Nov. 28, 2016 and Dec. 5, 2016 CRA Board meetings.

Responsibility: Bridget Kean, CRA Director



Current Activities: Riverwalk Plan: Extension

Item	Status
<input type="checkbox"/> Anticipated submittal date for site plan application early January 2017	In progress



**Action: McCarty Ranch Preserve
Slide 1**

Priority: Policy – High

Activity/Milestone	Time	Status Update
<p>A. Activities 2015</p> <ol style="list-style-type: none"> 1. Kayaking 2. Fishing Tournament 3. Guided Hiking Tour 4. Bonfire/Hayride (Music Festival) 5. Boy Scout Camp Site: Designation 	<p>8/2015 8/2015 9/2015 11/2015 12/2016</p>	<p>✓ 1. Completed 8/1/15 ✓ 2. Completed 8/15/15 & 8/20/16 ✓ 3. Guided Hiking Tour - Though event was offered, there were no registrations. ✓ 4. Completed ✓ 5. Completed April 2016 (Klondike Derby)</p>

Responsibility: Sherman Conrad, Parks and Recreation Director



**Action: McCarty Ranch Preserve
Slide 2**

Priority: Policy – High

Activity/Milestone	Time	Status Update
B. Utility	7/2015	
1. Council Decision: Topo Survey Funding	11/2015	
2. Environment Assessment – Phase II	11/2015	
3. Council Decision: Lease Agreement for Cattle Grazing	12/2015	✓ 1. Completed 7/31/15
4. Install Restroom	12/2015	✓ 2. Completed 11/30/15
5. Water Main: Installation	12/2015	✓ 3. Completed 11/30/15
6. Fiber Optic Installation	12/2015	✓ 4. Completed 12/31/15
Complete Preserve and Extension	6/2016	✓ 5. Completed 12/31/15
7. Office Warehousing ADA Compliance	6/2016	✓ 6. Completed 12/31/15
8. Complete Topo Survey (required by SFMD)	6/2016	✓ 7. Completed 6/30/16
9. Sunset Cam: TDC Funding	TBD	✓ 8. Completed 11/30/15
		✓ 9. Currently waiting for SLC to re-bid hardware

Responsibility: Jesus Merejo, Utility Systems Director
Bill Jones, MIS Director

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**Action: McCarty Ranch Preserve
Slide 3**

Priority: Policy – High

Activity/Milestone	Time	Status Update
<p>C. K - 9</p> <ul style="list-style-type: none"> 1. Finalize Location 2. Construct Facility <p>D. McCarty Ranch Extension</p> <ul style="list-style-type: none"> 1. Complete Environment Assessment 2. Grant for Water Farming –SFWMD 	<p>11/2015 6/2016</p> <p>11/2015 6/2016</p>	<ul style="list-style-type: none"> ✓ 1. Completed ✓ 2. The K-9 facility has been constructed and is being utilized for training. <ul style="list-style-type: none"> ✓ 1. Completed ✓ 2. South Florida Water Management District awarded \$200,000 for project (6/30/16)

Responsibility: John Bolduc, Police Chief
Jesus Merejo, Utility Systems Director

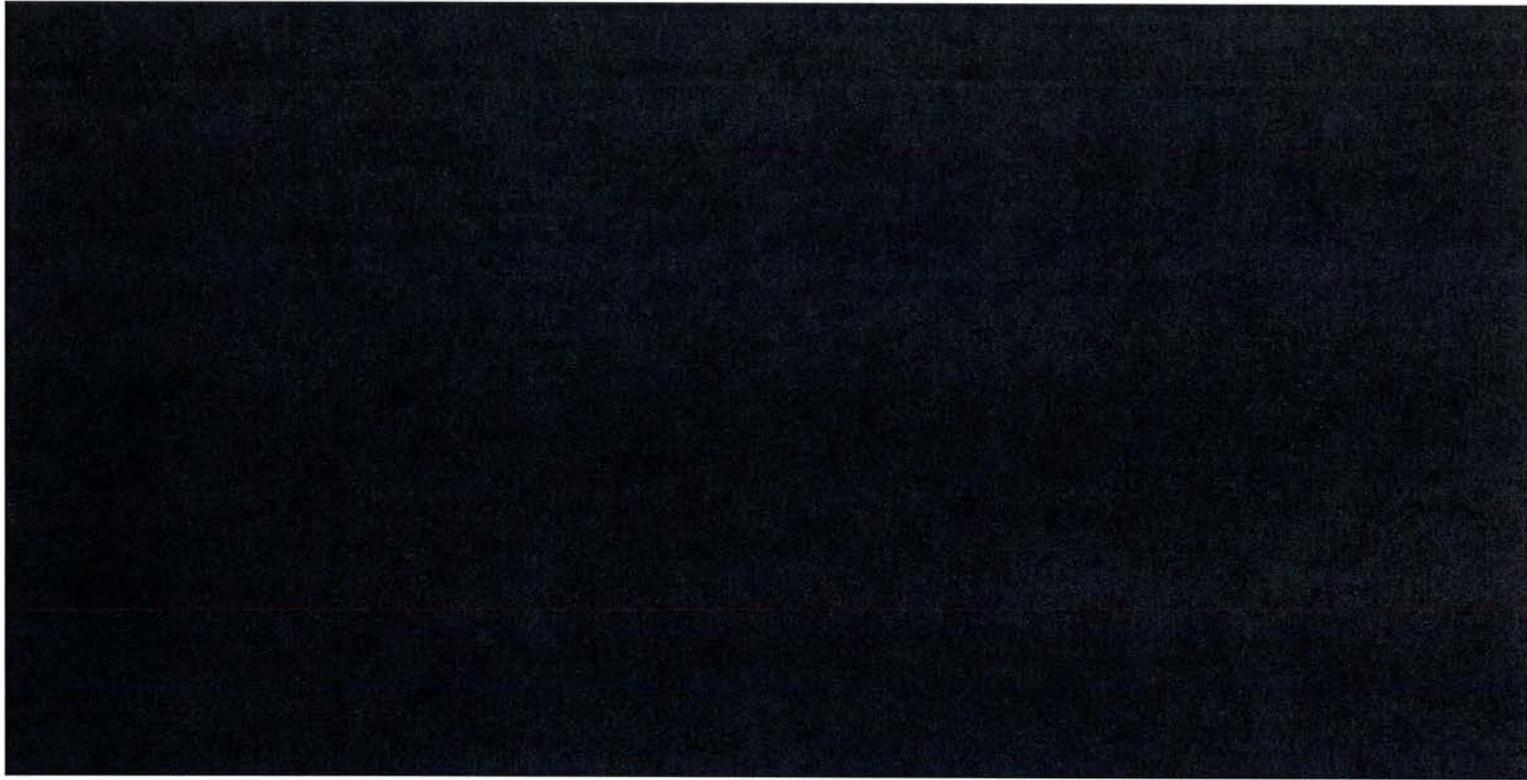


Current Activities: McCarty Ranch Preserve

Item	Status
<input type="checkbox"/> Water Quality Restoration/Storage Project Area 1 Projected for completion by Sept. 30, 2018	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Water Quality Restoration/Storage Project Areas 2-6 funding opportunities. Currently pursuing 3 funding opportunities, the outcomes of which will not be known until late 2017	<input type="checkbox"/> Ongoing
<input type="checkbox"/> McCarty Ranch Trilogy Master Plan: water supply, master site plan, 30-year water use permit. Working with PMD to advertise for engineering firm to work on water supply plan and water use permit.	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Stormwater control structure 9, which allows us to adjust water levels on the property	<input type="checkbox"/> Completed October 2016
<input type="checkbox"/> Seeking additional funding to complete all phases through legislative ask.	<input type="checkbox"/> In progress



McCarty Ranch Preserve



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Action: Schools Strategy

Priority: Policy – High

Activity/Milestone	Time	Status Update
1. Communicate with Schools	Ongoing	<input type="checkbox"/> In progress Parks & Recreation Department and City Manager staff meet with St. Lucie County and St. Lucie County School Board staff at various venues on a quarterly basis to discuss opportunities for partnership (last meeting held 12/14/16)

Responsibility: Sherman Conrad, Parks & Recreation Director

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Current Activities: Schools Strategy

Item	Status	
<ul style="list-style-type: none"> ❑ Current conversations include exploring the possibility of developing a joint project at Winterlakes Park. 	<ul style="list-style-type: none"> ❑ In progress 	
<ul style="list-style-type: none"> ❑ Past discussions have resulted in additional school facilities being made available for Port St. Lucie Parks and Recreation programs, i.e., Junior Basketball Program. 	<ul style="list-style-type: none"> ❑ In progress 	



Action: Stormwater/Water Quality Plan

Priority: Policy – High

Activity/Milestone	Time	Status Update
1. Complete Update Basin Management Action Plan (B-MAP) Water Quality	10/2015	✓ Complete
2. Council Workshop: B-MAP/Water Quality	11/2015	✓ Complete
3. Complete Central Watershed Study	12/2015	✓ Complete
4. Develop Storm Water Master Plan	10/2016	☐ Ongoing
5. Council Presentation: Stormwater Master Plan	11/2016	☐ Ongoing

Responsibility: Jim Angstadt, Public Works Director

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Current Activities: Stormwater/Water Quality Plan

Item	Status
<input type="checkbox"/> Schedule for Master Plan extended in order to include information from the Microbial Water Quality Study of the St. Lucie River.	<input type="checkbox"/> In progress / On going



II. Looking forward to Development of Modified Plan

- Facilitator Marilyn Crotty with the University of Central Florida is scheduled to meet with City Council members on February 17, 2017
- Time & Venue TBD
- Quarterly Updates



City of Port St. Lucie Strategic Plan Update

Additional Information

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Management Agenda 2015-2016

“Top & high priority”

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**Action: Citywide Technology
Plan/Funding**

Priority: Mgmt - Top

Activity/Milestone	Time	Status Update
1. Define scope of plan and process	1/2016	✓ Completed
2. Council Presentation: Plan, Scope and Development Process (overview)	2/2016	✓ Completed
3. Develop budget proposal: FY 2017	5/2016	✓ Completed
4. Council Decision: Plan Direction, Funding	7/2016	✓ Completed

Responsibility: Information Technology



Current Activities: Citywide Technology Plan/Funding

Item	Status
<input type="checkbox"/> Technology Investment Plan Final Draft	<input type="checkbox"/> In review
<input type="checkbox"/> Technology Investment Plan 2017	<input type="checkbox"/> Estimated delivery February 1, 2017 for Council consideration



Action: Neighborhood Area Plans Next Steps

Priority: Mgmt - Top

Activity/Milestone	Time	Status Update
A: Area 1		<input type="checkbox"/> Postponed Substituted Area 7
B: Area 6		<input type="checkbox"/> Ongoing
C: Areas 6 & 7		
1. Complete data gathering and analysis	10/2016	✓ Completed
2. Public Input	Ongoing	✓ Completed
3. Develop Plan	TBD	<input type="checkbox"/> In progress
4. Council Presentation	TBD	<input type="checkbox"/> Ongoing Scheduled for approval by the Planning & Zoning Board and acceptance by the City Council in early 2017

Responsibility: Planning/Neighborhood Services

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Current Activities: Neighborhood Area Plans Next Step

Item	Status
<input type="checkbox"/> Staff will begin the neighborhood planning process for Planning Area 1 in 2017	<input type="checkbox"/> Ongoing



**Action: Leisure Needs Analysis
for 13-20**

Priority: Mgmt - Top

Activity/Milestone	Time	Status Update
1. Develop method/approach/costs for needs assessment	2/2016	✓ Completed
2. Develop budget proposal for funding, needs analysis	4/2016	✓ Completed In April, it was determined that Council approval was not needed, due to the funding threshold for the project.
3. Council Decision: Direction, Funding Responsibility: Parks & Recreation	7/2016	✓ Completed Staff moved forward with contracting with Management Learning Laboratories for a General Population Needs Assessment.



Current Activities: Leisure Needs Analysis for 13-20

Item	Status
<p><input type="checkbox"/> The surveys have been promoted through the crafting of press releases, is available on the City Website, made public via news stories and is also being promoted through the City's Social Media outlets. All of these promotional efforts have been completed in order to introduce the electronic youth questionnaire for ages 13 to 20 year olds which became available for youth to participate in as well. The electronic youth survey will be available for one year and is also made available to local students through the cooperation of the St. Lucie County School District which began on August 22, 2016. We will be promoting the availability of the survey at all large City Special Events throughout the upcoming year.</p>	<p><input type="checkbox"/> Ongoing</p>



**Action: Crosstown Parkway
Linear Park**

Priority: Mgmt - Top

Activity/Milestone	Time	Status Update
1. Finalize design/permit for parking area	11/2015	<input type="checkbox"/> In progress Design delayed due to residents input at public meetings; redesign.
2. Install water fountain (4)	12/2015	<input type="checkbox"/> In progress To be performed with Crosstown Parkway Extension project.
3. Obtain site plan approval	4/2016	<input type="checkbox"/> In progress
4. Bid parking area	7/2016	<input type="checkbox"/> In progress
5. Council Decision: Award Construction	7/2016	<input type="checkbox"/> In progress
6. Complete One Parking Area	10/2017	<input type="checkbox"/> In progress
7. Pursue grant for park improvements	Ongoing	<input type="checkbox"/> Ongoing

Responsibility: Public Works/Parks & Recreation

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Current Activities: Crosstown Parkway Linear Park

Item	Status
<input type="checkbox"/> Two parking areas have been designed, one at Cameo Blvd and one at Empire Street. Public input has been solicited in two separate meetings and both projects have been redesigned to address concerns of residents.	<input type="checkbox"/> Ongoing



Action: Formalized Citywide Internship Program

Priority: Mgmt – High

Activity/Milestone	Time	Status Update
1. Develop Internship Policy Framework	11/2015	✓ Completed A policy was drafted which included the framework for paid and unpaid internships.
2. Council Decision: Direction, Funding Guidelines	2/2016	✓ Completed The City Manager gave direction to implement the program on a trial basis.
3. Develop budget proposal	4/2016	✓ Completed Funding for the paid internships was included in the Human Resources department budget for FY 2016-17, in the amount of \$20,000.
4. Council Decision: Program Funding	7/2016	✓ Completed Funding approved in the FY 2016-17 budget

Responsibility: Human Resources

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Current Activities: Formalized Citywide Internship Program

Item	Status
<input type="checkbox"/> Departments have been notified of the paid and unpaid internship programs and processes required for application.	<input type="checkbox"/> Ongoing



**Action: City Organization
Assessment/Review and Plan:
Phase II**

Priority: Mgmt – High

Activity/Milestone	Time	Status Update
1. Complete organization assessment – Phase II	5/2016	✓ Completed
2. Council Report: Phase II	6/12/2016	✓ Completed

Responsibility: City Manager



Current Activities: City Organization Assessment/Review and Plan: Phase II

Item	Status
<input type="checkbox"/> City Manager to undertake further review and assessment of the organization	<input type="checkbox"/> Ongoing



Action: Land Development Regulations Update (Slide 1)

Priority: Mgmt - High

Activity/Milestone	Time	Status Update
A: Phase 1		
• Landscape Code – Chapter 154		
• Natural Resources – Chapter 157		
• Comprehensive Plan – Chapter 151		
1. P & Z Review	8/2015	✓ Completed
2. Council Decision: Adoption	9/2015	✓ Completed
B: Phase 2		
• Sign Chapter 155		
• Model Homes Chapter 163		
1. P & Z Review	8/2015	✓ Completed
2. Council Decision: Adoption	10/2015	✓ Completed

Responsibility: Planning



Action: Land Development Regulations Update (Slide 2)

Priority: Mgmt - High

Activity/Milestone	Time	Status Update
C: Phase 3		
• Zoning Code Chapter 158		
• Definition Chapter 153		
1. P & Z Review	11/2015	✓ Completed
2. Council Decision: Adoption	12/2015	✓ Completed
D: Phase 4		
• Subdivision Chapter 156		
• Concurrency Management System Chapter 160		
1. Complete Engineering/ Concurrency Assessment	3/2016	<input type="checkbox"/> In progress
2. P & Z Review	5/2016	<input type="checkbox"/> In progress
3. Council Decision: Adoption	7/2016	<input type="checkbox"/> In progress

Responsibility: Planning

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Current Activities: Land Development Regulations Update

Item	Status
<input type="checkbox"/> Land Development regulations are scheduled for adoption in 2017	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Subdivision Regulations and related Engineering Standards for Land Development <ul style="list-style-type: none">▪ Obtained comments from Stakeholders▪ Working on final draft with Legal▪ Scheduling for future City Council workshop	<input type="checkbox"/> In Process



Action: Changing the Organization Culture

Priority: Mgmt – High

Activity/Milestone	Time	Status Update
1. Initiate Customer Service Training	Ongoing	<input type="checkbox"/> Ongoing
2. Complete Draft Plan	1/2016	✓ Completed
3. Council Presentation: Succession Plan (Review)	2/2016	✓ Completed

Responsibility: City Manager



Current Activities: Changing the Organization Culture

Item	Status
<input type="checkbox"/> Tuition Assistance Program approved in the FY 16/17 Budget and implemented 10/1/2016.	<input type="checkbox"/> In progress
<input type="checkbox"/> Continue Training Programs	<input type="checkbox"/> Ongoing



**Action: City Career Academy;
Development**

Priority: Mgmt – High

Activity/Milestone	Time	Status Update
1. Develop Citizen Academy	1/2016	✓ Completed Staff presented the program guidelines to the City Council on October 19, 2015 at the City Council Workshop.
2. Kickoff Citizen Academy	1/2016	✓ Completed Staff launched "City University" in January 2016. There were 35 graduates in the first class. A second class was held in September 2016 and had 34 graduates.

Responsibility: City Manager / Neighborhood Services



Current Activities: City Career Academy; Development

Item	Status
<input type="checkbox"/> The program will soon be officially recognized by the John F. Kennedy School of Government at Harvard University as a "Bright Idea" and will be publicized in the school's Innovators Network.	<input type="checkbox"/> In progress
<input type="checkbox"/> The program will continue to be offered semi-annually.	<input type="checkbox"/> Ongoing



Action: Countywide Radio Upgrade

Priority: Mgmt – High

Activity/Milestone	Time	Status Update
1. Participate in planning of Radio Upgrade	Ongoing	✓ Completed The City is continuing to work with the other Public Safety Departments in the County on the radio upgrade. The City has leased a site to the County for the new tower on McCarty Ranch and the tower has been constructed. The new radios have been approved and have been ordered.

Responsibility: Police Chief



Current Activities: Countywide Radio Upgrade

Item	Status
<input type="checkbox"/> Expect to cut over to the new system sometime in the spring of 2017.	<input type="checkbox"/> In progress



Policy Agenda 2015-2016
“Priority”

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**Action: Police Foundation
Development**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Complete legal research/federal "handbook"	12/2015	✓ Completed
2. Define scope, approach and legal framework	12/2015	✓ Completed
3. Identify Stakeholders	3/2016	✓ Completed
4. Convene "Board of Director"	5/2016	✓ Completed
5. Develop 501 C3 – legal framework	TBD	☐ In progress

Responsibility: Police Department



Current Activities: Police Development Foundation

Item	Status
<input type="checkbox"/> The Board of Directors is currently waiting on a response from the State and IRS to proceed with opening bank accounts	<input type="checkbox"/> In progress



**Action: Neighborhood Area Plans
(3)**

Priority: Policy

Activity/Milestone	Time	Status Update
A: Area 3		
1. Complete area plan	9/2015	✓ Completed
2. Council Presentation: Review	10/2015	✓ Completed
3. Council Decision: Acceptance	11/2015	✓ Completed
B. Area 4 North		
1. Complete area plan	9/2015	✓ Completed
2. Council Presentation: Review	10/2015	✓ Completed
3. Council Decision: Acceptance	11/2015	✓ Completed
C: Area 4 South		
1. Complete area plan	9/2015	✓ Completed
2. Council Presentation: Review	10/2015	✓ Completed
3. Council Decision: Acceptance	11/2015	✓ Completed

Responsibility: Planning/Neighborhood Services



Current Activities: Neighborhood Area Plans (3)

Item	Status
<input type="checkbox"/> Plans accepted by the City Council. Implementation is now a part of the Neighborhood Services Department.	<input type="checkbox"/> In progress
<input type="checkbox"/> Installing traffic cabinet wraps throughout the City	<input type="checkbox"/> In progress
<input type="checkbox"/> Working on a Design/Build RFP for the SW Neighborhood Park	<input type="checkbox"/> In progress
<input type="checkbox"/> Meeting planned for Oakridge sub-area sign improvements in January 2017	<input type="checkbox"/> In progress



Action: Pavement Management Plan; Direction and Funding

Priority: Policy

Activity/Milestone	Time	Status Update
1. Complete road inventory		✓ Completed
2. Analyze data	11/2015	✓ Completed
3. Develop Five Year Pavement Management Plan	11/2015	✓ Completed
4. Council Workshop: Plan Review	2/2016	✓ Completed
5. Revise Plan	5/2016	✓ Completed
6. Council Decision: Budget FY 2017	9/2016	✓ Completed

Responsibility: Public Works

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Current Activities: Pavement Management Plan; Direction and Funding

Item	Status
<input type="checkbox"/> Staff has budgeted \$1,750,000 in the 2016-2017 budget for resurfacing of roadways. City contractor is currently paving a series of roadways in the eastern area of the city.	<input type="checkbox"/> In progress
<input type="checkbox"/> Rosser Blvd is scheduled to be re-built in the 2016-2017 budget year. Project is currently out to bid and is scheduled to begin in April 2017.	<input type="checkbox"/> In progress
<input type="checkbox"/> Veteran's Memorial Parkway is to be re-built in the 2016-2017 budget year. Project is currently in the design phase and is scheduled to begin in August 2017.	<input type="checkbox"/> In progress



**Action: Traffic Calming Policy:
Direction, Funding**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Complete draft policy framework		✓ Completed
2. Council Decision: Policy Approval	8/2015	✓ Completed

Responsibility: Public Works



Current Activities: Traffic Calming Policy: Direction, Funding

Item	Status
<input type="checkbox"/> Public Works has budgeted funds in the Road and Bridge Capital Improvement Budget in order to implement Traffic Calming Improvements	<input type="checkbox"/> On going
<input type="checkbox"/> Staff is currently working with the residents along Carter Avenue for Improvements in the community. Design is complete and project is moving into the bid phase	<input type="checkbox"/> On-going



**Action: Westmoreland; Concept,
Direction**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Council Presentation: Concept Plan	8/2015	✓ Completed
2. Concept Plan Acceptance	10/2015	✓ Completed Concept plan prepared by AIATC approved by City Council on November 24, 2015
3. Council Decision: PUD Amendment	12/2016	☐ In progress

Responsibility: CRA



Current Activities: Westmoreland; Concept, Direction

Item	Status
<input type="checkbox"/> Staff preparing amendment to Riverwalk South PUD for 9.7 acre Westmoreland middle tract	<input type="checkbox"/> In progress
<input type="checkbox"/> Joint submittal with application for boardwalk/Westmoreland site plan	<input type="checkbox"/> In progress



**Action: Park Projects: Priority,
Funding, Mechanism**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Review park projects	1/2016	✓ Completed
2. Council Workshop: Park Projects	3/2016	✓ Completed
3. Council Decision: Park Projects Priority and Funding	7/2016	<input type="checkbox"/> Ongoing Received direction at the July 2016 Council Retreat that establishes that the absence of funding available throughout the Parks MSTU and Park Impact Fees necessitates Parks projects be addressed on an individual basis with direction and approval of City Council.

Responsibility: Parks & Recreation



Current Activities: Park Projects: Priority, Funding, Mechanism

Item	Status
<input type="checkbox"/> Exploring options for Parks and Recreation Improvements through grant funding and partnerships.	<input type="checkbox"/> Ongoing



**Action: Campground at the
McCarty Ranch Preserve**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Prepare a report on camping feasibility, regulations and requirements	12/2015	✓ Completed
2. Council Retreat: Presentation, Direction	2/2016	✓ Completed Council direction was to move forward with establishing primitive camp sites at McCarty Ranch.

Responsibility: Parks & Recreation



Current Activities: Campground at the McCarty Ranch Preserve

Item	Status
<input type="checkbox"/> Staff is working with St. Lucie County Health Department to ensure the development of camping facilities at McCarty Ranch Preserve complies with regulations outlined in Chapter 64E-15, Florida Administrative Code.	<input type="checkbox"/> Ongoing
<input type="checkbox"/> Assorted campground amenities have been received and are currently being held at the Park Maintenance Yard prior to onsite installation.	<input type="checkbox"/> Ongoing



**Action: Parks/Recreation
Area/Gathering Place - West**

Priority: Policy

Activity/Milestone	Time	Status Update
1. Address Neighborhood Plan 4 – South and 4 – North	11/2015	✓ Completed A neighborhood park has been selected for development in Planning Area 4S, through the acceptance of the Neighborhood Plan for 4S in November of 2015. The site is 13.6 acres and will serve the residents of this planning area

Responsibility: Parks & Recreation



Current Activities: Parks/Recreation Area/Gathering Place - West

Item	Status
<input type="checkbox"/> Currently working on Design/Build RFP for SW Neighborhood Park in Planning Area 4	<input type="checkbox"/> In progress



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* 2017 Best School Districts Ranking Methodology

The 2017 Best School Districts ranking is based on rigorous analysis of academic and student life data from the U.S. Department of Education along with test scores, college data, and ratings collected from millions of Niche users. Learn where our data comes from.

* Factors Considered *

Factor	Description	Source	Weight
Academics Grade	Based on state assessment proficiency, SAT/ACT scores, and survey responses on academics from students and parents.	Niche	50.0%
Culture & Diversity Grade	Based on racial and economic diversity and survey responses on school culture and diversity from students and parents.	Niche	10.0%
Health & Safety Grade	Based on chronic student absenteeism, suspensions/expulsions, and survey responses on the school environment from students and parents.	Niche	10.0%
Parent/Student Surveys on Overall Experience	Niche survey responses scored on a 1-5 scale regarding the overall experience of students and parents in the district.	Self-reported by Niche users	10.0%
Teachers Grade	Based on teacher salary, teacher absenteeism, state test results, and survey responses on teachers from students and parents.	Niche	10.0%
Resources & Facilities Grade	Based on expenses per student, staffing, and survey responses on facilities from students and parents.	Niche	5.0%
Clubs & Activities Grade	Based on expenses per student and survey responses on clubs and activities from students and parents.	Niche	2.5%
Sports Grade	Based on the number of sports, participation, and survey responses on athletics and athletic facilities from students and parents.	Niche	2.5%

This ranking assesses 10,364 U.S. public school districts. The same methodology is used to produce the Overall Niche Grade for each ranked school district as well as additional school districts. Statistics obtained from the U.S. Department of Education represent the most recent data available, usually from 2014–2016, as self-reported by the school districts.



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* 2017 Best School Districts in Florida

The 2017 Best School Districts ranking is based on rigorous analysis of key statistics and millions of reviews from students and parents using data from the U.S. Department of Education. Ranking factors include state test scores, college readiness, graduation rates, SAT/ACT scores, teacher quality, public school district ratings, and more.

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St Augustine, FL 4 reviews

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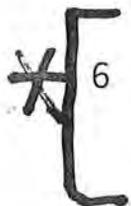
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Green Cove Springs, FL 11 reviews
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- 9 **Leon County Schools**
Tallahassee, FL 10 reviews
Ranking Factors 

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- 10 **Nassau County School District**
Fernandina Beach, FL
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- 11 **Alachua County Public Schools**
Gainesville, FL 7 reviews
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- 12 **Monroe County School District**
Key West, FL 1 review
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Milton, FL 6 reviews

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West Palm Beach, FL 53 reviews

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Port Charlotte, FL 1 review

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Tampa, FL 59 reviews

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CITY OF PORT ST. LUCIE REVIVING OF THE CITIZENS BUDGET ADVISORY COMMITTEE

December 19, 2016

CITIZENS BUDGET COMMITTEE OVERVIEW

1. Purpose

The purpose of the Citizen's Budget Advisory Committee is to review and recommend the budget development process in order to create city government transparency and efficiency by improving business and management practices.

2. Membership Details/Requirements

- Determine how many members to be appointed – 7, 9 or 11.
- Who to appoint members:
 - One per Mayor & City Council plus two at large?
 - Two per Mayor & one per City Council plus three at large?
 - Two per Mayor & City Council plus one at large?

3. Appointment Terms

Member's appointments run concurrent with the Mayor/Councilmember's term. At large members to be staggered every two years.

4. Required for a Quorum

50% plus one.

5. Meetings Held

TBD by the committee.

6. Board Clerk

TBD – to take minutes and prepare agenda.

7. Board Members

Names/Appointed By/Term Expires Date

8. Implementation Plan

- Application for serving on city boards & committees to be filled out.
- Will work with City Manager and/or his designee(s).
- Members of the advisory board shall comply with Florida's Government-in-the-Sunshine laws.
- Meetings of committee should be limited to a maximum of 2 hours.
- The "Board Clerk" will ensure that attendance is taken and summary minutes provided for committee approval at the next scheduled meeting.

ADDITIONAL INFORMATION

COUNCIL ITEM #6
DATE 12/19/16

Nadia Westerik

From: Kimberly Sala
Sent: Friday, December 16, 2016 5:06 PM
To: Russ Blackburn; Greg Oravec; John Carvelli; Shannon Martin; Stephanie Morgan; Jolien Caraballo; Karen Phillips
Cc: MaryAnn Verillo; Jasmin Padova; Brandon Dolan; Christina Flores; Keri Norbraten; O. Reginald Osenton; Nadia Westerik; Sally Walsh
Subject: City Council Workshop - Item 6 - Reviving the Budget Advisory Committee Discussion
Attachments: Memo - Applicability of Sunshine Law to the Budget Advisory Committee -pdf

Good Evening:

Attached hereto, please find a copy of the Memorandum from Keri S. Norbraten, Assistant City Attorney, with respect to the applicability of the Sunshine Law to the Budget Advisory Committee.

This Memorandum is being provided at the request of Councilwoman Morgan and is in relation to the discussion scheduled for the December 19, 2016 City Council Workshop.

Hard copies of the Memorandum and backup material are being provided to the Council Office, City Manager and City Clerk.

Very truly yours,

Kimberly A. Sala
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City Attorney's Office
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Port St. Lucie, FL 34984
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CITY OF PORT ST. LUCIE

Office of the City Attorney

MEMORANDUM

TO: Mayor Gregory J. Oravec
City Council
Russ Blackburn, City Manager

THRU: O. Reginald Osenton, City Attorney *ORO* *KS*

FROM: Keri S. Norbraten, Assistant City Attorney *KS*

DATE: December 12, 2016

RE: Applicability of Sunshine Law to the Budget Advisory Committee

*Signed in attorney's
absence to avoid delay*

Councilwoman Morgan has asked for a legal opinion regarding the applicability of Florida's Sunshine Law to the proposed Budget Advisory Committee that will be addressed at the City Council Workshop on December 19, 2016. In short, the Government in the Sunshine Law may apply to the proposed committee if the committee will be given "decision-making authority," as opposed to mere "information-gathering or fact-finding authority." *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755 (Fla. 2010).

Florida's Government in the Sunshine Law, s. 286.011 F.S., states: "All meetings of any board or commission...of any agency or authority of any county, municipal corporation, or political subdivision... at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting." The statute applies to public collegial bodies at the local and state level. *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971). The Sunshine Law applies to any gathering between two or more members of a board or commission to discuss some matter on which foreseeable action may be taken by the board or commission. *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969). Additionally, the Sunshine Law is applicable to elected and appointed boards or committees. AGO 73-223.

The proposed Budget Advisory Committee potentially created by City Council may be subject to the Sunshine Law, even if their recommendations would not be binding on City Council. As noted above, the dispositive question is whether the committee would be delegated “decision-making” authority. “When the committee has been delegated decision-making authority, the committee’s meetings must be open to public scrutiny, regardless of the review procedures eventually used by the traditional governmental body.” See *Sarasota Citizens for Responsible Government* at 762. For example, a citizen planning committee appointed by City Council to assist in revising the zoning code was found to be subject to the Sunshine Law in *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). The Court found the committee served as the “alter ego” of the Town of Palm Beach’s Council in making tentative decisions. Further, in Attorney General Opinion 1998-13, a citizen advisory committee appointed by city council to make recommendations to the council regarding city government and city services was subject to the Sunshine Law.

A limited exception to the applicability of the Sunshine Law has been recognized for advisory committees established for fact-finding only. *Sarasota Citizens for Responsible Government* at 762. “In determining whether a committee is subject to the Sunshine Law, the actual function of the committee must be scrutinized to determine whether it is exercising part of the decision making function by sorting through options and making recommendations to the governmental body.” Informal Opinion to Randolph, June 10, 2010.

For instance, if the City were to model the new Budget Advisory Committee after St. Lucie County’s existing Citizen Budget Development Committee, the Sunshine Law would apply. As an example, if the Committee is given the responsibility to make recommendations for increased efficiency and assist in implementation of those recommendations then the Sunshine Law would apply. These recommendations, by their nature, would require “sorting through options” and thus require the delegation of a decision-making process that implicates the Sunshine Law.

Please do not hesitate to contact me should you have any further questions.

 KeyCite Yellow Flag - Negative Treatment
Declined to Extend by Citizens For Public Accountability & Responsible Development v. Northville Charter Tp. Bd. of Trustees, Mich.App., May 26, 2011

48 So.3d 755
Supreme Court of Florida.

SARASOTA CITIZENS FOR RESPONSIBLE
GOVERNMENT, etc., et al., Appellants,
v.
CITY OF SARASOTA, Florida, etc., et al.,
Appellees.

No. SC10-1647.
|
Oct. 28, 2010.

Synopsis

Background: Citizens group filed complaint against city and county, alleging Sunshine Law violations in negotiations to bring major league baseball team to the city and county for spring training. City and county filed separate complaints to validate bonds proposed to be issued in furtherance of agreement with team. Citizen's complaint and bond validation proceedings were consolidated. Following bench trial, the Circuit Court, Sarasota County, Robert B. Bennett, Jr., J., validated proposed bonds and denied citizens group's complaint. Citizens group appealed.

Holdings: The Supreme Court held that:

[1] individuals consulted by deputy county administrator (DCA) while negotiating memorandum of understanding (MOU) with baseball team served an informational role and therefore did not constitute an "advisory committee" subject to requirements of Sunshine Law;

[2] Sunshine Law was not violated by DCA's private, one-on-one informational briefings of individual members of county board of commissioners (BOC) prior to public meeting at which BOC approved MOU; and

[3] any violations of Sunshine Law arising from e-mail exchanges between members of BOC regarding topic of bring major league baseball team to city and county for spring training was cured by multiple public meetings that were held subsequent to the last such e-mail exchange and prior to approval of MOU.

Affirmed.

West Headnotes (14)

[1] **Municipal Corporations**
☞Determination of validity

A trial court must make three determinations during a bond validation proceeding: (1) whether the public body has the authority to issue the subject bonds; (2) whether the purpose of the obligation is legal; and (3) whether the authorization of the obligation complies with the requirements of law.

Cases that cite this headnote

[2] **Appeal and Error**
☞Equitable proceedings
Appeal and Error
☞Competent or credible evidence
Appeal and Error
☞Substantial evidence

On appeal, the Supreme Court reviews the trial court's findings of fact for substantial competent evidence and its conclusions of law de novo.

1 Cases that cite this headnote

[3] **Administrative Law and Procedure**
☞Meetings in general

Because the Sunshine Law was enacted in the public interest to protect the public from "closed door" politics, the law must be broadly construed to effect its remedial and protective purpose. West's F.S.A. § 286.011.

Cases that cite this headnote

^[4] **Administrative Law and Procedure**

☞Meetings in general

The Sunshine Law should be construed so as to frustrate all evasive devices, and this can be accomplished only by embracing the collective inquiry and discussion stages within the terms of the statute, as long as such inquiry and discussion is conducted by any committee or other authority appointed and established by a governmental agency, and relates to any matter on which foreseeable action will be taken. West's F.S.A. § 286.011.

1 Cases that cite this headnote

^[5] **Administrative Law and Procedure**

☞Meetings in general

A mere showing that the Sunshine Law has been violated constitutes an irreparable public injury, and, therefore, where officials have violated the law, the official action is void ab initio. West's F.S.A. § 286.011.

1 Cases that cite this headnote

^[6] **Administrative Law and Procedure**

☞Meetings in general

Under the Sunshine Law, where a committee subordinate to or selected by traditional governmental authority has been delegated decision-making authority, the committee's meetings must be open to public scrutiny, regardless of the review procedures eventually used by the traditional governmental body. West's F.S.A. § 286.011.

1 Cases that cite this headnote

^[7] **Administrative Law and Procedure**

☞Meetings in general

A committee that is subordinate to or selected by a traditional governmental authority is not subject to the open meetings requirement of the Sunshine Law if the committee has only been delegated information-gathering or fact-finding authority and only conducts such activities. West's F.S.A. § 286.011.

Cases that cite this headnote

^[8] **Administrative Law and Procedure**

☞Meetings in general

Whether a delegation by a traditional governmental authority to a committee is one of decision-making authority or fact-finding authority is evaluated, in context of determining whether committee is subject to open meeting requirements of Sunshine Law, according to the nature of the act performed, not on the make-up of the committee or the proximity of the act to the final decision. West's F.S.A. § 286.011.

Cases that cite this headnote

^[9] **Counties**

☞Meetings

Individuals consulted by deputy county administrator (DCA) while negotiating a memorandum of understanding (MOU) to bring major league baseball team to city and county for spring training served an informational role and therefore did not constitute an "advisory committee" subject to requirements of Sunshine Law; DCA consulted with county's chief financial planning officer for information on potential funding and finance mechanisms, baseball experts were consulted for advice on what should be in an MOU, and individual members of so-called negotiating team testified that they were not delegated any authority to negotiate with baseball team and that everything

was under DCA's direction. West's F.S.A. § 286.011.

Cases that cite this headnote

^[10] **Counties**
☞Meetings

Deputy county administrator (DCA) and individuals he consulted in negotiating a memorandum of understanding to bring major league baseball team to city and county for spring training were not converted into a board or commission subject to the open meeting requirements of the Sunshine Law based on DCA's actions as an economic development agency in his negotiations with team, or by team's invocation of exemption from Public Records Act with respect to its proprietary information held by an economic development agency. West's F.S.A. §§ 119.07(1), 286.011, 288.075(2)(a).

Cases that cite this headnote

^[11] **Administrative Law and Procedure**
☞Meetings in general

If an individual is not already a member of a board or commission governed by the Sunshine Law, nothing about working on economic development projects or receiving proprietary information converts him or her into one. West's F.S.A. § 286.011.

Cases that cite this headnote

^[12] **Counties**
☞Meetings

Sunshine Law was not violated by private, one-on-one informational briefings by deputy county administrator (DCA) of individual members of county board of commissioners

(BOC) in the two or three days before public meeting at which BOC approved memorandum of understanding (MOU) to bring major league baseball team to city and county for spring training; meetings related to contents of MOU, DCA would ask if individual members had any questions about MOU, and there was no evidence that DCA or any other county staff communicated what any commissioner said to any other commissioner. West's F.S.A. § 286.011.

Cases that cite this headnote

^[13] **Administrative Law and Procedure**
☞Meetings in general

Public officials may call upon staff members for factual information and advice without being subject to the Sunshine Law's open meetings requirements. West's F.S.A. § 286.011.

Cases that cite this headnote

^[14] **Counties**
☞Meetings

Any violations of Sunshine Law arising from e-mail exchanges between members of county board of commissioners (BOC) regarding topic of bring major league baseball team to city and county for spring training was cured by multiple public meetings that were held subsequent to the last such e-mail exchange, at which multiple proposals were discussed and rejected before a memorandum of understanding (MOU) with team was finally approved, such that BOC took independent, final action in the sunshine. West's F.S.A. § 286.011.

1 Cases that cite this headnote

*757 Andrea Flynn Mogensen of the Law Office of Andrea Flynn Mogensen, Sarasota, FL; Gregg D. Thomas and Paul R. McAdoo of Thomas and Locicero, PL, Tampa, FL, for Appellants.

Susan H. Churuti and Michael S. Davis of Bryant Miller Olive, P.A., Tampa, FL and Robert M. Fournier, City Attorney and Michael A. Connolly, Deputy City Attorney of Fournier and Connolly, P.A., Sarasota, FL, on behalf of The City of Sarasota; Stephen E. DeMarsh, County Attorney, Frederick J. Elbrecht, and Alan W. Roddy, Deputy County Attorneys, Sarasota, FL, and Ed Vogel, III and Michael Lawrence Wiener of Holland and Knight, Lakeland, FL, on behalf of Sarasota County, Board of County Commissioners of Sarasota County, Florida, Shannon Staub, Nora Patterson and Joe Barbetta, for Appellees.

Victor Lee Chapman of Barrett, Chapman and Ruta, P.A., Orlando, FL, on behalf of First Amendment Foundation, Inc., as Amicus Curiae.

Opinion

PER CURIAM.

Sarasota Citizens for Responsible Government, et al., (collectively referred to as "Citizens") appeal a trial court's judgment validating bonds proposed for issuance by the City of Sarasota and the County of Sarasota in furtherance of an agreement bringing the Baltimore Orioles to Sarasota *758 for spring training.¹ On appeal in this Court, Citizens only allege Sunshine Law violations by the County. They do not challenge any other aspect of the bond validation proceedings, and they do not appeal the trial court's determination that the City did not violate the Sunshine Law. For the reasons explained below, we affirm the trial court.

I. BACKGROUND

As the trial court summarized,

[t]he Sarasota County Board of County Commissioners [Board] entered into a Memorandum of Understanding (MOU) with the Baltimore Orioles (Orioles) in July, 2009. The MOU obligated the Orioles, among other things, to relocate to Sarasota for spring training. Sarasota County is obligated to fund construction of facilities/facility improvements at the Ed Smith complex, the location within the City of Sarasota where the Orioles are obligated to conduct spring training

activities, and other facilities located elsewhere in the County.

Negotiation of the MOU with the Orioles followed unsuccessful attempts to retain the Cincinnati Reds in Sarasota and to secure relocation of the Boston Red Sox to Sarasota. In November, 2008, the [Board] instructed the County Administrator, James Ley, to initiate negotiations with the Orioles. Mr. Ley delegated this task to Deputy County Administrator David Bullock (Bullock). Negotiations between the County and Orioles began immediately and continued until the terms of the MOU were finalized in July, 2009. The MOU was approved by the [Board] at a public meeting on July 22, 2009. At that public hearing, the [Board] adopted an amended or modified Tourist Development Tax Ordinance, in part to provide part of the County's funding obligation under the MOU; approved an Interlocal Agreement with the City which included an obligation of the City to convey the Ed Smith complex to the County, to transfer funds to the County to offset part of the cost of construction and to undertake responsibility for environmental remediation, if required, at the complex; and adopted a resolution authorizing issuance of bonds for the purpose of financing costs associated with the improvements required by the MOU. Simultaneously, the City also authorized issuance of bonds to fulfill its obligations pursuant to the [I]nterlocal [A]greement.

More specifically, the MOU between the County and the Orioles states that the County shall provide "23.7 million to the Project" and that it is estimated the City's contribution will be approximately \$7.5 million, for a total not to exceed "\$31.2 million from all governmental sources." The MOU details that the proceeds of the County's bond issuance is "expected to be approximately \$18.7 Million," that the proceeds of "[c]ash collections of one-half (1/2) of one percent (1%) of the County's Tourist Development Tax" is "estimated to be approximately \$2 million," and that the County's "cash contributions from legally available non-ad valorem revenues" will not exceed \$3 million. The County is also required to maintain and contribute annually to a capital repair and improvements fund with the Orioles also contributing to this fund. The MOU further explains that the City's bond issue serviced by funds from the State of Florida Office of Tourism, Trade and Economic Development *759 (OTTED) or a cash equivalent of non-ad valorem revenues will be "in an amount no less than \$7.5 million."

The MOU calls for the renovation of the Ed Smith Stadium complex, including a renovated clubhouse, batting cages, pitching mounds, practice fields, parking facilities, utilities, etc. Additionally, the MOU calls for

renovations at the Orioles' minor league spring training facilities located at County-owned Twin Lake Park, including practice fields, a renovated clubhouse, administrative offices, batting cages, utilities, weight rooms, pitching mounds, etc. The MOU provides that the Orioles' lease of these facilities commences on November 1, 2009 and continues through October 31, 2039. The Orioles may not relocate its major league and minor league spring training operations from Sarasota during this lease term, and the Orioles' rent for this lease term is \$1.00. However, the Orioles are generally responsible for the operating, maintenance, and repairs expenses. The Orioles are to manage the ticketing and parking operations and are to receive the revenue from concessions. But the County maintains some ability to use both the major league and minor league sites for civic-oriented events and for natural disaster purposes. In the MOU, the County and the Orioles also "acknowledge that it is mutually beneficial to facilitate the establishment of a youth baseball academy" at the minor league site.

The Interlocal Agreement between the City and the County requires the City to transfer ownership of the Ed Smith Stadium complex to the County. It also requires the City to pay the environmental remediation costs associated with this facility. The City is further required to "use its best efforts to issue its bonds to be repaid by the OTTED funds ... in an amount estimated to be not less than \$7.5 million."

The terms of the MOU and Interlocal Agreement were the result of extensive negotiations. In furtherance of the Board's directive to begin negotiations with the Orioles, Bullock retained two consultants for their baseball expertise and also consulted with County staff, including the County's chief financial officer, the County's attorney, the County's parks and recreation director, and a County planning coordinator. Bullock's communications and discussions with these individuals were not advertised or otherwise treated as public meetings.

The negotiations with the Orioles took place intermittently over a series of months through meetings, phone calls, and e-mailed documents involving different individuals, all coordinated by Bullock. Representatives of the Sarasota Chamber of Commerce became involved to advocate for an agreement with the Orioles, and the Chamber funded a study of the economic impact of spring training in Sarasota. The Orioles invoked the confidentiality provision of section 288.075, Florida Statutes (2009), to keep confidential its proprietary economic development information relating to the proposed transaction. These negotiations led to the July 22, 2009 presentation to the Board of the Interlocal

Agreement and the MOU and several mechanisms to finance renovations to the stadium and other facilities.

The negotiations with the Orioles took place alongside a series of discussions by the Board at its public meetings. For example, on November 4, 2008, the Board approved a motion directing staff to open negotiations using one-half percent of tourist development tax revenue and potential City contributions. On November 18, 2008, Bullock provided a status report of the meetings and discussed the location of *760 a proposed new facility and the components of the new facility. County staff also presented information regarding capital costs, potential funding sources, and the economic impact of the proposed new facility. On November 18, the Board also discussed specific components of the potential deal, including operations and maintenance payments and a proposed Cal Ripken youth baseball academy. Then, on December 9, 2008, the Board discussed a proposal by one of the commissioners that involved \$31.6 million financed with one-half percent of tourist development tax money to renovate the existing Ed Smith Stadium. On December 17, 2008, Bullock requested guidance from the Board on acceptable parameters for a proposal to retain Major League Baseball. Both County staff and Orioles representatives made presentations. Also on December 17, the Board discussed and rejected an Orioles' proposal for a \$58 million spring training facility to be funded by an additional one-quarter percent of tourist development tax money, but then approved a counteroffer involving a lower dollar figure. At public meetings on January 27, 2009 and February 11, 2009, the Board again discussed the Orioles negotiations. On March 17, 2009, the Board directed the County Administrator to send correspondence signed by the Board Chair to the Orioles requesting a written counteroffer.

At various points after the start of negotiations with the Orioles in November 2008, e-mails from constituents or others to members of the Board regarding the Orioles were copied to other Board members and sometimes included the reactions from other Board members. In at least one e-mail correspondence, a comment was directly addressed from one Board member to another. The last e-mail among Board members produced at trial was sent on April 12, 2009.

Thereafter, at its properly noticed public meeting on April 14, 2009, the Board discussed the Baltimore Orioles negotiations, including construction costs and potential funding, and one of the commissioners presented a detailed, draft counter-proposal term sheet outlining funding, terms of the lease, advertising, the youth facility, and an agreement with the City, among other issues. The

Board rejected that commissioner's proposal as well as another commissioner's alternative proposal. At an April 21, 2009 meeting, the Board discussed the Orioles' proposal and directed the County Administrator to send correspondence to the City asking for formal confirmation of the City's willingness to issue bonds. At a May 13, 2009 meeting, the Board discussed the City's resolution, and Bullock advised the Board on discussions with the Orioles. The Board discussed stadium costs and financing and then directed the County Administrator to proceed with negotiations providing funding in the amount of \$28.2 million contingent upon specific terms relating to operations and maintenance, advertising, construction management, stadium uses, property taxes, terms of occupancy, and the Cal Ripken youth facility. Then, on May 26, 2009, the Board discussed the Orioles' response as well as funding sources for the renovation of the stadium. One commissioner noted that she "could handle" another \$3 million in addition to the prior \$28.2 million offer. And members of the public, including a representative of Citizens, spoke regarding the proposed facilities.

Ultimately, these negotiations and meetings resulted in Board action on July 22, 2009. On that date, the Board held a public hearing that lasted over four hours. The Board heard from approximately forty citizens, including several representatives of Citizens. Bullock and staff gave a presentation on the provisions of the proposed *761 documents and answered questions posed by the Board.

Then, on February 19, 2010, after Citizens filed a suit alleging Sunshine Law violations against the City and the County, the Board held another public hearing for the reconsideration and ratification of the Interlocal Agreement, the MOU, and related actions. The Board also adopted a new resolution authorizing the sale of bonds to finance the County's portion of the facility renovations.

Additionally, the County and the City filed separate complaints seeking validation of the bonds proposed for issuance in furtherance of the agreement with the Orioles. The County's validation complaint related to County Resolution No. 2010-029, which was adopted on February 19, 2010 and which authorized three types of bonds: (1) Capital Improvement Revenue Bonds, Series 2010A (Federally Taxable-Build America Bonds-Direct Subsidy); (2) Capital Improvement Revenue Bonds, Series 2010B (Federally Taxable-Build America Bonds-Recovery Zone Economic Development Bonds-Direct Subsidy); and (3) Capital Improvement Revenue Bonds, Series 2010C. And the City's validation complaint related to City Resolutions No. 10R-2135 and 10R-2139, which were adopted on November 2, 2009 and

December 7, 2009 and which authorize Sales Tax Payments Revenue Bonds, Series 2010 (Federally Taxable-Build America Bonds-Recovery Zone Economic Development Bonds-Direct Subsidy). Citizens alleged Sunshine Law violations as objections to both of these bond validation actions.

The trial court consolidated the bond validation proceedings and Citizens' Sunshine Law complaint. After a four-day bench trial, the trial court validated the County's and the City's proposed bonds and denied Citizens' complaint. On appeal in this Court, Citizens allege that the trial court erred in ruling that (a) Bullock's consultations were not required to be in the sunshine, (b) the one-on-one staff briefings of County Board members prior to the July 22, 2009 public meeting were not a violation of the Sunshine Law, and (c) any e-mail violations were cured by the Board's public meetings.

II. THE NEGOTIATIONS TEAM

Citizens contend that the trial court erred when ruling that Bullock and the individuals he consulted in negotiating with the Orioles (the so-called negotiations team) were not a board or commission subject to the Sunshine Law. However, we agree with the City and County and affirm the trial court.

¹¹¹ ¹²¹ At the outset, we note the following:

[A] trial court must make three determinations during a bond validation proceeding: (1) whether the public body has the authority to issue the subject bonds; (2) whether the purpose of the obligation is legal; and (3) whether the authorization of the obligation complies with the requirements of law. *City of Gainesville v. State*, 863 So.2d 138, 143 (Fla.2003). On appeal, this Court reviews the "trial court's findings of fact for substantial competent evidence and its conclusions of law de novo." *Id.* (citing *City of Boca Raton v. State*, 595 So.2d 25, 31 (Fla.1992); *Panama City Beach Cmty. Redev. Agency v. State*, 831 So.2d 662, 665 (Fla.2002)).

Bay County v. Town of Cedar Grove, 992 So.2d 164, 167 (Fla.2008). This appeal regarding alleged Sunshine Law violations only concerns the third item above, whether the authorization complies with the requirements of law.

*762 Article I, section 24(b) of the Florida Constitution provides:

All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

And section 286.011, Florida Statutes (2009), commonly known as the Government in the Sunshine Law, provides in part:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

^[3] ^[4] ^[5] Because section 286.011 “was enacted in the public interest to protect the public from ‘closed door’ politics ... the law must be broadly construed to effect its remedial and protective purpose.” *Wood v. Marston*, 442 So.2d 934, 938 (Fla.1983). As this Court has explained,

[t]he statute should be construed so as to frustrate all evasive devices. This can be accomplished only by embracing the collective inquiry and discussion stages within the terms of the statute, as long as such inquiry and discussion is conducted by any committee or other authority appointed and established

by a governmental agency, and relates to any matter on which foreseeable action will be taken.

Town of Palm Beach v. Gradison, 296 So.2d 473, 477 (Fla.1974). “Mere showing that the government in the sunshine law has been violated constitutes an irreparable public injury....” *Id.* Therefore, where officials have violated section 286.011, the official action is void ab initio. *Id.*

^[6] ^[7] ^[8] All governmental authorities in Florida are subject to the requirements of the Sunshine Law unless specifically exempted. See art. I, § 24(c), Fla. Const. The requirements may also apply to committees subordinate to or selected by traditional governmental authorities. This Court in *Wood* explained that the dispositive question is whether “decision-making authority” has been delegated to the committee. 442 So.2d at 939. Where the committee has been delegated decision-making authority, the committee’s meetings must be open to public scrutiny, regardless of the review procedures eventually used by the traditional governmental body. See *id.* at 939–40 (“Where a body merely reviews decisions delegated to another entity, the potential for rubber-stamping always exists. To allow a review procedure to insulate the decision itself from public scrutiny invites circumvention of the Sunshine Law.”). In contrast, a committee is not subject to the Sunshine Law if the committee has only been delegated information-gathering or fact-finding authority and only conducts such activities. See *id.* at 940–41; see also *Lyon v. Lake County*, 765 So.2d 785, 789 (Fla. 5th DCA 2000) (“When a committee has been established for and conducts only information gathering and reporting, the activities of that committee are not subject to *763 section 286.011, Florida Statutes.”). Whether, in fact, the delegation is a delegation of decision-making authority or fact-finding authority is evaluated according to the “nature of the act performed, not on the make-up of the committee or the proximity of the act to the final decision.” *Wood*, 442 So.2d at 939 (emphasis omitted).

^[9] In this case, the trial court’s order included factual findings regarding the roles of the individuals Bullock consulted when negotiating with the Orioles. Specifically, the trial court found that “the people and entities Bullock met with ... operated in the roles of advisor, consultant and facilitator to assist him in the performance of his duty to negotiate with the Orioles.” The trial court found that these individuals “did not deliberate with, or without, him.” “Bullock retained and exercised the ultimate authority to negotiate the terms of the MOU that would be submitted to the [Board] for consideration.”

These factual findings are supported by competent substantial evidence in the record. *See Lyon*, 765 So.2d at 790 (reviewing trial court's factual finding that a meeting was informational for competent substantial evidence in the record). For example, Bullock testified that there was never a committee formed to negotiate any aspects of the MOU. Bullock also testified that he only consulted with the County's chief financial planning officer for information regarding potential funding and financing mechanisms and that the County's parks and recreation director "would provide information because this is essentially a recreational facility." Additionally, the County's project coordinator testified that she provided staff support by making copies, typing letters, and scheduling meeting rooms. There was also testimony from the County Administrator that the baseball experts' responsibilities were "to advise staff as to the makeup of what should be [in] an MOU, the issues to be aware of[, and] to provide some comparative analysis of other such deals around the country." And individual members of the so-called negotiating team testified that they were not delegated any authority to negotiate with the Orioles and that everything was under the direction of Bullock. Therefore, there is competent substantial evidence in the record to support the trial court's findings that the individuals consulted by Bullock performed an informational and fact-finding role in assisting Bullock.

Because the individuals consulted by Bullock served an informational role, the so-called negotiations team did not constitute an advisory committee subject to the requirements of the Sunshine Law. As explained above, only advisory committees acting pursuant to a delegation of decision-making authority by the governmental entity are subject to the open meetings requirement of section 286.011. Advisory committees functioning as fact-finders or information gatherers are not subject to section 286.011. *See Lyon*, 765 So.2d at 789; *Cape Publ'ns, Inc. v. City of Palm Bay*, 473 So.2d 222 (Fla. 5th DCA 1985); *Bennett v. Warden*, 333 So.2d 97 (Fla. 2d DCA 1976). This is not a situation where Bullock and the individuals he consulted made joint decisions. *Cf. Dascott v. Palm Beach County*, 877 So.2d 8 (Fla. 4th DCA 2004). Instead, these individuals were simply providing advice and information, which does not make the negotiations team a board or commission subject to the Sunshine Law. *See, e.g., McDougall v. Culver*, 3 So.3d 391, 393 (Fla. 2d DCA 2009) ("[T]he senior officials provided only a recommendation to the Sheriff but they did not deliberate with him nor did they have decision-making authority. Therefore, we conclude that the use of the memoranda did not violate the Sunshine Law."); *764 *Jordan v. Jenne*, 938 So.2d 526, 530 (Fla. 4th DCA 2006) ("Because the

[group] provided only a mere recommendation to the inspector general and did not deliberate with the inspector general, the ultimate authority on termination, we conclude that the [group] does not exercise decision-making authority so as to constitute a 'board' or 'commission' within the meaning of section 286.011, and as a result, its meetings are not subject to the Sunshine Act.").

¹¹⁰ ¹¹¹ Citizens argue that the statutes regarding economic development agencies should alter this analysis. Citizens specifically point to section 288.075(2)(a), Florida Statutes (2009), which provides:

Upon written request from a private corporation, partnership, or person, information held by an economic development agency concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed, whichever occurs first.

The County acknowledges that Bullock was acting as an economic development agency and that the Orioles' proprietary information was not released pursuant to section 119.07(1), Florida Statutes (2009), of the Public Records Act after the Orioles invoked the exemption outlined in section 288.075(2)(a). However, this does not mean Bullock and the individuals he consulted were a board or commission within the meaning of section 286.011 of the Sunshine Law. If an individual is not already a member of a board or commission governed by the Sunshine Law, nothing about working on economic development projects or receiving proprietary information converts him or her into one.

Accordingly, this Court affirms the trial court's ruling regarding Bullock and the individuals he consulted while negotiating with the Orioles.

III. ONE-ON-ONE BRIEFINGS

^{112]} Citizens next argue that the trial court erred in determining that the private staff briefings of individual board members in preparation for the July 22, 2009 public hearing did not violate the Sunshine Law. We agree with the contrary arguments of the City and County and affirm the trial court.

^{113]} This Court has explained that meetings within the meaning of the Sunshine Law include any gathering, formal or informal, of two or more members of the same board or commission “where the members deal with some matter on which foreseeable action will be taken by the Board.” *Tolar v. School Bd. of Liberty County*, 398 So.2d 427, 428 (Fla.1981); see also *Bd. of Pub. Instruction v. Doran*, 224 So.2d 693, 698 (Fla.1969). However, public officials may call upon staff members for factual information and advice without being subject to the Sunshine Law’s requirements. See *Occidental Chem. Co. v. Mayo*, 351 So.2d 336, 342 (Fla.1977); *Wood*, 442 So.2d at 940 (“The Second District found no violation, holding, *inter alia*, that the meetings were not decision-making in nature, but were ‘for the purpose of “fact-finding” to assist him in the execution of [his] duties,’ [Bennett,] 333 So.2d at 99, and we approve the holding that such fact-finding staff consultations are not subject to the Sunshine Law.”).

Here, Bullock, individually and assisted by other County staff, held one-on-one meetings in the two- or three-day period immediately preceding the Board’s public #765 meeting on July 22, 2009. These meetings were informational briefings regarding the contents of the MOU, where Bullock would also ask if the individual members had any questions about the MOU. There is no evidence that Bullock or other County staff communicated what any commissioner said to any other commissioner.

These informational briefings for individual members of the Board were not violations of the Sunshine Law. As this Court has explained,

members of a collegial administrative body are not obliged to avoid their staff during the evaluation and consideration stages of their deliberations. Were this so, the value of staff expertise would be lost and the intelligent use of employees would be crippled.

Occidental, 351 So.2d at 342 n. 10. Therefore, we affirm the trial court’s ruling regarding these one-on-one meetings.

IV. E-MAILS

^{114]} Lastly, Citizens contend that the trial court erred by ruling that any violations committed in e-mail discussions between board members were cured by the Board’s public meetings that were held up to and including July 22, 2009. Agreeing with the contrary arguments of the City and County, we affirm the trial court.

In *Tolar*, 398 So.2d at 429, this Court held that Sunshine Law violations can be cured by “independent, final action in the sunshine,” which this Court distinguished from mere ceremonial acceptance or perfunctory ratification of secret actions and decisions. See also *Zorc v. City of Vero Beach*, 722 So.2d 891, 903 (Fla. 4th DCA 1998) (“[O]nly a full, open hearing will cure a defect arising from a Sunshine Law violation. Such violation will not be cured by a perfunctory ratification of the action taken outside of the sunshine.”); *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So.2d 857, 861 (Fla. 3d DCA 1994) (“Governmental actions will not be voided whenever governmental bodies have met in secret where sufficiently corrective final action has been taken.”).

In *Tolar*, a school superintendent-elect met privately with school board members and discussed, among other things, the removal of Tolar as director of administration and abolition of his position. 398 So.2d at 427. At a subsequent public meeting in which Tolar was present and “given full opportunity to express his views,” the school board members voted to transfer Tolar to another position and abolish his position. *Id.* Tolar sued for injunctive relief, alleging a violation of section 286.011. *Id.* As this Court noted, “By the express terms of section 286.011, any resolution, rule, regulation, or formal action taken at these secret meetings would not be binding.” *Id.* at 428. Yet this Court declined to invalidate the action taken by the school board. *Id.* Instead, this Court distinguished *Tolar* from its previous holding in *Gradison*, 296 So.2d 473, where this Court held void formal action that “was merely the crystallization of secret decisions.” *Tolar*, 398 So.2d at 428.

As explained in *Tolar*, the *Gradison* holding invalidating what was merely a summary approval of secret decisions

does not mean, however, that public final action of the Board will always be void and incurable merely because the topic of the final public action was previously discussed at a private meeting....

....

... [H]ere[,] the Board took independent, final action in the sunshine in voting to abolish the position. The Board's action was not merely a ceremonial acceptance of secret actions and was not merely a perfunctory ratification of secret *766 decisions at a later meeting open to the public.

398 So.2d at 428–429.

In this case, e-mails from constituents to members of the Board were copied to other members and sometimes led to comments between Board members regarding the topic of bringing the Orioles to Sarasota for spring training. The last such e-mail exchange, which possibly violated the Sunshine Law, occurred on April 12, 2009. However, the Board conducted multiple public meetings subsequent to that April 12 exchange where the topic of Orioles spring training was discussed and considered. For example, on April 14, 2009, the Board publicly rejected a commissioner's detailed proposal for an agreement with the Orioles as well as another commissioner's alternative proposal. Then, on May 13, 2009, the Board publicly discussed stadium costs and financing and directed the County Administrator to proceed with negotiations providing funding in the amount of \$28.2 million contingent upon specific terms relating to operations and maintenance, advertising, construction management, stadium uses, property taxes, terms of occupancy, and the Cal Ripken youth facility. Then, on May 26, 2009, the Board considered the Orioles' response as well as funding sources for the renovation of the stadium. One commissioner noted that she "could handle" another \$3 million in addition to the prior \$28.2 million offer. Ultimately, on July 22, 2009, the Board held a properly noticed public hearing and approved the MOU and the Interlocal Agreement after a multi-hour discussion. In fact, representatives of Citizens spoke at that July 22 hearing as well as the prior meeting on May 26.

Based upon the fact that, subsequent to the last possibly

Footnotes

1 We have jurisdiction. See art. V, § 3(b)(2), Fla. Const.; see also *Rowe v. Pinellas Sports Auth.*, 461 So.2d 72, 74 (Fla.1984).

violative e-mail, multiple proposals were discussed and rejected before one was finally approved, it is clear the Board took independent, final action in the sunshine regarding Orioles spring training in Sarasota. This simply is not the case of a "ceremonial acceptance of secret actions [or] merely a perfunctory ratification of secret decisions at a later meeting open to the public." *Tolar*, 398 So.2d at 429. Therefore, any possible e-mail violations were cured.

CONCLUSION

We affirm the trial court's judgment validating bonds proposed for issuance by the City of Sarasota and the County of Sarasota in furtherance of the agreement bringing the Baltimore Orioles to Sarasota for spring training. Because Bullock's so-called negotiations team only served an informational role, it was not subject to the requirements of the Sunshine Law. The County also did not violate the Sunshine Law when Bullock, assisted by other County staff, briefed individual Board members prior to the July 22, 2009 public meeting. Finally, any possible violations that occurred when Board members circulated e-mails among each other were cured by subsequent public meetings regarding the negotiations and agreement with Orioles.

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

All Citations

48 So.3d 755, 35 Fla. L. Weekly S627

Sarasota Citizens For Responsible Government v. City of Sarasota, 48 So.3d 755 (2010)

35 Fla. L. Weekly S627

Select Year:

The 2016 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the

court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

245 So.2d 38
Supreme Court of Florida.

CITY OF MIAMI BEACH, a Florida municipal corporation and political subdivision of the State of Florida, D. Lee Powell, Norman Ciment, Malvin Englander, Paul Seiderman and Leonard O. Weinstein, as City Councilmen, Petitioners,
v.
Hendrik J. BERNS, Robert W. Swift and Gerry Levin, Respondents.

No. 39503.
|
Jan. 27, 1971.

Petition was filed to enjoin city, mayor and members of city council from holding meetings of council other than in public and to restrain city from prosecuting petitioner for offense of disorderly conduct with which he had been charged upon his refusal to leave closed session of city council. The Circuit Court for Dade County, James Lawrence King, J., granted petitioner relief and the city and council members appealed. The District Court of Appeal, 231 So.2d 847, affirmed certifying that questions of great public interest had been passed upon and writ of certiorari was filed. The Supreme Court, Adkins, J., held that when public officials meet at a time and place to avoid being seen or heard by the public to transact or agree to transact public business at a future time in a certain manner they violate the 'government in the sunshine' law regardless of whether the meeting is formal or informal.

Writ discharged.

Drew, J. (retired), dissented.

West Headnotes (2)

[1] **Municipal Corporations**
☞ Rules of Procedure and Conduct of Business

Statute which required meetings of a city or town council to be public and which had been interpreted to be applicable only when municipal council was assembled in a formal session attended by quorum was superceded by

statute providing that all meetings at which official acts are to be taken are public meetings and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting. F.S.A. §§ 165.22, 286.011; F.S.A.Const. art. 5, § 4(2).

19 Cases that cite this headnote

[2] **Municipal Corporations**
☞ Place and Time of Meeting

When municipal officials meet at a time and place to avoid being seen or heard by public to transact or agree to transact public business at a future time in a certain manner, they violate the "government in the sunshine" law regardless of whether the meeting is formal or informal. F.S.A.Const. art. 5, § 4(2); F.S.A. §§ 165.22, 286.011.

30 Cases that cite this headnote

Attorneys and Law Firms

*38 Joseph A. Wanick, Ira M. Elegant and Sam Daniels, Miami, for petitioners.

*39 Daniel Neal Heller, Miami, for respondents.

ON REHEARING GRANTED AND ORIGINAL
OPINION WITHDRAWN

ADKINS, Justice.

Jurisdiction comes to us with a petition for certiorari to review a decision of a District Court of Appeal, which passed upon questions certified by that court to be of great public interest. Fla.Const. art. V s 4(2), F.S.A.; City of Miami Beach v. Berns, 231 So.2d 847 (Fla.App.3rd 1970).

The question presented by the petitioners reads as follows:

'Whether the Third District Court of Appeal erred in holding that the provisions of F.S.A. 286.011, rather than the provisions of F.S.A. 165.22 as interpreted by this court in the Turk case, now apply to all meetings of the city council of a municipal corporation and that a city council can no longer hold informal executive sessions at which the public is excluded for the discussion of condemnation matters, personnel matters, pending litigation or any other matter relating to city government.'

We must first determine whether the provisions of Fla.Stat. s 286.011, F.S.A., supersedes or repeals Fla.Stat. s 165.22, F.S.A.

Fla.Stat. s 165.22, F.S.A., reads in part as follows:

'165.22 Meetings of council to be public; penalty- All meetings of any city or town council or board of aldermen of any city or town in the state, shall be held open to the public of any such city or town, and all records and books of any such city or town shall be at all times open to the inspection of any of the citizens thereof.'

There follows a provision for a penalty of two months in jail or a fine not to exceed one hundred dollars upon conviction of a city official who violates the act. Such a conviction shall also create a vacancy in the office of the offending official. There is no specific provision for enforcement by injunction, nor does a violation of this act invalidate action taken at a closed session.

In Turk v. Richard, 47 So.2d 543 (Fla.1950), this Court held that the 'open meeting' requirement applied only when the municipal council was assembled in a formal session attended by a quorum.

Fla.Stat. s 286.11, F.S.A., reads in part:

'286.011 Public meetings and records; public inspection; penalties

'(1) All meetings of any board or commission of any state agency or authority or Of any agency or authority of any county, Municipal corporation or any political subdivision except as otherwise provided in the constitution, At which official acts are to be taken are declared to be public meetings open to the public at all times, and no Resolution, rule, regulation or Formal action shall be considered binding except as taken or made at such meeting.' (Emphasis supplied)

This is followed by a requirement that minutes be promptly recorded and open to the public. Circuit courts are authorized to issue injunctions to enforce the statute on the application of any citizens. Violation of this statute constitutes a misdemeanor. Conviction carries a fine up to five hundred dollars and a jail sentence up to six months, or both. No action shall be considered as binding unless taken at a public meeting as prescribed by the statute.

In Board of Public Instruction of Broward County v. Doran, 224 So.2d 693 (Fla.1969), we held that Fla.Stat. s 286.011, F.S.A., was applicable to a county board of public instruction and was not limited to formal meetings. In construing this statute, we said:

'Under the decision in Turk v. Richard, Supra, it would have been unnecessary *40 to include a provision declaring certain meetings as 'public meetings' if the intent of the Legislature had been to include only formal assemblages for the transaction of official business. The obvious intent was to cover any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board.' (p. 698)

⁽¹⁾ We do not overlook the arguments that the right to attend meetings of government bodies did not exist at common law; that the earlier statute dealt with the special subject of municipal meetings; that the two acts should be construed in harmony if possible because repeals by implication are not favored. The rules of statutory construction relied upon by petitioners are cogent but not conclusive. We are persuaded to apply the rule that a statute enacted for the public benefit should be construed liberally in favor of the public even though it contains a penal provision. In this posture a reasonable construction should be applied giving full measure to every effort to effectuate the legislative intent. Board of Public Instruction of Broward County v. Doran, Supra; George v. State, 203 So.2d 173 (Fla.App.2nd, 1967). The intent of the act as reflected by its language and legislative setting is absorbed into and becomes a part of the law itself. Pillans & Smith Co. v. Lowe, 117 Fla. 249, 157 So. 649 (1934). It appears to us that in enacting Fla.Stat. s 286.011, F.S.A., the Legislature intended a general

revision of the law applicable to open meetings of public agencies. In such a situation a later statute operates as a substitute for or repeal of an earlier one. We therefore hold that Fla.Stat. s 286.011, F.S.A., supersedes and repeals Fla.Stat. s 165.22, F.S.A. The former governs the conduct of city councils and other municipal agencies and its provisions are applicable to violations at the municipal corporation level.

[2] The next question to be determined is whether a city council can hold informal executive sessions at which the public is excluded for the discussion of condemnation matters, personnel matters, pending litigation or any other matter relating to city government.

The Government in the Sunshine Law, Fla.Stat. s 286.011, F.S.A., was enacted in 1967. Since that time the Legislature has not seen fit to repeal, modify, or insert any exceptions in the law. Our duty is to interpret this law as it is written and, if possible, do so in a manner to prevent its circumvention.

The Legislature intended to extend application of the 'open meeting' concept so as to bind every 'board or commission' of the state, or of any county or political subdivision over which it has dominion or control. This conclusion was first expressed in *Times Publishing Company v. Williams*, 222 So.2d 470 (Fla.App.2nd 1969), and the Legislature was charged with knowledge of this expression at the time it met during the 1970 session. Nevertheless, the Government in the Sunshine Law was not amended.

We emphasize the following principle expressed in *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693:

'The obvious intent was to cover any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board.' (Emphasis supplied) (p. 698)

The question of whether secret sessions could be held concerning privileged matter was definitely determined in *Board of Public Instruction of Broward County v. Doran*, *Supra*. The opinion contains the following:

'The final judgment, inter alia, enjoins the defendant from the holding of any meeting or conference session,

'* * * at which are held any discussions on current, or foreseeably *41 so, matters not privileged, pertaining to the duties and responsibilities of the Board of Public Instruction of Broward County.'

'Fla.Stat., s 286.011 (F.S.A.) contains no exception. Therefore, this portion of the final judgment is amended so as to read as follows:

*** at which are held any discussions on matters pertaining to the duties and responsibilities of the Board of Public Instruction of Broward County." (p. 700)

Whether Fla.Stat. s 286.011, F.S.A., should authorize secret meetings for privileged matter is the concern of the Florida Legislature and unless the Legislature amends Fla.Stat. s 286.011, F.S.A., it should be construed as containing no exceptions.

A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings officials mentioned in Fla.Stat. s 286.011, F.S.A., transact or agree to transact public business at a future time in a certain manner they violate the government in the sunshine law, regardless of whether the meeting is formal or informal.

The Legislature did not intend to muzzle lawmakers and administrative boards to an unreasonable degree. It would be contrary to reason and violate the right of free speech to construe the law to prohibit any discussion whatever by public officials between meetings. The practice of discussing politics and government is part of our American heritage enjoyed by public officials and private citizens. The evil of closed door operation of government without permitting public scrutiny and participation is what the law seeks to prohibit. If a public official is unable to know whether by any convening of two or more officials he is violating the law, he should leave the meeting forthwith.

It is the law's intent that any meeting, relating to any matter on which foreseeable action will be taken, occur openly and publicly.

In this area of regulating, the statute may push beyond debatable limits in order to block evasive techniques. An informal conference or caucus of any two or more members permits crystallization of secret decisions to a point just short of ceremonial acceptance.

The majority of the Court is of the opinion that this case should be decided solely upon the question presented by the petitioner and that future problems will have to be met as they arise.

The writ of certiorari is discharged.

City of Miami Beach v. Berns, 245 So.2d 38 (1971)

ERVIN, Acting C.J., CARLTON and BOYD, JJ., concur.

245 So.2d 38

DREW, J (Retired), dissents.

All Citations

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KeyCite Yellow Flag - Negative Treatment
Called into Doubt by Keesler v. Community Maritime Park Associates, Inc., Fla.App. 1 Dist., March 10, 2010

224 So.2d 693
Supreme Court of Florida.

BOARD OF PUBLIC INSTRUCTION OF
BROWARD COUNTY, Appellant,

v.

Barbara DORAN, Appellee.

No. 37763.

July 2, 1969.

Rehearing Denied July 29, 1969.

Suit to enjoin county board of public instruction from violating statute requiring that meetings of county board at which official acts are to be taken be open to public. The Circuit Court, Broward County, Lamar Warren, J., granted injunction, and the board appealed. The Supreme Court, Adkins, J., held that statute making all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision, at which official acts were to be taken, public meetings was sufficiently definite and contained sufficiently adequate standards to afford due process to county board of public instruction charged with violation thereof.

Judgment affirmed as amended.

West Headnotes (18)

- (1) **Constitutional Law**
 - ⚡ Statutes in general**Constitutional Law**
 - ⚡ Statutes

Legislative act which is so vague, indefinite and uncertain that courts are unable by accepted rules of construction to determine with any reasonable degree of certainty what legislature intended, or which is so incomplete, conflicting and inconsistent in its provisions that it cannot be executed, will be declared inoperative and

void.

1 Cases that cite this headnote

- (2) **Statutes**
 - ⚡ Presumptions and Construction as to Validity

If law can fairly be so construed as to make it lawfully enforceable, courts should, in deference to law-making power, give it that effect rather than to adjudge it to be illegal or vain.

Cases that cite this headnote

- (3) **Statutes**
 - ⚡ Statute as a Whole; Relation of Parts to Whole and to One Another

Language used in statute should be construed as an entirety and with reference to purpose of law as shown by all enactments on subject.

1 Cases that cite this headnote

- (4) **Municipal Corporations**
 - ⚡ Rules of procedure and conduct of business

Legislative intent in enacting statute making all meetings of certain public boards and commissions, at which official acts are to be taken, public meetings was to cover any gathering of members where members deal with some matter on which foreseeable action will be taken by the board. F.S.A. § 286.011(1).

20 Cases that cite this headnote

- (5) **Constitutional Law**
 - ⚡ Certainty and definiteness in general

In order to satisfy constitutional requirement of due process, statute must be sufficiently explicit in its description of the acts, conduct or conditions required or forbidden to prescribe elements of the offense with reasonable certainty and to make known to those to whom it applies what conduct on their part will render them liable for its penalties.

Cases that cite this headnote

[6] **Constitutional Law**
☛Certainty and definiteness in general

Statutory language that conveys definite warning as to proscribed conduct when measured by common understanding or practices satisfies due process.

2 Cases that cite this headnote

[7] **Constitutional Law**
☛Particular Offenses
Education
☛Meetings

Statute making all meetings of certain public boards and commissions, at which official acts were to be taken, public meetings was sufficiently definite and contained sufficiently adequate standards to afford due process to county board of public instruction charged with violation thereof. F.S.A. § 286.011.

1 Cases that cite this headnote

[8] **Statutes**
☛Acts Relating to One or More Subjects;
Single-Subject Rule

Term "subject of act", within constitutional provision prohibiting passage of act which embraces more than one subject, means matter

which forms groundwork of act, and it may be as broad as legislature chooses as long as matters included in act have natural or logical connection. F.S.A.Const. art. 3, § 16.

12 Cases that cite this headnote

[9] **Statutes**
☛Criminal justice

Fact that statute, in addition to requiring that all meetings of certain public boards and commissions, at which official acts were to be taken, be public meetings also contained provisions for criminal penalties and injunction by application of citizens did not violate constitutional provision prohibiting passage of act of legislature embracing more than one subject. F.S.A. §§ 286.011, 286.011(1, 3); F.S.A.Const.1885, art. 3, § 16.

3 Cases that cite this headnote

[10] **Public Employment**
☛Offenses

Statute making it misdemeanor for person to attend meeting held in violation of provisions requiring meetings of certain public boards and commissions to be open to public requires charge and proof of scienter. F.S.A. § 286.011(3).

Cases that cite this headnote

[11] **Constitutional Law**
☛Criminal Law

Judicial construction of statute making it misdemeanor for person to attend meeting held in violation of provision requiring meetings of certain public boards and commissions to be open to public so as to require charge and proof of scienter did not constitute judicial amendment

of statute. F.S.A. § 286.011(3).

7 Cases that cite this headnote

[12]

Statutes

☞ Statutes to protect the public

Statutes enacted for public benefit should be interpreted most favorably to the public.

5 Cases that cite this headnote

[13]

Statutes

☞ Penal statutes

Fact that statute contains penal provision does not make entire statute penal so that it must be strictly construed. F.S.A. § 440.43.

5 Cases that cite this headnote

[14]

Injunction

☞ Persons entitled to apply; standing

In view of statute providing that singular includes plural and vice versa in construction of word in statutes, although statute requiring that all meetings of certain public boards and commissions at which official acts were to be taken be public provided for issuance of injunctions upon application by "citizens", circuit court could properly entertain application of only one citizen. F.S.A. §§ 1.01(1), 286.011.

2 Cases that cite this headnote

[15]

Injunction

☞ Meetings and proceedings in general

Judgment enjoining county board of public

instruction from violating statute requiring that meetings of county board at which official acts were to be taken be made public and specifically enjoining holding of specified kinds of meetings or conference sessions at which quorum is present when all or part of public is excluded, specified enjoined acts with such reasonable definiteness and certainty that board could readily know what it was required to refrain from doing without speculation and conjecture. F.S.A. § 286.011.

3 Cases that cite this headnote

[16]

Injunction

☞ Injunctions Sought by Government in General

While courts may not issue blanket order enjoining any violation of statute upon showing that statute has been violated in some particular respects, they do possess authority to restrain violations similar to those already committed.

4 Cases that cite this headnote

[17]

Injunction

☞ Injunctions to enforce laws and regulations in general

Supreme Court may enjoin violations of statute where one violation has been found if it appears that future violations bear some resemblance to past violation or that danger of violations in future is to be anticipated from course of conduct in past.

4 Cases that cite this headnote

[18]

Injunction

☞ Particular cases

Inasmuch as statute requiring that meetings of certain public boards and commissions, at which official acts were to be taken, be made public

did not contain any exception, judgment enjoining county board of public instruction from holding any meeting or conference session wherein public is excluded, at which are held any discussions on current, or foreseeably so, matters, not privileged, pertaining to duties and responsibilities of the board was amended to enjoin board from holding any meeting or conference session wherein public is excluded at which are held any discussions on matters pertaining to duties and responsibilities of board. F.S.A. § 286.011.

9 Cases that cite this headnote

Attorneys and Law Firms

*695 R. T. Shankweiler, of Patterson, Maloney & Frazier, Fort Lauderdale, for appellant.

Daniel Neal Heller and Tobias Simon and Beverly Gurevitz, Miami, for appellee.

Opinion

ADKINS, Justice.

This is a direct appeal from a final judgment of the Circuit Court of Broward County, Florida, declaring Fla.Stat., s 286.011, F.S.A. (the Sunshine Law) to be constitutional and entering an injunction against the Board of Public Instruction of Broward County.

In the Court below, the appellant was the defendant and the appellee was the plaintiff.

In her complaint the plaintiff alleged that the defendant board was pursuing a policy of convening meetings at which official acts were to be taken in such fashion as to exclude the public therefrom; that the defendant convened for the purpose of taking official action on April 17, 1968 and ordered the public excluded from the meeting. Thereafter, on April 25, 1968 the defendant again met for the purpose of taking official action and again excluded the public from its meeting.

In its answer the defendant admitted that on April 17, 1968 the members of the board met for an informal conference at which no official acts were to be taken or

were taken, and at which time the public was excluded. The defendant alleged that on this date the board officially convened an open meeting for the purpose of receiving recommendations from the superintendent. Defendant also alleged that the members of the board met at an official meeting on April 25, 1968 wherein official action was taken, but the public was not excluded and, in fact, the public attended. Defendant admits that during this meeting the members of the board recessed for an informal conference at which no official action was to be taken or was taken.

Both parties moved for summary judgment upon the pleadings, depositions and affidavits. In one affidavit for the defendant, it is stated that four members appeared at the school board office on April 17, 1968 for the purpose of having *696 an informal conference session at which no official acts were to be taken or were taken. During the conference the defendant invoked 'a long-standing policy of the board' to disallow the presence of the public, although the press was allowed to remain. During this conference the board discussed a proposed salary schedule which had been submitted for formal action at the meeting to be held on April 18th. Changes were suggested in the salary schedule but no vote was taken concerning the same on April 17th. On the latter date the board did call an official meeting to order for the purpose of receiving recommendations of the superintendent, which were required to be received by law. The board acknowledged receipt of the recommendations and took no further action before adjourning. This meeting was open to the public.

Another affidavit states that the entire board appeared on April 25, 1968 for the purpose of having an official meeting. During the official meeting, on advice of counsel that private discussions could be held without violating the Sunshine Law, the meeting was recessed and the members retired to discuss business of the board, where no official action was to be taken. During such discussion no official action was taken by way of resolution, rule, enactment of regulations or otherwise. The informal conference was broken up and the members readjoined the official meeting.

The affidavit of Rose Marie Yeslow, supporting plaintiff's motion, states that she appeared at the conference meeting on April 17, 1968 at the invitation of a member of the board. Another member questioned the advisability of allowing any outsiders to attend the conference meetings, reasoning that 'there would be no stopping-point—even the P.T.A. would want to attend.' The board then passed a motion to exclude all people except the press from the conference meeting. The affiant Yeslow objected but she was nevertheless asked to leave.

It was further stated that she attended the meeting held on April 25, 1968. Items were passed by letter and number and it was impossible for the public to understand the items being considered. The Chairman recessed the meeting and the board met in closed session for a period of two and one-half hours. It is further stated that the board returned and 'continued to pass items by letter and number on a roll-call vote.'

The purpose of the meeting held April 17, 1968 was to serve the function of giving the board and staff members information and background concerning issues which were to be voted on, or to be considered, or possibly not considered at the formal meeting. It was a routine meeting held every Wednesday before the formal action. The members were given information from various sources and on the basis of this information they formulated to quite a degree what their position would be at the formal meeting the following night.

Neither plaintiff or defendant quarrels with these facts as recited in the final judgment.

The final judgment contains the following findings:

'For at least a year and a half there has been a pattern on the part of the board of holding conferences on Wednesday afternoon in advance of the Thursday night meetings. There were three types of matters in which the board at these conference meetings did arrive at decisions. One dealt with matters involving the possible castigation or suspension of personnel; acquisition of or sale of real estate; and the third were circumstances under which they wanted to confer with their counsel.

'It was plaintiff's counsel's position, and he thought it clear, that at other conferences they discussed matters which came close to but possibly did not reach formal agreement at the conference. One was the salary schedule that was *697 adopted on April 18th. On April 17th the question was discussed for approximately two hours. Between the 17th and the 18th a revised schedule was presented to the board by the superintendent and on the 18th the matter was called up for voting. With none or minimal discussion a formal vote was taken adopting the changed salary schedule.

'On April 25th there was an open official meeting of the board, and at some place during the course of the meeting there was a recess taken and all five members convened in the conference room, to which the public was excluded. At that time matters transpired as to which there is no knowledge, and it does not appear in the record, and the board then convened in open meeting and continued their deliberations.

'Counsel for the defendant stated that there was no doubt that there was a pattern or a policy of the board that they would not discuss in open session litigation, real estate purchases, or personnel matters, but they did not decide on these matters in closed session. They discussed them excluding the press. At the meeting on the 17th the press were present. The only time when everybody is excluded during discussions were on these three matters.

'In reference to the 25th, the record is silent as to what happened during the recess.

'At the conference meeting the decision of the board was to permit the press to be present most of the time, but the public is excluded other than the press from these conference meetings at all times, except on express invitation by the board to members of the public other than the press.'

The Court, after discussing the law, declared Ch. 67—356, Laws of Fla., now Fla.Stat., s 286.11, F.S.A., to be a valid and constitutional law. The Court also ordered:

'The defendant, the BOARD OF PUBLIC INSTRUCTION OF BROWARD COUNTY, a body corporate, be and the same is hereby enjoined from the violation of the aforesaid statute, including, without limitation, the holdings of meetings or conference sessions at which a quorum is present, wherein all or part of the public is excluded, at which official actions are taken or are to be taken; or at which the said board receives reports from its superintendent or other personnel of the BOARD OF PUBLIC INSTRUCTION OF BROWARD COUNTY, or at which are held any discussions on current, or foreseeably so, matters, not privileged, pertaining to the duties and responsibilities of the BOARD OF PUBLIC INSTRUCTION OF BROWARD COUNTY.'

Defendant has appealed from this final judgment contending first that the statute is so vague and ambiguous that it does not afford procedural due process of law to the defendant; that the statute constitutes an unlawful delegation 'without adequate standards' of the legislative prerogative to the judiciary and constitutes a

judicial encroachment upon the executive branch of government; and that more than one topic and subject matter is contained within the statute in violation of Art. III, s 16, Fla.Const., F.S.A., and for the further reason that scienter was not made a specific element of this penal statute.

^[1] ^[2] ^[3] A legislative act which is so vague, indefinite and uncertain that courts are unable by accepted rules of construction to determine with any reasonable degree of certainty what the Legislature intended, or which is so incomplete, conflicting and inconsistent in its provisions that it cannot be executed, will be declared inoperative and void. If the law can fairly be so construed as to make it lawfully enforceable, the courts should, in deference to the lawmaking power, give it that effect rather than to adjudge the legislative enactment *698 to be illegal or vain. The language used in the statute should be construed as an entirety and with reference to the purpose of the law as shown by all enactments on the subject. *Peninsula Industrial Insurance Company v. State*, 61 Fla. 376, 55 So. 398 (1911); 22 F.L.P. Statutes, s 13.

This Court construed Fla.Stat., s 165.20 (F.S.A.) in *Turk v. Richard*, 47 So.2d 543 (Fla.1950). The question in the case was what the Legislature meant by the words 'all meetings' when it enacted this statute requiring that all meetings of any city or town council should be held open to the public of any such city or town. The Court said:

'The rule being plain as to what is necessary to constitute a 'meeting' under the law pertaining to municipal corporations, it must be assumed that when the legislature of the state enacted a statute providing that 'all meetings of any city or town council * * * of any city or town * * * Shall be held open to the public on any such city or town * * *' it had knowledge of the general law pertaining to municipal corporations and Intended the term 'all meetings' to have reference only to such formal assemblages of the council sitting as a joint deliberative body as were required or authorized by law to be held for the transaction of official municipal business; for at no other type of gathering, whether attended by all or only some of the members of the city council, could and formal action be taken or agreement be made that could officially bind the municipal corporation, or the individual members of the council, and hence such a gathering would not constitute a 'meeting' of the council.' (Emphasis added.)

Subsection (1) of Fla.Stat., s 286.011 (F.S.A.), the Sunshine Law under consideration, provides as follows: 'All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political

subdivision, except as otherwise provided in the constitution, at which official acts are to be taken Are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.' (Emphasis added.)

^[4] Under the decision in *Turk v. Richard*, *Supra*, it would have been unnecessary to include a provision declaring certain meetings as 'public meetings' if the intent of the Legislature had been to include only formal assemblages for the transaction of official business. The obvious intent was to cover any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board.

^[5] ^[6] ^[7] The defendant also complains because adequate standards are not included in the provisions of the act. In order to satisfy the constitutional requirement of due process, a statute must be sufficiently explicit in its description of the acts, conduct or conditions required or forbidden, to prescribe the elements of the offense with reasonable certainty and make known to those to whom it applies what conduct on their part will render them liable for its penalties. *16A C.J.S. Constitutional Law s 580; Brock v. Hardie*, 114 Fla. 670, 154 So. 690 (1934). Statutory language that conveys a definite warning as to proscribed conduct when measured by common understanding or practices satisfies due process. See *City of St. Petersburg v. Calbeck*, 114 So.2d 316 (Fla.App.2d Dist. 1959). This statute complies with the requirements of organic due process prescribed by the Constitution.

^[8] ^[9] Also, the statute does not violate Art. III, s 16, Fla.Const., 1885 prohibiting the passage of an act of the Legislature which embraces more than one subject. *699 The term 'subject of an act' within this provision means the matter which forms the groundwork of the act and it may be as broad as the Legislature chooses as long as the matters included in the act have a natural or logical connection. See cases cited in 22 F.L.P. Statutes, s 30. The fact that a statute embracing the matter of open meetings for certain boards and commissions also contains provisions for criminal penalties and an injunction by application of citizens does not make the act unconstitutional.

^[10] ^[11] Subsection (3) of Fla.Stat., s 286.011, F.S.A., provides that any person who violates the provisions of the act 'by attending a meeting not held in accordance with the provisions hereof,' is guilty of a misdemeanor. Defendant complains because scienter was not made a specific element of the offense. We construe the statute to impliedly require a charge and proof of scienter. We can

so construe the subject statute without being guilty of a 'judicial amendment of the statute.' *Cohen v. State*, 125 So.2d 560 (Fla.1961).

The attack of the defendant upon the constitutionality of the law must fail. But even if the act is constitutional defendant contends that factually no 'official act' occurred within the meaning of the law and injunctive relief was improperly granted plaintiff.

The right of the public to be present and to be heard during all phases of enactments by boards and commissions is a source of strength in our country. During past years tendencies toward secrecy in public affairs have been the subject of extensive criticism. Terms such as managed news, secret meetings, closed records, executive sessions, and study sessions have become synonymous with 'hanky panky' in the minds of public-spirited citizens. One purpose of the Sunshine Law was to maintain the faith of the public in governmental agencies. Regardless of their good intentions, these specified boards and commissions, through devious ways, should not be allowed to deprive the public of this inalienable right to be present and to be heard at all deliberations wherein decisions affecting the public are being made.

¹¹²¹ ¹¹³ Statutes enacted for the public benefit should be interpreted most favorably to the public. The fact that the statute contains a penal provision does not make the entire statute penal so that it must be strictly construed. For instance, the Workmen's Compensation Act makes it a misdemeanor for an employer not to secure payment of compensation. Fla.Stat., s 440.43 (F.S.A.). This Court has nevertheless held that the Compensation Act is to be liberally construed. *Florida Game & Fresh Water Fish Commission v. Driggers*, 65 So.2d 723 (Fla.1953).

¹¹⁴ Although this statute provides for the issuance of injunctions upon application by 'citizens,' the Circuit Court could properly entertain the application of One citizen, as Fla.Stat., s 1.01(1), F.S.A., provides that the singular includes the plural and vice versa in the construction of a word in the Florida Statutes.

¹¹⁵ The final judgment enjoins the defendant 'from the violation of the aforesaid statute.' Other portions of the twelvepage final judgment delineates the course of conduct being followed by the defendant, much of which is included in the extended statement of facts contained in this opinion. The acts enjoined are specified in the judgment with such reasonable definiteness and certainty that the defendant could readily know what it must refrain from doing without speculation and conjecture.

¹¹⁶ ¹¹⁷ While it is well established that courts may not issue a blanket order enjoining Any violation of a statute upon a showing that the statute has been violated in some particular respects (see *700 *Moore v. City Dry Cleaners & Laundry*, 41 So.2d 865 (Fla.1949)), nevertheless they do possess authority to restrain violations similar to those already committed. See *Interstate Commerce Commission v. Keeshin Motor Express*, 134 F.2d 228 (C.C.A.Iii. 1943). This Court may enjoin violations of a statute where one violation has been found if it appears that the future violations bear some resemblance to the past violation or that danger of violations in the future is to be anticipated from the course of conduct in the past. See *National Labor Relations Board v. Express Publishing Company*, 312 U.S. 426, 437, 61 S.Ct. 693, 700, 85 L.Ed. 930 (1941).

The crux of defendant's complaint is the fact that an injunction was issued and certain meetings will have to be made public. Apparently the defendant understands the injunction and what it encompasses, but complains in its brief because certain matters can no longer be discussed by the board in private. His causes of complaint, if deserving, are matters for the Legislature, not the courts.

¹¹⁸ The final judgment, inter alia, enjoins the defendant from the holding of any meeting or conference session,

'* * * at which are held any discussions on current, or foreseeably so, matters, not privileged, pertaining to the duties and responsibilities of the Board of Public Instruction of Broward County.'

Fla.Stat., s 286.011 (F.S.A.) contains no exception. Therefore, this portion of the final judgment is amended so as to read as follows:

'* * * at which are held any discussions on matters pertaining to the duties and responsibilities of the Board of Public Instruction of Broward County.'

The judgment of the Circuit Court as amended is affirmed.

ERVIN, C.J., and ROBERTS, DREW, CARLTON and BOYD, JJ., concur.

CULVER SMITH, Circuit Judge, concurs specially with

Opinion.

All Citations

224 So.2d 693

CULVER SMITH, Circuit Judge (concurring specially):

I concur in that the act is constitutional but do not entirely agree with the balance of the opinion.

End of Document

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Florida Attorney General Advisory Legal Opinion

Number: AGO 73-223

Date: June 20, 1973

Subject: Sunshine Law, appointive boards

RE: SUNSHINE LAW—APPLICABILITY TO APPOINTIVE BOARDS

To: George F. Young, Chairman, Broward County Board of Rules and Appeals, Fort Lauderdale

Prepared by: Jan Dunn, Assistant Attorney General

QUESTION:

Are appointive bodies subject to s. 286.011, F. S., the Sunshine Law?

SUMMARY:

Appointive bodies, as well as elective, fall under the purview of the Sunshine Law. Advisory bodies can be controlled by the Sunshine Law. Committees of a governing board composed of members of the board must have public meetings when such meetings deal with matters pertaining to the duties and responsibilities of the board.

The Government in the Sunshine Law, s. 286.011, F. S., provides:

"(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting."

There is no mention of distinction between an elective or appointive body. The statute includes *all* boards and commissions. The court in *Times Publishing Company v. Williams*, 222 So.2d 470 (2 D.C.A. Fla., 1969), stated:

". . . the legislature intended to extend application of the 'open meeting' concept so as to bind every 'board or commission' of the state, or of any county or political subdivision over which it has dominion and control." (*Times Publishing Co.* at 473)

In AGO 071-29, it was found that the deliberations of the Miami Civil Service Board, following a hearing on a disciplinary matter, must be conducted openly under the Sunshine Law. Attorney General Opinion 072-400 says that regulatory boards under the Department of Professional and Occupational Regulation (which are appointive bodies) fall under the purview of the Sunshine Law.

Your question, therefore, must be answered in the affirmative.

Your letter mentions that the board has committees which meet to discuss the possibility of changes to the building code. These committees apparently are composed of persons familiar with the subject matter being discussed. The changes proposed by these committees are brought before the entire board for action.

The question you might have had in mind is whether the Sunshine Law is applicable to these committees. It is possible from your description of the committees that they are advisory. It has been previously questioned whether advisory bodies are subject to the Sunshine Law. Attorney General Opinion 073-159 involved an advisory planning commission created by ordinance. The ordinance contemplated that the commission would hold formal meetings; it required that attendance and voting records be kept; that such records be public records; and that the city council make appropriations available to the commission. Also, planning functions which affected almost every aspect of urban life had been delegated to the commission. The opinion went on to say that

"While the Venice City Council has the final decision on all proposals and recommendations which come from the planning commission, as a practical matter the latter body will play a significant role in establishing the future patterns of growth and development for the community. The knowledge and experience which a planning commission acquires during the preparation of a comprehensive general plan for the future development of a community isn't likely to be quickly absorbed by any governing body. As a consequence the governing body for the City of Venice, and others like it, will necessarily rely heavily on the recommendations of its planning commission. It follows then that the proceedings at the planning commission level provide the best opportunity for both public input and public information."

Under this situation, I held that the commission's meeting had to be held in accordance with the requirements of the Sunshine Law. It is not clear from your description of the board's committees whether they have similar functions, duties or procedures to follow. If this is the case, then even though they are advisory, the requirements of the Sunshine Law would have to be followed.

City of Miami Beach v. Berns, 245 So.2d 38 (Fla. 1971), should also be mentioned. This case involved the issue of whether a city council could hold informal sessions at which the public was excluded. In holding that it could not, the Florida Supreme Court emphasized the principle that the Sunshine Law was intended to cover all gatherings where members dealt with matters "on which foreseeable action will be taken by the board." Although *Berns* was concerned with meetings of members of a governing board, it is possible that the principle cited by the court is equally applicable to an advisory committee of such a board. The committees of the Broward County Board of Appeals seem to be dealing with highly technical matters relating to changes in the county's building code. (Some changes would involve engineers and contractors while others plumbing or electrical sections.) When committees are composed of persons knowledgeable in a certain specialized field, it can probably be assumed that not all of the members of the parent board are familiar with the problems or solutions of each such field. Therefore, as said in AGO 073-159, the board will "necessarily rely heavily on the recommendations of its planning commission." To close to the public a meeting of such an advisory committee, where probably many of the board's decisions are made, or at least where matters "on which foreseeable action will be taken by the board" are dealt with, would be, in effect, to disregard the intent and principle of the Sunshine Law. According to the court in *Berns*, "Our duty is to interpret this law as it is written and, if possible, do so in a manner to prevent its circumvention."

If the members of the committees are also members of the board, the committee meetings would fall under the holding of *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693 (Fla. 1969), and be subject to the Sunshine Law. The circuit court had said that the Sunshine Law was intended to cover "any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board." *Doran* at 698. The final judgment of the Florida Supreme Court enjoined the defendants from holding any meeting "at which are held any discussions on matters pertaining to the duties and responsibilities of the Board. . . ." *Doran* at 700. Your letter indicates that the committees meet to discuss the possibility of code changes. Since such changes are part of the board's function, these committee meetings would deal with matters "pertaining to the duties and responsibilities of the Board."

KeyCite Yellow Flag - Negative Treatment
Declined to Extend by Herrin v. City of Deltona, Fla.App. 5 Dist.,
August 16, 2013

296 So.2d 473
Supreme Court of Florida.

TOWN OF PALM BEACH et al., Petitioners,
v.

Jules T. GRADISON, Respondent.
TOWN OF PALM BEACH et al., Petitioners,
v.

Fred GLADSTONE, Respondent.
TOWN OF PALM BEACH et al., Petitioners,
v.

FAIRMONT CONVERTING CO., INC.,
Respondent.
TOWN OF PALM BEACH et al., Petitioners,
v.

Morris LANSBURGH, Respondent.
TOWN OF PALM BEACH et al., Petitioners,
v.

Perry KAYE, Respondent.
TOWN OF PALM BEACH et al., Petitioners,
v.

Ralph H. SHERE et al., Respondents.
TOWN OF PALM BEACH et al., Petitioners,
v.

Walter PORANSKI et ux., Respondents.
TOWN OF PALM BEACH et al., Petitioners,
v.

FIRST BANK AND TRUST CO. OF BOCA RATON,
etc., Respondents.
Nos. 44099 to 44106.
|
May 1, 1974.
|
Rehearing Denied July 10, 1974.

Action challenging town zoning ordinance. The Circuit Court, Palm Beach County, James C. Downey, J., upheld the ordinance, and the challengers variously appealed. The District Court of Appeal, 279 So.2d 353, reversed the order but certified the question. The Supreme Court, Adkins, C.J., held that a citizens' planning commission composed of private citizens, established by the town council, which appointed the members, was subject to the government in the sunshine law.

Certified question answered, and cause remanded.

Dekle, J., dissented and filed opinion in which Roberts, J.,

joined.

West Headnotes (7)

[1] **Municipal Corporations**
Rules of procedure and conduct of business

Though legislature would have no right to require meetings of civic organizations, unconnected with municipal government, to conform to government in the sunshine law, a subordinate group or committee selected by governmental authorities should not feel free to meet in private. West's F.S.A. § 286.011.

16 Cases that cite this headnote

[2] **Municipal Corporations**
Rules of procedure and conduct of business

Citizens' planning commission, composed of private citizens, and established by town council, which appointed its members, was subject to government in the sunshine law. West's F.S.A. § 286.011.

16 Cases that cite this headnote

[3] **Municipal Corporations**
Rules of procedure and conduct of business

One purpose of government in the sunshine law was to prevent at nonpublic meetings the crystallization of secret decisions to point just short of ceremonial acceptance. West's F.S.A. § 286.011.

19 Cases that cite this headnote

^[4] **Municipal Corporations**

☛ Rules of procedure and conduct of business

Government in the sunshine law should be construed so as to frustrate all evasive devices. West's F.S.A. § 286.011.

2 Cases that cite this headnote

^[5] **Municipal Corporations**

☛ Rules of procedure and conduct of business

Under government in the sunshine law, when in doubt, members of any board, agency, authority or commission should follow the open-meeting policy of the state. West's F.S.A. § 286.011.

19 Cases that cite this headnote

^[6] **Municipal Corporations**

☛ Validity in General

Mere showing that government in the sunshine law has been violated constitutes irreparable public injury so that ordinance is void ab initio. West's F.S.A. § 286.011.

7 Cases that cite this headnote

^[7] **Municipal Corporations**

☛ Rules of procedure and conduct of business

Although criminal prosecution requires proof of scienter, unintended violation of government in the sunshine law will negate any action taken by a town council. West's F.S.A. § 286.011.

5 Cases that cite this headnote

Attorneys and Law Firms

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Larry B. Alexander, Jones, Paine & Foster, West Palm Beach, for Fred Gladstone and Fairmont Converting Co., Inc.

Ross, Hardies, O'Keefe, Babcock, McDugald & Parsons, Chicago, Ill., and Fisher, Prior, Pruitt & Schulle, West Palm Beach, for First Bank and Trust Co. of Boca Raton.

Opinion

ADKINS, Chief Justice.

By petition for writ of certiorari, we have for review the consolidated cases arising out of a decision of the District Court of Appeal, Fourth District (IDS Properties, Inc. v. Town of Palm Beach, 279 So.2d 353), which is accompanied by a certificate of the District Court of Appeal that its decision had passed upon a question of great public interest, to-wit:

'Whether a zoning ordinance adopted by zoning authorities and the Town Council after public hearings is rendered invalid under the s 286.011, F.S.1971, (F.S.A.), Government in the Sunshine Law, because of the nonpublic activities of a citizen's planning committee which committee was established by the town council and acting on behalf of the council in an advisory capacity participated in the formulation of the zoning plan.'

We have jurisdiction. Fla.Stat., art. V, s 3(b)(3), F.S.A.

The Town Council of the Town of Palm Beach, hereinafter referred to as 'Town Council,' passed a resolution providing that the Council would undertake the updating and revision of the town zoning ordinances. Interviews were held with a planning firm, hereinafter called 'Planners,' and, at a public meeting, the Town Council authorized a contract with the Planners. A

citizens' planning commission was decided upon and chosen by the Town Council at a nonpublic administrative meeting. The nominees were told that the Town Council had nominated each one to serve on the town planning committee for the purpose of guiding the Planners in their efforts to assure that the plan produced would be consistent with the character, image and land-use controls intended by the citizens. Changes in the plan during its formulation were made by the Planners to reflect the decisions of the planning committee.

The planning committee, a lay group of citizens, were not regularly employed personnel of the Town. The members of the committee were not landscape or civil engineers nor expert vocational zoning planners performing their work outside the scope of the sunshine law. Neither were they contractors engaged by the Town for making zoning studies, surveys or plans. To the contrary, they were a buffer lay group of citizens to serve part-time as the alter egos of the Town Councilmen to make tentative decisions guiding the zoning planners and advising the Council as to their ultimate zoning ordinances. In other words, the Council delegated to the committee much of their administrative and legislative decisional zoning formulation *475 authority which is ordinarily exercised by a city-governing body itself-and particularly the position of the process where the affected citizens expect to be officially heard. Thus, the nature of the committee and its function reached the status of a board or commission that to act legally must comply with the sunshine law.

The trial court specifically found that the Planning Advisory Committee meetings with the Planners were not open to the public, nor were minutes taken. These meetings were numerous and detailed.

At a joint meeting of the Town Council and the planning committee the role of the committee was explained. The Town Council was of the opinion the committee should work as an 'element' of the zoning commission, and further, that the Town Council had the authority to override any changes induced by the zoning commission and 'would do so without timidity.' This joint meeting was held without notice, without members of the public or press present, and no official minutes were taken or recorded.

Thereafter, the President of the Town Council and various members of the zoning commission met with the town manager and were finally advised as to the operation of the committee. An agenda was prepared for presentation of the tentative comprehensive plan to a meeting of the Town Council. At that meeting the plan was discussed. Further executive sessions of the zoning commission were

held.

Thereafter, full public meetings and hearings of the zoning commission and of the Town Council were conducted and proper procedure followed. The comprehensive zoning plan was approved in essentially the same form as that which had been produced by the consultants and the planning advisory committee.

The government in the sunshine law contains the following:

'(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.' Fla.Stat. s 286.011, F.S.A.

The only question to be determined is whether the citizens planning commission composed of private citizens, which was established by the Town Council and the members thereof appointed by the Town Council, was subject to the government in the sunshine law.

Every meeting of any board, commission, agency or authority of a municipality should be a marketplace of ideas, so that the governmental agency may have sufficient input from the citizens who are going to be affected by the subsequent action of the municipality. The ordinary taxpayer can no longer be led blindly down the path of government, for the news media, by constantly reporting community affairs, has made the taxpayer aware of governmental problems. Government, more so now than ever before, should be responsive to the wishes of the public. These wishes could never be known in nonpublic meetings, and the governmental agencies would be deprived of the benefit of suggestions and ideas which may be advanced by the knowledgeable public.

Also, such open meetings instill confidence in government. The taxpayer deserves an opportunity to express his views and have them considered in the decisionmaking process.

Those who do not attend public meetings are given ample opportunity to participate in government by securing information of governmental activities from the news media. Responsible reporting of governmental activities results in letters or telephone calls from interested citizens so that governmental officials are given the benefit of *476 both sides of the question. No governmental board is

infallible and it is foolish to assume that those who are elected or appointed to office have any superior knowledge concerning any governmental problem. Every person charged with the administration of any governmental activity must rely upon suggestions and ideas advanced by other knowledgeable and interested persons. As more people participate in governmental activities, the decisionmaking process will be improved.

Few, if any, governmental boards or agencies deliberately attempt to circumvent the government in the sunshine law. We feel that the Town Council of Palm Beach acted in good faith, but any committee established by the Town Council to act in any type of advisory capacity would be subject to the provisions of the government in the sunshine law.

The citizens' planning committee was not an organization formed by any civic group such as a taxpayer's league, better government league, civic association, etc. It was conceived and formed by the Town Council for the purpose of working with the planning consultant so that the plan produced would be consistent with the land-use controls intended by the citizens. The citizens' planning committee was an arm of the Town Council.

[1] [2] The Legislature would have no right to require meetings of civil organizations, unconnected with municipal government, to conform to the government in the sunshine law. However, a subordinate group or committee selected by the governmental authorities should not feel free to meet in private. The preponderant interest of allowing the public to participate in the conception of a proposed zoning ordinance is sufficient to justify the inclusion of this selected subordinate group, within the provisions of the government in the sunshine law.

Cases from other jurisdictions dealing with the scope of similar statutes compel the conclusion that bodies such as the Palm Beach Planning Committee selected by the Town Council are governed by Fla.Stat. s 286.011, F.S.A.

In Raton Public Service Co. v. Hobbes, 76 N.M. 535, 417 P.2d 32 (1966), the Board of Directors of a city-owned electric utility were held to be within the scope of a statute governing 'all other governmental boards and commissions.'

In Glick v. Trustees of Free Public Library, 2 N.J. 579, 67 A.2d 463 (1949), trustees of the Library were held to be within the purview of a statute requiring the 'governing body' to advertise for bids.

In the case of Bogert v. Allentown Housing Authority,

426 Pa. 151, 231 A.2d 147 (1967), the Pennsylvania Supreme Court, interpreting that State's 'right to know' statute, stated:

'Within the past several decades we have witnessed the creation of these public bodies called 'authorities' which have been granted the power to, and do, perform important governmental functions which vitally affect the public. Unlike other public bodies, the members of the 'authorities' are appointed and not elected and are not Directly responsible for their actions to the electorate. If the elected members of public bodies are to be subjected to public disclosure of their actions, how much more important that the appointed members of public bodies be required to make such disclosure.' (p. 151)

In Beacon Journal Publishing Co. v. City of Akron, 3 Ohio St.2d 191, 209 N.E. 399, 404 (1965), it was held that a city planning commission created by the city charter with 'such other powers and duties as the council may confer upon the planning commission,' was subject to the open meeting provision of the Akron City Code which applied to 'any board or commission . . . created by the charter or by action of council.'

*477 In Lhormer v. Bowen, 410 Pa. 508, 188 A.2d 747, 749 (1963), proposed rezoning ordinance was held ineffectual to restrict the issuance of a building permit, one of the reasons being the failure of the planning commission to hold a public hearing on its preliminary report before submitting a final report to the borough council for action, as required by the zoning enabling legislation.

In Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, 263 Cal.App.2d 41, 47, 69 Cal.Rptr. 480, 485 (1968), California's Third District Court of Appeal upheld an injunction restraining the Sacramento County Board of Supervisors, and its committees, from holding informal meetings in violation of the Brown (California) Act. It held that there was nothing in the new Brown Act 'to demarcate a narrower application than the range of governmental functions performed by the agency.' It further held the Act applied not only to 'action' but also to 'deliberative gatherings . . . however confined to investigation and discussion.' Noting the widespread evasion of pre-Brown Act open-meeting statutes 'through unannounced 'sneak' meetings and through indulgence in euphemisms such as executive session, conference, caucus, study or work session, and meeting of the committee of the whole,' the court concluded that the statute could be pushed 'beyond debatable limits' to block such evasive techniques. The court continued:

'An informal conference or caucus permits crystallization

of secret decisions to a point just short of ceremonial acceptance. There is rarely any purpose to a nonpublic pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry and discussion stages, as well as the ultimate step of official action, can an open meeting regulation frustrate these evasive devices. As operative criteria, formality and informality are alien to the law's design, exposing it to the very evasions it was designed to prevent. Construed in the light of the Brown Act's objectives, the term 'meeting' extends to informal sessions or conferences of the board members designed for the discussion of public business.' (p. 487)

^[3] ^[4] One purpose of the government in the sunshine law was to prevent at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance. Rarely could there be any purpose to a nonpublic pre-meeting conference except to conduct some part of the decisional process behind closed doors. The statute should be construed so as to frustrate all evasive devices. This can be accomplished only by embracing the collective inquiry and discussion stages within the terms of the statute, as long as such inquiry and discussion is conducted by any committee or other authority appointed and established by a governmental agency, and relates to any matter on which foreseeable action will be taken.

^[5] The principle to be followed is very simple: When in doubt, the members of any board, agency, authority or commission should follow the open-meeting policy of the State. See Florida Law Review, Government in the Sunshine by Ruth Mayes Barnes, Vol. XXIII, 361, 365 (Winter 1971).

^[6] Mere showing that the government in the sunshine law has been violated constitutes an irreparable public injury so that the ordinance is void *Ab initio*. Times Publishing Co. v. Williams, 222 So.2d 470 (Fla.App.2d 1969). Florida Law Review, Government in the Sunshine by Ruth Mayes Barnes, Vol. XXIII, p. 369 (Winter 1971).

^[7] Although a criminal prosecution requires proof of scienter (Board of Public Instruction of Broward County v. Doran, 224 So.2d 693, 699 (Fla.1969)), an unintended violation of the government in the *478 sunshine law will negate any action taken by the Town Council. Fla.Stat. s 286.011, F.S.A.

The Superior Court of New Jersey in *Wolf v. Zoning Board of Adjustment of the Borough of Park Ridge*, 79 N.J.Super. 546, 192 A.2d 305 (1963), held that the proper implementation of their 'Right to Know Law' requires the court upon proper application to set aside any official

action taken without compliance, even in the absence of bad faith, saying:

'The trial judge noted, and the defendant officials stress, that the act states that 'official action taken in violation of the requirements of this act shall be Voidable (Emphasis theirs.) in a proceeding in the Superior Court,' thereby supposedly indicating a legislative intent that the voiding of such action should rest in the discretion of the judge. The court concluded that since no impropriety or bad faith on the part of the board was indicated, it should exercise its discretion to permit the action to stand. We think the court took too narrow a view of the intent and underlying policy of the statute. The purpose of the act, as reflected in N.J.S.A. 10:4-1, is to implement the declaration therein that it is 'the public policy of this State to insure the right of the citizens of this State to attend meetings of public bodies * * * for the protection of the public interest.' In other words, the object of the act is primarily prophylactic, and not necessarily restricted to creation of a remedy for illegalities at particular public meetings from which the public is excluded. Appropriate implementation of that object and policy calls, as a general rule, for the Superior Court upon proper application to set aside any official action, as defined by the act, which is taken without compliance with the prescriptions of the statute, as here. We need not now decide that no discretion is ever to be reserved to the court to save the validity of official action taken in contravention of the statute. That question may be left to await a case where a sufficiently impelling counter-interest may be argued to bespeak sustaining the action impugned. It suffices here to say that mere absence of bad faith or other impropriety on the part of the public body should not ordinarily move the court to stay its hand in voiding official action taken contrary to the statute upon proper application therefor.' (Emphasis supplied.) (pp. 308-309)

Fla.Stat. s 286.011(1), F.S.A., specifically provides that 'no resolution, rule, regulation or formal action shall be considered binding' where the government in the sunshine law is violated. We follow the reasoning of the New Jersey court in *Wolf v. Zoning Board of Adjustment of the Borough of Park Ridge*, *Supra*.

Answering the question presented by the District Court of Appeal in the case *Sub judice*, we hold that the zoning ordinance adopted by the zoning authorities and the Town Council after public hearing was rendered invalid because of the non-public activities of the citizens planning committee, which committee was established by the Town Council, active on behalf of the Council in an advisory capacity and participated in the formulation of the zoning plan. We approve the decision of the District Court of Appeal.

Having answered the certified question, this cause is remanded to the District Court of Appeal for further proceedings in accordance with the views expressed herein.

It is so ordered.

ERVIN, BOYD and McCAIN, JJ., concur.

DEKLE, J., dissenting with opinion.

ROBERTS, J., dissents and concurs with DEKLE, J.

DEKLE, Justice (dissenting):

The Town Council, upon determining that an updated zoning plan was advisable for the Town of Palm Beach, employed a *479 professional planning firm for the purpose of preparing such a plan. In addition, the Town Manager named five citizens from a group recommended by council members to serve as guides to the professional consultants in the preparation of the comprehensive zoning plan. The crux of the problem before this Court is that this group, the Advisory Planning Committee, held its meetings without public attendance or involvement.

The plan finally proposed by the consultants was adopted, with some modifications, by the Zoning Commission and Town Council, following public meetings and discussion. The adoption of the plan was accordingly carried out 'in the sunshine.'

The controlling statutory law in this case is, of course, Fla.Stat. s 286.011 F.S.A., which provides:

'(1) All Meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.

'(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and such records shall be open to public inspection. . . .

'(3) Any Person who is a Member of a board or

commission or of any State agency or authority of any County, municipal corporation or any political subdivision who violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s 775.082 or 775.083.' (emphasis added)

The role of the Advisory Planning Committee was well defined by the learned trial judge in a memorandum order:

'This was an ad hoc committee of local residents familiar with the character, historical background and desired future development of the Town. It was the committee's function to transmit to the Planner that information and to advise with it so that the eventual plan would be compatible with the known desires of the community. This committee of citizens, while influential in what the Planner ultimately produced, was merely advisory as far as the Planner, the Zoning Commission and the Town Council were concerned. They made no decision which bound either the Zoning Commission or the Town Council. Much of what the Planning Committee did with the planner could have been done by the Town Manager, or some of the Town's staff, or the Planner could have sought out residents on its own initiative for advice and assistance in preparing the plan.'

The trial judge concluded that the acts complained of did not fall within the purview of the Sunshine Law.

The district court of appeal reversed the trial court's finding, reasoning that the Town Council should not be able to do by proxy that which it is forbidden to do itself by Fla.Stat. s 286.011, F.S.A., suggesting that the Planning Committee had De facto authority to act on behalf of the Town Council, so that it must stand in the shoes of the Council in regard to the Government in the Sunshine Law. In the words of the district majority opinion:

'Although, admittedly, the zoning plan was 'born' when the Town Council (acting in the sunshine) voted upon the ordinance at a public meeting, the 'conception', which is

an inseparable part of the life-giving process, took place (in the dark) with the appointment of the Citizens' Planning Committee. The zoning ordinance was, therefore, not conceived *480 eo instanti at the public meetings held by the Town Council and Zoning Commission. It was the product of the deliberations and actions of the Citizens' Planning Committee acting as the alter ego of the Town Council; the action of the Citizens' Planning Committee was an indispensable requisite to and integral part of the 'official acts' or 'formal action' of the Town Council.' 279 So.2d 353, 356.

The question presented in the case Sub judice is one of first impression in this State. The effect of the 'Government in the Sunshine' Law has been considered in the past as it applies to various boards and commissions of elected officials, the terms used in the statute. But it has never before been suggested, by either the Courts or the Legislature, that meetings of all unofficial and purely advisory groups be likewise public and give notice of meetings held and otherwise act to insure that their meetings are 'public.' The statute simply does not include such persons.

Should the Legislature choose so to extend the Act, then would be the time to so hold, but not by this precipitous judicial extension thereof without the benefit of the majority's own requirement of a 'marketplace of ideas' first allowed to be debated by the citizens' elected representatives in the Legislature. Let the same worthy principle be applied in both instances. 'Consistency, what a jewel thou art.'

The Legislature having chosen not to include such advisory and purely private groups under the mandate of the statute, the Courts are powerless to extend the statute beyond the clear intent of the Legislature. As this Court has stated:

'In construing or interpreting the words of a statute it should be born in mind that the courts have no function of legislation, and seek only to ascertain the will of the Legislature. The courts may not imagine an intent and bend the letter of the act to that intent, much less, says the Maryland court, 'can we indulge in the license of striking out and inserting and remodeling with the view of making the letter express an intent which the statute in its native form does not evidence.'" *Fine v. Moran*, 74 Fla. 417, 77 So.2d 533, 536 (1917).

Despite the majority's assertion to the contrary, the extension of the statute here asserted would as logically apply also to gatherings of civic groups which meet with elected officials to discuss or recommend suggested

legislation, resulting in the invalidation of otherwise quite proper 'sunny' subsequent decisions by such officials because in all innocence no notice to the press and the public might have issued for the occasion. Likewise, all organizations dedicated to the swaying of public opinion and the initiation of public action later taken by a public body-be it a private group of legislative lobbyists, the League of Women Voters or the editorial board of a civic-minded publication-would have to welcome public involvement in their decision-making processes to avoid 'tainting' such officials' subsequent decisions in public.

In the most recent pronouncement by this Court on the 'Sunshine' issue, it was decreed that a county school board sitting in a quasi-judicial matter is still required to meet in the 'Sunshine.' *Canney v. Board of Public Instruction of Alachua County*, 278 So.2d 260 (Fla.1973). This Court has previously held that executive sessions of school boards (*Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693 (Fla.1969)), or city councils (*City of Miami Beach v. Berns*, 245 So.2d 38 (Fla.1971)), must be in the 'Sunshine,' reasoning:

'A secret meeting occurs when Public officials meet at a time and place to avoid being seen or heard by the public. When at such meetings Officials mentioned in Fla.Stat. s 286.011, F.S.A., *481 transact or agree to transact public business at a future time in a certain manner they violate the government in the sunshine law, regardless of whether the meeting is formal or informal.' *City of Miami Beach v. Berns*, *Supra*, at 41. (Emphasis added).

However, both cases involved meetings of officials mentioned in the statute, to-wit:

'(A)ny board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution.' Fla.Stat. s 286.011(1), F.S.A.

Nothing in the statute or in the prior decisions of the courts of this State dictates or even hints that the 'Government in the Sunshine' Law is intended to go beyond elected or officially appointed boards. In fact, it is constitutionally questionable in light of the freedoms of speech and peaceable assembly guaranteed by the U.S. Const., Amendment I, and by Fla.Const., art. I, ss 4, 5, F.S.A., to forbid private citizens to meet and discuss matters of public concern merely because their ideas are to be transmitted to a firm of professional planners and consultants, and because their ideas might be incorporated into a suggested plan which might then pass muster before the public in full hearings, and before two public bodies meeting in the 'Sunshine,' as occurred Sub judice.

The Citizens' Planning Committee working with the professional planner here cannot, under any reasonable theory, be equated with such a public 'board or commission.' These were solely private citizens, unsalaried volunteers.

In my view, the language of the statute mandates that the fact that a purely advisory group of private citizens did not hold public meetings, is not a violation of Fla.Stat. s 286.011, F.S.A., such as to void official action later taken in the 'Sunshine' by the Zoning Commission over a period of five days of public hearings and debate and thereafter, by the City Council, after six days of public hearings at which the only decisions were made. The fact that a private advisory group provided a part of the input which resulted in the plan presented to the official bodies for consideration is at best a preliminary planning aid which is entirely subject to the will ('decisions') of the Commission and the Council (official body). It only provided a starting point from which the Commission could start to work and into which the public could inject its contentions and plans to be incorporated or substituted as the Public body should decide. The 'marketplace of ideas' occurs at that point and total input from the public is therefore not denied.

Where it can be shown that a public body has intentionally, and for the purpose of avoiding the light of public scrutiny, appointed a board of non-elected citizens to determine For the elected board what course should be pursued, and where the actions of the private citizens are in any way Binding upon the elected officials, a different

situation would be presented. No such evidence or any indication of collusion between the Town Council and the Citizens' Planning Committee has been found in the case Sub judice. No intentional or incidental wrongdoing or collusion has been shown. If such collusion and impropriety of purpose had been made to appear, then the hearings of the private committee could be viewed as an alter ego extension of the official board, and thus amenable to the 'Sunshine.' This is not the case.

So long as the Committee has been advisory only, and the Zoning Commission and Town Council have remained free to view the suggested comprehensive plan as objectively as though it had been prepared solely by the hired consultants, and have made the decisions in the 'Sunshine,' the requirements of the statute have been met. See *482 Basset v. Braddock, 262 So.2d 425 (Fla.1972). Accordingly, the question posed by the District Court of Appeal, Fourth District, as stated, should have been answered in the negative.

I therefore most respectfully must dissent.

ROBERTS, J., concurs.

All Citations

296 So.2d 473

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Florida Attorney General Advisory Legal Opinion

Number: AGO 98-13

Date: February 16, 1998

Subject: Sunshine Law, applicability to citizen committees

Mr. Dwight W. Severs
Titusville City Attorney
Post Office Box 2806
Titusville, Florida 32796-3584

RE: GOVERNMENT IN THE SUNSHINE LAW--MUNICIPALITIES--applicability of Sunshine Law to citizen committees. s. 286.011, Fla. Stat.

Dear Mr. Severs:

On behalf of the City Council of the City of Titusville, you have asked for my opinion on substantially the following question:

Is a community advisory committee that is made up of citizens and established to provide a vehicle for citizen involvement in city government subject to the Government in the Sunshine Law?

In sum:

A community advisory committee that is responsible for making recommendations to the city commission on matters of concern to the residents of the city and upon which the city commission may foreseeably act must comply with the requirements of the Government in the Sunshine Law. However, citizens meeting with a street or block representative to express common concerns and develop issues to be presented for consideration to the community advisory committee are not subject to the Sunshine Law.

The City of Titusville is considering establishing a community advisory committee. The committee would consist of fifteen zone captains who would be appointed by the city council to represent various zones throughout the city. The Community Advisory Committee would meet at least quarterly and make recommendations to the city council based on input from city residents. Street and block representatives as well as representatives of other community areas would provide input from residents of their jurisdictions to the zone captains. The primary function and purpose of this structure would be to divide the community into various areas for greater

community involvement and citizen participation in local government. You have asked for direction in determining the applicability of the Sunshine Law to meetings at the various levels of this proposed structure.

Section 286.011, Florida Statutes, Florida's Government in the Sunshine Law, provides in pertinent part that "[a]ll meetings of any board or commission . . . of any agency or authority of any . . . municipal corporation . . . at which official acts are to be taken are declared to be public meetings open to the public at all times . . ." In considering the application of section 286.011, Florida Statutes, the courts have stated that it is the entire decision-making process which is covered, not merely those meetings where the final vote is taken.[1] As stated by the court in *Times Publishing Company v. Williams*[2]:

"Every step in the decision-making process, including the decision itself, is a necessary preliminary to formal action. It follows that each such step constitutes an 'official act,' an indispensable requisite to 'formal action,' within the meaning of the act."

Moreover, there is no "government by delegation" exception to the Sunshine Law and a public board or commission may not avoid compliance with the law by delegating its responsibilities to another group.[3] As recognized in *Spillis Candela & Partners, Inc. v. Centrust Savings Bank*,[4]

"The law is quite clear. An ad hoc advisory board, even if its power is limited to making recommendations to a public agency and even if it possesses no authority to bind the agency in any way, is subject to the Sunshine Law."

In reaching this conclusion, the court relied on the decision of the Florida Supreme Court in *Town of Palm Beach v. Gradison*,[5] in which the Court held that a citizens' planning commission established by the town council to act as an advisory group to the council regarding the formulation of the zoning plan was subject to the Sunshine Law.

Florida courts have determined that advisory boards whose powers are limited to making recommendations to a public agency and that possess no authority to bind that agency in any way are subject to the Sunshine Law.[6] As noted above, in the case of *Town of Palm Beach v. Gradison*, such a board may be made up entirely of private citizens.[7] It is the nature of the act performed by the board or committee, rather than its makeup or proximity to the final decision, that determines whether an advisory committee is subject to the Sunshine Law.[8]

In *Wood v. Marston*,[9] the Florida Supreme Court concluded that an

ad hoc advisory committee appointed to screen applications and make recommendations for the position of dean of the law school at a state university played an integral part in the decision-making process and thus was subject to the Sunshine Law. A similar result was reached in *Krause v. Reno*. [10] In that case, the district court held that an advisory board made up of private citizens and appointed and used by a city manager to screen applications and make recommendations for the position of chief of police was subject to section 286.011, Florida Statutes. [11]

The community advisory committee which the City of Titusville proposes to create is a board or commission that is subject to the Government in the Sunshine Law. [12] The committee would be appointed by the city council to act on its behalf in soliciting and receiving citizen input and in developing recommendations on city government and city operations. As a board or commission subject to the Sunshine Law, the committee would have to comply with the three basic requirements of section 286.011, Florida Statutes:

- (1) meetings of the committee must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken.

Your letter also expresses concern that the provisions of the Government in the Sunshine Law would apply to "block captains or street captains and the . . . meeting[s] of the citizens on a street [.]". The information you have provided to this office does not indicate that the block or street representatives have been designated by the committee to act on their behalf; rather, an informal structure is contemplated to facilitate citizen involvement and input. Such gatherings are not meetings of a governmental board or commission within the contemplation of the statute nor do these meetings themselves result in recommendations to be made to the city council. Based on your description, these meetings are in the nature of neighborhood gatherings where groups of citizens come together to discuss common concerns. The outcome of such meetings may be formalized and passed along to the members of the citizens advisory committee for consideration and discussion, at which time they would be aired at a public meeting. However, the organizers of these subdivision or block or street meetings would not be required to follow the requirements of the Government in the Sunshine Law.

Therefore, it is my opinion that a community advisory committee made up of citizens appointed by the city council to make recommendations to the council regarding city government and city services is subject to the Government in the Sunshine Law, section 286.011, Florida Statutes. However, citizen groups that meet to express common concerns and develop issues to be presented for consideration to the community advisory committee are not subject to the Sunshine Law as they are not governmental boards or commissions within the

scope of the statute.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgh

[1] See, e.g., *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973).

[2] 222 So. 2d 470, 473 (Fla. 2d DCA 1969).

[3] See *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974), stating that s. 286.011, Fla. Stat., should be construed so as to avoid all evasive devices and that this can only be accomplished by embracing within the terms of the statute the inquiry and discussion stages conducted by a committee or other authority appointed and established by a governmental agency which relates to a matter on which foreseeable action will be taken.

[4] 535 So. 2d 694, 695 (Fla. 3d DCA 1988).

[5] 296 So. 2d 473 (Fla. 1974).

[6] See *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). *Accord Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, 535 So. 2d 694 (Fla. 3d DCA 1988).

[7] *Ibid.*

[8] *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983).

[9] *Ibid.*

[10] 366 So. 2d 1244 (Fla. 3d DCA 1979).

[11] And see Op. Att'y Gen. Fla. 90-76 (1990) (legislatively created statewide nominating commission for workers' compensation judges subject to s. 286.011); Inf. Op. to Lawson Lamar, dated August 2, 1993, concluding that governmental transition teams made up of citizens appointed by the mayor to review city operations and the organizational structure of city government and to make recommendations regarding city government were subject to the Sunshine Law.

[12] See, e.g., the following opinions in which this office has concluded that advisory bodies are subject to the Sunshine Law: a committee responsible for making recommendations to the city council on personnel matters, Op. Att'y Gen. Fla. 92-26 (1992); an *ad hoc* committee appointed to meet with the Chamber of Commerce to discuss a proposed transfer of city property, Op. Att'y Gen. Fla. 87-42 (1987); an *ad hoc* committee appointed by the mayor for purposes of making recommendations concerning legislation, Op. Att'y Gen. Fla. 85-76 (1985); a citizens' advisory committee appointed by a metropolitan planning organization, Op. Att'y Gen. Fla. 82-35 (1982); an advisory committee studying the municipality's provision of services, Inf. Op. to Fred S. Disselkoen, Jr., dated July 14, 1992; a finance advisory committee and utility advisory committee, Inf. Op. to Gary L. Stinson and Larry Hopper, dated December 31, 1990.

Florida Attorney General Advisory Legal Opinion

Number: INFORMAL

Date: June 10, 2010

Subject: Sunshine Law, fact-finding committees

Mr. John C. Randolph
Attorney for the Town of Palm Beach
Flagler Center Tower, Suite 1100
505 South Flagler Drive
West Palm Beach, Florida 33401

Dear Mr. Randolph:

You have asked this office for advice as to whether the town council, by official act, may identify the Palm Beach County Budget Task Force (created by the town council) as a strictly fact-finding committee which reports its findings to the town council and is, thereby, not subject to the requirements of the Government in the Sunshine Law, section 286.011, Florida Statutes. You also ask, in the event the task force oversteps its fact-finding role and acts in a manner that would be subject to section 286.011, Florida Statutes, may the actions be validated by the town council's subsequent action at a properly noticed public meeting.[1]

The following general comments are provided in order to be of assistance.

Section 286.011(1), Florida Statutes, Florida's Government in the Sunshine Law, provides in pertinent part that "[a]ll meetings of any board or commission . . . of any agency or authority of any . . . municipal corporation . . . at which official acts are to be taken are declared to be public meetings open to the public at all times" In considering the application of section 286.011, Florida Statutes, the courts have stated that the entire decision-making process is covered, not merely those meetings where the final vote is taken.[2] As stated by the court in *Times Publishing Company v. Williams*, [3]

"Every step in the decision-making process, including the decision itself, is a necessary preliminary to formal action. It follows that each such step constitutes an 'official act,' an indispensable requisite to 'formal action,' within the meaning of the act."

There is no "government by delegation" exception to the Sunshine Law and a public board or commission may not avoid compliance with the law by delegating its responsibilities to another group.[4] As the Florida Supreme Court stated in *City of Miami Beach v. Berns*, [5] "[t]he Legislature intended to extend application of the 'open meeting' concept so as to bind every 'board or commission' of the state, or of any county or political subdivision over which it has dominion or control."

The fact that the board or commission is advisory, possessing only the authority to make recommendations to the public agency, does not remove it from the ambit of the Government in the Sunshine Law. As recognized in *Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, [6]

"The law is quite clear. An ad hoc advisory board, even if its power is limited to making recommendations to a public agency and even if it possesses no authority to bind the agency in any way, is subject to the Sunshine Law."

In reaching this conclusion, the court relied on the decision of the Florida Supreme Court in *Town of Palm Beach v. Gradison*, [7] in which the Court held that a citizens' planning commission established by the town council to act as an advisory group to the council regarding the formulation of the zoning plan was subject to the Sunshine Law. The Fifth District Court of Appeal in *Lyon v. Lake County* [8] held that the Sunshine Law applies to a site plan review committee created by the county commission to serve in an advisory capacity to the county manager. As the Court stated in *Monroe County v. Pigeon Key Historical Park, Inc.*, [9] "the Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials."

Thus, Florida courts have determined that advisory boards whose powers are limited to making recommendations to a public agency and that possess no authority to bind that agency in any way are subject to the Sunshine Law.[10]

A limited exception to the Sunshine Law's applicability to advisory committees has been recognized for such committees established for "fact-finding" only. When a committee has been established strictly for fact-finding and it conducts only fact-finding activities, i.e., strictly information gathering and reporting, the activities of the committee are not subject to section 286.011, Florida Statutes.[11] However, it has been judicially determined that the fact-finding exception does not apply to the ultimate decision-making governmental authority, [12] When a committee has been granted a decision-making function

in addition to fact-finding, the Sunshine Law will apply to the committee's activities.[13]

In determining whether a committee is subject to the Sunshine Law, the actual function of the committee must be scrutinized to determine whether it is acting in strictly a fact-finding role or it is exercising part of the decision-making function by sorting through options and making recommendations to the governmental body. Moreover, it raises concerns that a committee officially designated as a fact-finding body would be engaged in activities that might overstep the bounds of their authority and subject it to the Sunshine Law on an intermittent or accidental basis.

Section 286.011, Florida Statutes, provides that no resolution, rule, regulation, or formal action shall be considered binding unless taken or made at an open meeting. Should action be taken in violation of the Sunshine Law, it is considered void *ab initio*. [14] The perfunctory or ceremonial acceptance of actions that were taken at a meeting held in violation of the Sunshine Law will not cure the violation; rather it takes "independent, final action in the sunshine." [15] Only a full open hearing will cure a violation of holding a meeting outside the Sunshine Law. [16]

I trust that these informal comments will be of assistance.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tsrh

[1] The authority of this office to render legal opinions is statutorily limited to responding to public officials and entities on questions of law relating to their own duties, thereby precluding comment on the actions of a public official or entity at the request of another. See Statement Concerning Attorney General Opinions. You do not indicate that you are requesting an opinion on behalf of a majority of the members of the city commission or of the task force.

[2] See, e.g., *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973).

[3] 222 So. 2d 470, 473 (Fla. 2d DCA 1969).

[4] See *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974), stating that s. 286.011, Fla. Stat., should be construed so as to avoid all evasive devices and that this can only be accomplished by embracing within the terms of the statute the inquiry and discussion stages conducted by a committee or other authority appointed and established by a governmental agency which relates to a matter on which foreseeable action will be taken.

[5] 245 So. 2d 38, 40 (Fla. 1971). And see *Town of Palm Beach v. Gradison*, *supra*; cf. *Ops. Att'y Gen. Fla. 97-17* (1997) (Sunshine Law applies to not-for-profit corporation created by city development agency to assist in the implementation of the agency's redevelopment plan); *97-32* (1997) (s. 286.011, Fla. Stat., applies to meeting of board of trustees of pension fund of not-for-profit corporation created by county to manage county's public transit system).

[6] 535 So. 2d 694, 695 (Fla. 3d DCA 1988).

[7] 296 So. 2d 473 (Fla. 1974).

[8] 765 So. 2d 785 (Fla. 5th DCA 2000)

[9] 647 So. 2d 857, 869 (Fla. 3d DCA 1994).

[10] And see the following opinions in which this office has concluded that advisory bodies are subject to the Sunshine Law: *Op. Att'y Gen. Fla. 03-28* (2003) (council created by community college board of trustees to make recommendations to the manager of the college's Business Assistance Center and to the community college president); *Op. Att'y Gen. Fla. 92-26* (1992) (committee responsible for making recommendations to the city council on personnel matters); *Op. Att'y Gen. Fla. 87-42* (1987) (ad hoc committee appointed to meet with the Chamber of Commerce to discuss a proposed transfer of city property); *Op. Att'y Gen. Fla. 85-76* (1985) (ad hoc committee appointed by mayor for purpose of making recommendations concerning legislation); *Op. Att'y Gen. Fla. 82-35* (1982) (citizens' advisory committee appointed by a metropolitan planning organization).

[11] See *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985). *Accord Op. Att'y Gen. Fla. 95-06* (1995) (group acting on behalf of a public entity functioning solely as a fact-finder or information gatherer with no decision-making authority not subject to the Sunshine Law).

[12] See *Finch v. Seminole County School Board*, 995 So. 2d 1068 (Fla. 5th DCA 2008) (school board could not take a fact-finding tour without compliance with Sunshine Law even when members are separated by several rows of seats, there was no discussion of preferences or opinions, and no vote was taken during

the trip).

[13] See *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983) ("search and screen" committee for university president with undisputed decision-making function in screening candidates was subject to the Sunshine Law). See also Op. Att'y Gen. Fla. 94-21 (1994) (Sunshine Law applies to meetings of negotiation team created by city, even though negotiations were subject to ratification by city commission).

[14] See *Town of Palm Beach v. Gradison*, *supra.*, and *Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA 1979) (resolutions made during meetings held in violation of s. 286.011, Fla. Stat., had to be re-examined and re-discussed in open public meetings).

[15] *Tolar v. School Board of Liberty County*, 398 So. 2d 427, 429 (Fla. 1981); *Bruckner v. City of Dania Beach*, 823 So. 2d 167, 171 (Fla. 4th DCA 2002) (Sunshine Law violations "can be cured by independent, final action completely in the Sunshine.")

[16] See *Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, 535 So. 2d 694 (Fla. 3d DCA 1988).



COUNCIL ITEM # 6 & 7
DATE 12/19/16

MEMORANDUM

TO: VICE MAYOR & CITY COUNCIL
RUSS BLACKBURN, CITY MANAGER
O. REGINALD OSENTON, CITY ATTORNEY
KAREN PHILLIPS, CITY CLERK

RECEIVED

FROM: GREGORY J. ORAVEC, MAYOR

DEC 14 2016

SUBJECT: 12/19/16 WORKSHOP, AGENDA ITEMS 6 & 7

CITY MANAGER'S OFFICE

DATE: DECEMBER 14, 2016

In discussing the potential for reviving a Budget Advisory Committee or forming any citizen board or committee, I would be grateful for any Council efforts to stake out its policy positions relating to citizen engagement and the use of citizen committees in general.

I greatly value and am proud of the work of our existing formal citizen committees, like the P&Z Board, CEB and KPSLB, and our separate but related City University and Volunteer Programs. In fact, I think we are just scratching the surface of what we can do with citizen engagement and am supportive of greater utilization of standing and ad hoc citizen committees and another important tool—a properly constructed annual citizen survey. As you may know, I have previously requested that the Budget Advisory Committee be a standing body.

In comparing PSL to other selected Florida municipalities*, it is interesting to note that we use citizen advisory committees much less than our selected peers. I look forward to our discussion of this important topic.

Thank you.

*PSL is one of the twenty most populous cities in Florida and located in St. Lucie County. Therefore, in selecting comparable municipalities, we focused on similarly populous and/or nearby Florida cities also having a council-manager form of government. Additionally, it is important to note that Palm Bay, Cape Coral and PSL also share the bonds of being “platted communities”.

[Disclaimer: A councilperson may send a written report to other councilpersons on a subject that will be discussed at a public meeting without violating the Sunshine Law, if prior to the meeting, there is no interaction related to the report among the councilpersons and the report, which must be maintained as a public record, is not being used as a substitute for action at a public meeting. However, another councilperson's response to such a report, which outlines his/her position, can be “problematical” and should be discouraged. Accordingly, this communication is being provided for your information only and should not initiate an exchange outside of the Sunshine. Any discussion or reply should occur at a duly noticed public meeting. (Source: Government-In-The-Sunshine Manual)]

Municipality	Affordable Housing	Art & Culture	Airport/Aviation	Animal	Audit	Adjustments & Appeals	Budget/Economic	Building	Charter	Code Enforcement	CRA	Diversity	Districts	Education	Employee Relations	Environment	Ethics	Health & Safety	Historic	Housing	Media	Neighborhood & Community Services	Nuisance Abatement	Parks and Rec	Pension Boards	P&Z	Roadways	Science	Seniors	Transit	Utilities	Veterans	Total # of Committees:			
Tallahassee	Affordable Housing Adv.	Council on Arts & Culture	Airport Advisory Board	Animal Shelter Advisory	Audit Committee	Board of Adj. and Appeals	Sinking Fund Comm.			Municipal Code Enforcement	DRC Redevelopment Area Downtown Redevelopment	MBE (Minority Business Enterprise) Advisory											Tallahassee Housing		Parks and Rec Advisory Board		Planning Commission/Local Planning Agency	Canopy Road Comm.	Science Advisory Committee	Senior Citizens Advisory	Transit Advisory	Citizens Advisory Committee		28		
											Greater Frenchtown/Southside CRA	Leon County Commission on the Status of Women & Girls																								
												Tallahassee Human Relations																								
Fort Lauderdale	Affordable Housing Adv.	Performing Arts Center Auth.	Aviation Advisory Board		Audit Advisory Board	Board of Adjustments	Budget Adv. Board	Unsafe Structures Board	Charter Review Comm.	Code Enforcement Board	Central CRA Board			Education Adv. Board	Civil Service Board	Sustainability Adv. Board		Citizen's Police Review Board	Historic Preservation Board	Housing Auth. of City of Ft. Lauderdale			Beach Business Improvement District Advisory Committee		Parks, Recreation & Beaches Board	General Employees Retirement Systems	Planning & Zoning Board				Marine Adv. Board			33		
											Downtown Dev't Auth.																									
											Economic Dev't Adv. Board																									
											NW Progresso Flagler Heights Redevelopment Board																									
											Innovative Dev't District Adv. Comm.																									
Cape Coral	Affordable Housing Adv.				Audit Committee	Construction Regulation Board	Budget Review Committee		Charter Review Comm.		Community Development Block Grant		Districting Commission	Charter School Governing Board	Grievance Committee									Golf Course Advisory Board	Municipal Firefighters, Police & General Employee's Pension Trust Fund Board of Trustees	P&Z Commission/Local Planning Agency	Burnt Store Road Right-of-way Comm.						14			
											South Cape CRA Board																									
Palm Bay								Building & Construction Advisory Comm.		Code Enforcement Board	Bayfront CRA													Recreation Advisory Board	Police and Firefighters Pension Board - Board of Trustees	P&Z Board	Local Road Advisory Board			Melbourne Tillman Water Control District			Utilities Advisory Board		12	
											Community Dev't Adv.																									
											Enterprise Zone Development Agency																									
Pembroke Pines	Affordable Housing Adv.	Arts and Culture Board				Board of Adjustments	Economic Dev't Board		Charter Review Board					Charter Elementary/Middle School Adv.								Social Media Committee (ad hoc)	Landscape Advisory Board		Police and Fire Pension Board	P&Z Board									12	
														Education Adv. Board																						
														Charter High School Board																						
Lakeland	Affordable Housing Adv.		Airport Advisory Board			Zoning Board of Adjustments and Appeals				Code Enforcement Board	CRA Advisory Board				Public Employee Relations Commission				Historic Preservation Board	Housing Authority Board			Beautification Board	Nuisance Abatement Board		Employees Pension Board	P&Z Board				Utility Committee			17		
	Affordable Housing Review																																			
Gainesville	State Housing Initiatives Partnership	Art in Public Places Trust	Gainesville/Alachua County Regional Airport Authority			Fire Safety Board of Adj. (building appeals)		Development Review Board			Citizens Advisory Comm. For Community Dev't	Gainesville Human Rights Board			Student Community Relations Adv. Board	Nature Centers Commission			Historic Preservation Board	Gainesville Housing Authority			City Beautification Board		Public Parks and Rec Board	Board of Trustees of the Consolidated Police Officers and Firefighters Retirement Plan					Bicycle Pedestrian Advisory Board	Utility Advisory Board			22	
		Gainesville/Alachua County Cultural Affairs Bd.				Tree Board of Appeals					City Plan Board																									
						Board of Adjustments																														
Fort Pierce		Sunrise Theater Advisory Board				Board of Adjustments		Board of Examiners of Contractors		Code Enforcement Board	CRA Advisory Comm.				Civil Service Appeals Board				Historic Preservation Board						Retirement Board	Planning Board									15	
						Construction Board of Adj. and Appeals					Ft. Pierce Redevelopment Agency																									
St. Lucie County	Affordable Housing Advisory Comm.					Board of Adjustments	Citizens Budget Dev't Comm.	Contractors Examining Board		Code Enforcement Board	Treasure Coast Education, Research & Development Authority					Sustainability Advisory (ad hoc)		Emergency Medical Services Advisory	Historical Commission	Housing Finance Authority					Community Development Block Grant/Citizens Advisory Task Force	Planning and Zoning			Port of Fort Pierce Advisory Committee	Veterans Advisory Council (ad hoc)			16			
						Investment Committee																														
Port St. Lucie		Public Art Advisory Board						Contractors Examining Board																	Board of Trustees: Municipal Police Officers' Retirement Trust Fund	Planning and Zoning								6		
Number of Cities per group:	7/10	6/10	4/10	1/10	3/10	8/10	5/10	6/10	3/10	6/10	8/10	2/10	1/10	4/10	5/10	4/10	1/10	2/10	5/10	5/10	1/10	9/10	1/10	5/10	8/10	9/10	3/10	1/10	1/10	4/10	5/10	1/10				



City Council Workshop
December 19, 2016





The Forum's Mission:

To bring the people of Port St. Lucie together to listen, share concerns, learn, plan, act and report on our progress in maintaining and enhancing our promise of being a City for ALL people.

CityofPSL.com





The **City of Port St. Lucie** invites you to its first *Forum on Race Relations & Inclusion*.

The Forum's mission is to bring the people of Port St. Lucie together to listen, share concerns, learn, plan, act and report on progress in maintaining and enhancing our promise of being a City for **ALL** people.

**SATURDAY
NOVEMBER 5, 2016**
8:30 A.M. – 5:00 P.M.

PSL CIVIC CENTER
9221 SE CIVIC CENTER PL.

Join us in engaging sessions that include topics on:

- LGBTQ+: A personal journey
- Race & Ethnicity
- Disabilities
- Bridging the gap between the community and the police
- Immigration & Inclusion
- Fair and impartial policing
- Religious tolerance

RSVP by 10/24/16 @ www.CityofPSL.com/frri
Fill out the registration form to participate in the interactive sessions, panel discussions, and lunch with the keynote speaker. This is a free sponsored event, but **seating is limited!**

Open to the public from 8:30 a.m. to 4:00 p.m.

- Community resource info booths
- Police Experience Simulator

For more info, visit: www.CityofPSL.com/frri

- **LGBTQ+**
- **Disabilities**
- **Immigration & Inclusion**
- **Religious Tolerance**
- **Race & Ethnicity**
- **Bridging the Gap**
- **Fair and Impartial Policing**

CityofPSL.com





**SATURDAY
NOVEMBER 5, 2016**
8:30 A.M. – 5:00 P.M.

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THE FORUM'S MISSION:

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Sponsors:



Notes:

- 187 Registrants
- 105 Attendees
- 48 Staff/Volunteer Support
- Cost: \$3,870.74

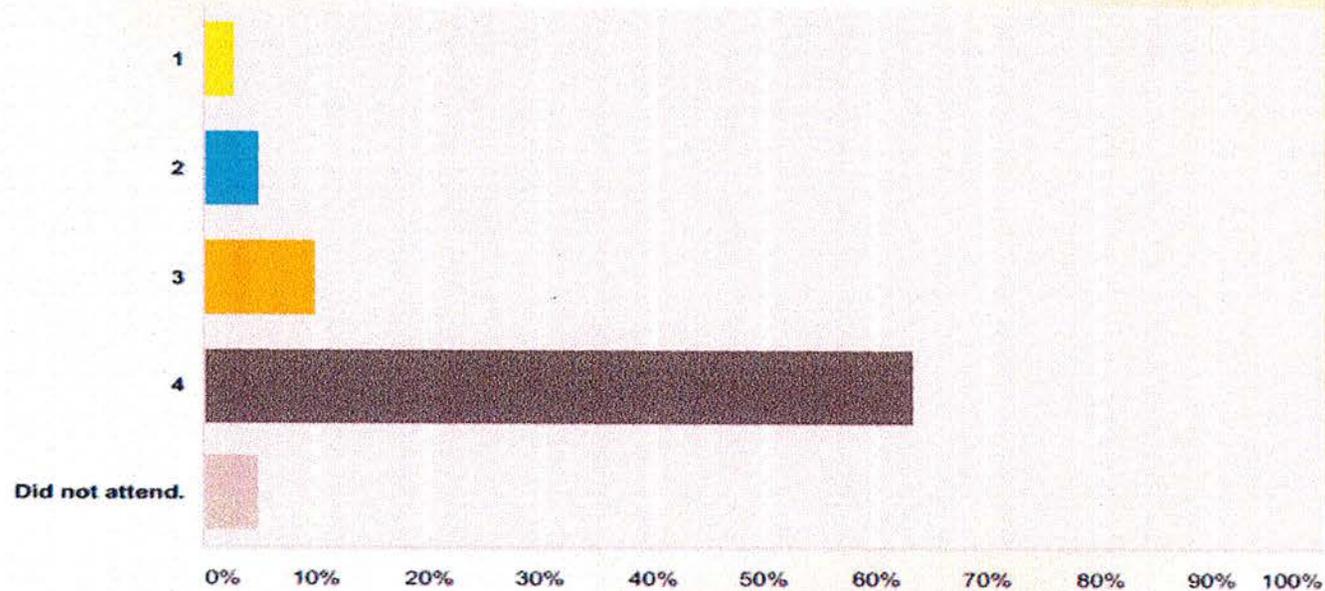


Opening Keynote Speaker

Poor = 1, Average = 2, Good = 3, Excellent = 4

Q4 Captain Tony Raimondo

Answered: 41 Skipped: 0



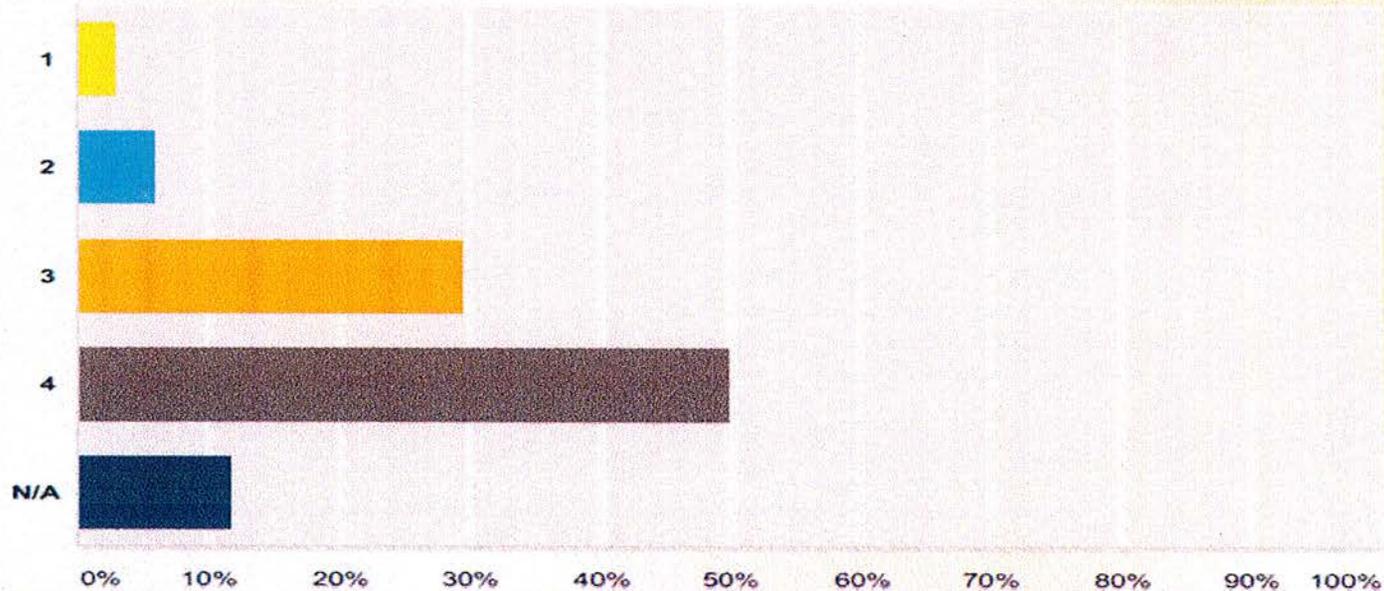


Lunch Keynote Speaker

Poor = 1, Average = 2, Good = 3, Excellent = 4

Q7 Lunch Keynote Speaker - Veverly Gary Hamilton

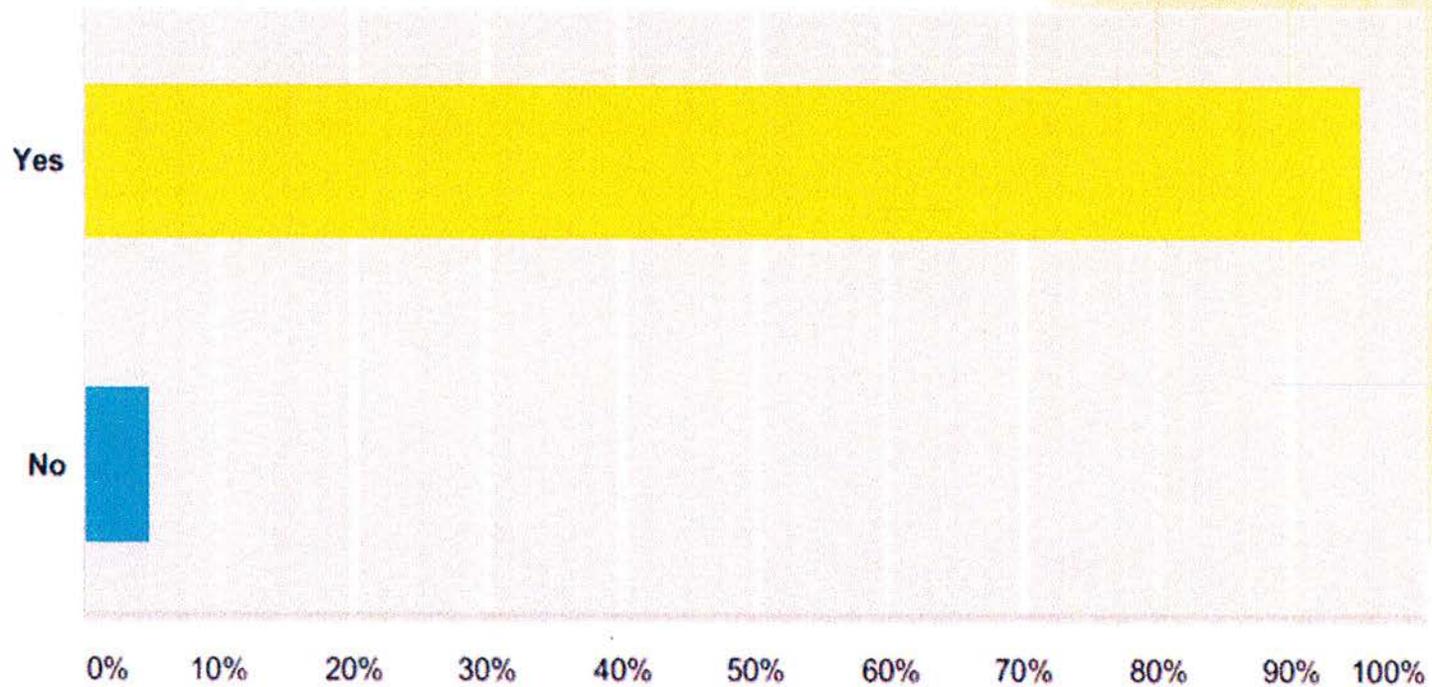
Answered: 34 Skipped: 7





Q11 Were the keynote addresses generally of interest to you?

Answered: 41 Skipped: 0

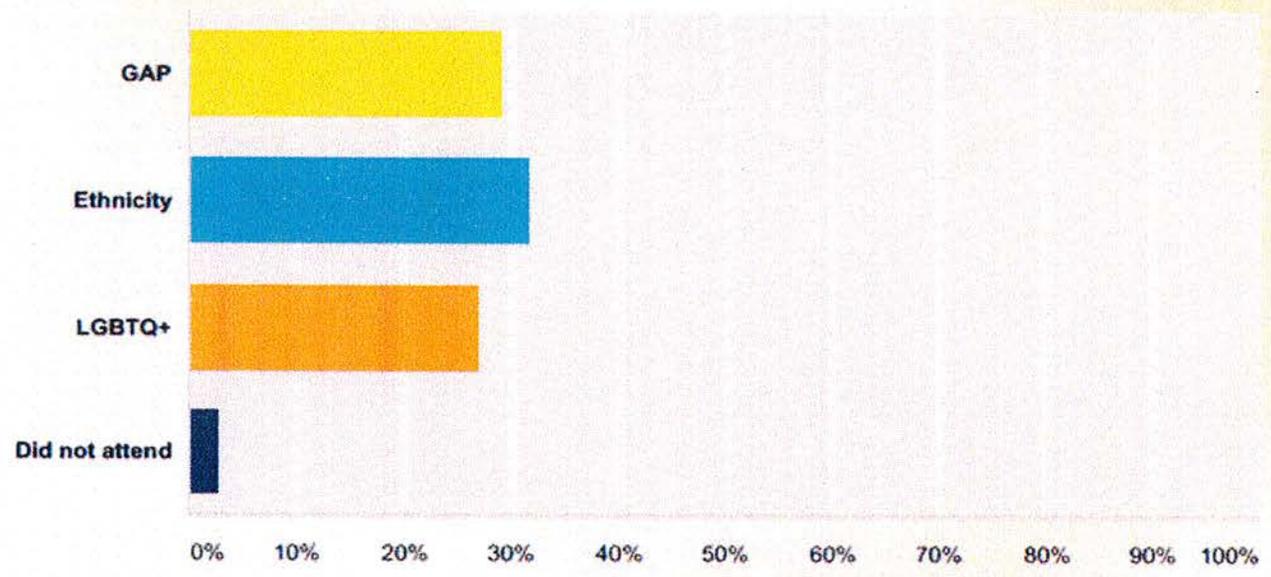




A.M. Sessions Attended

Q5 Session attended

Answered: 41 Skipped: 0

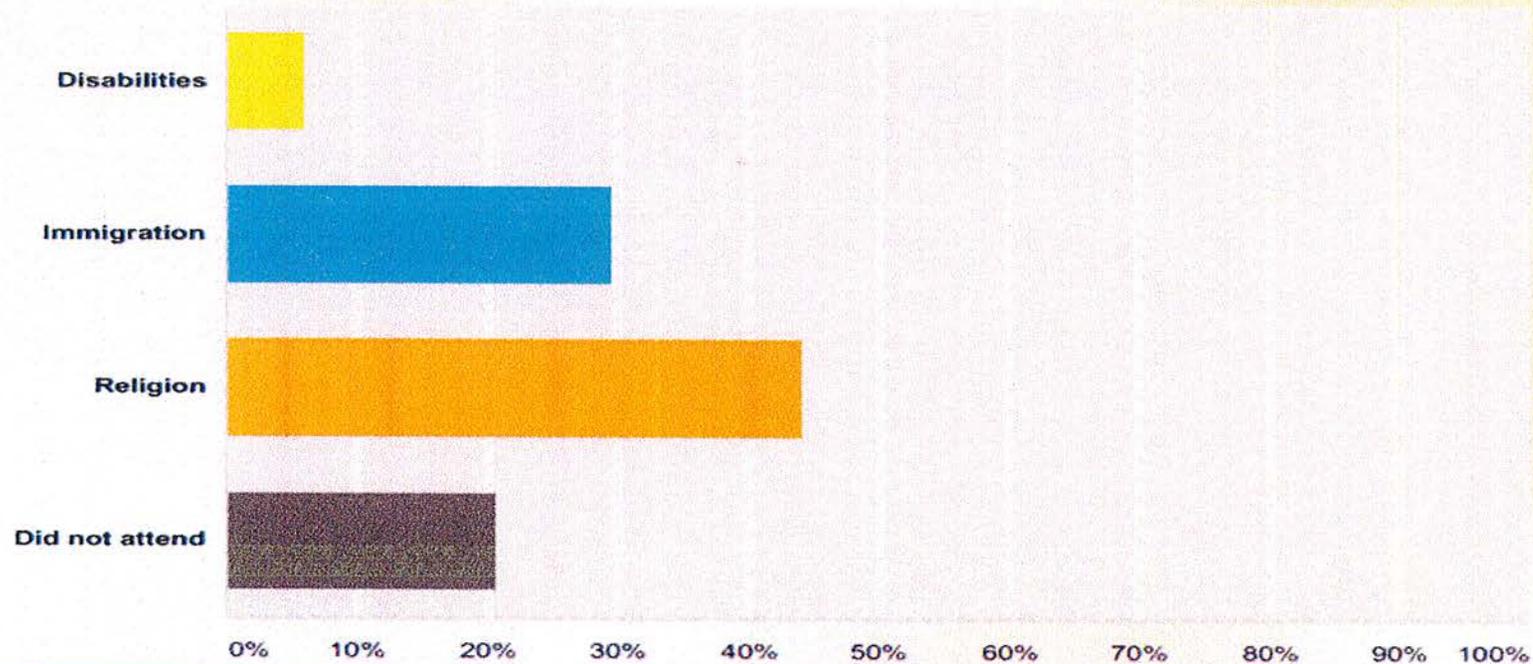




P.M. Sessions Attended

Q8 Session attended

Answered: 34 Skipped: 7



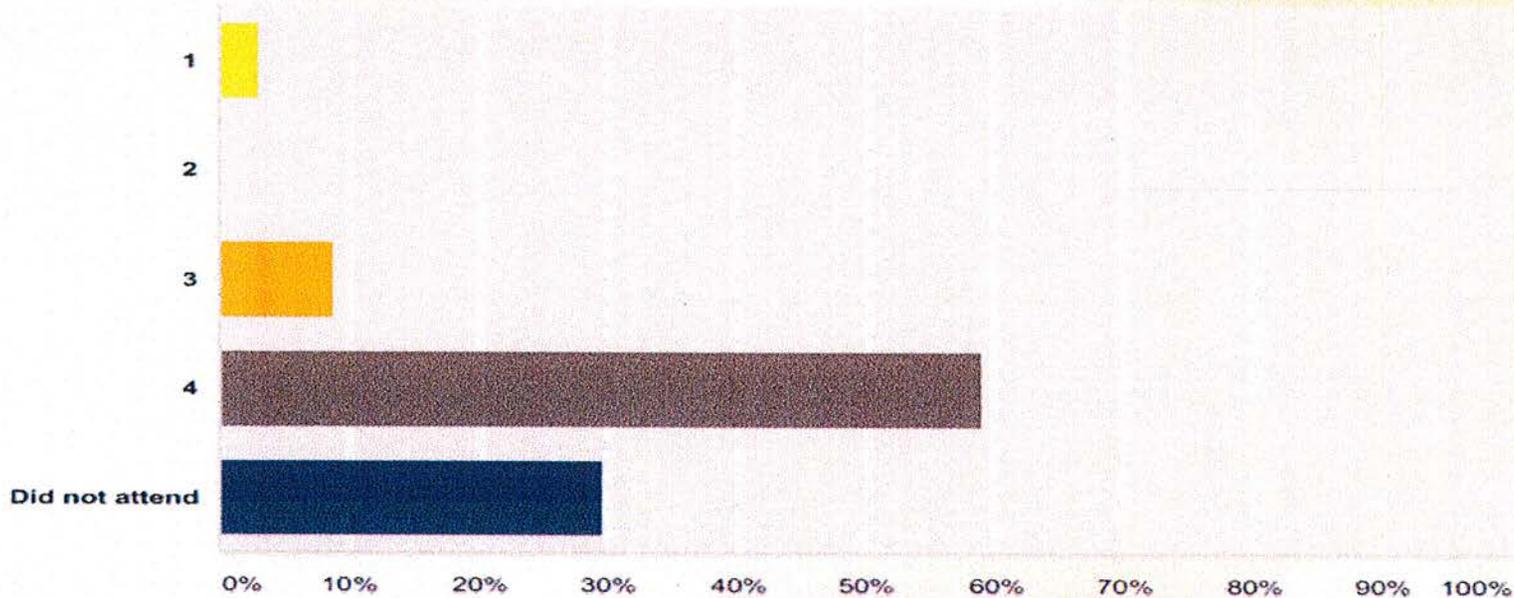


Panel Discussion

Poor = 1, Average = 2, Good = 3, Excellent = 4

Q10 Panel Discussion - How would you rate this session?

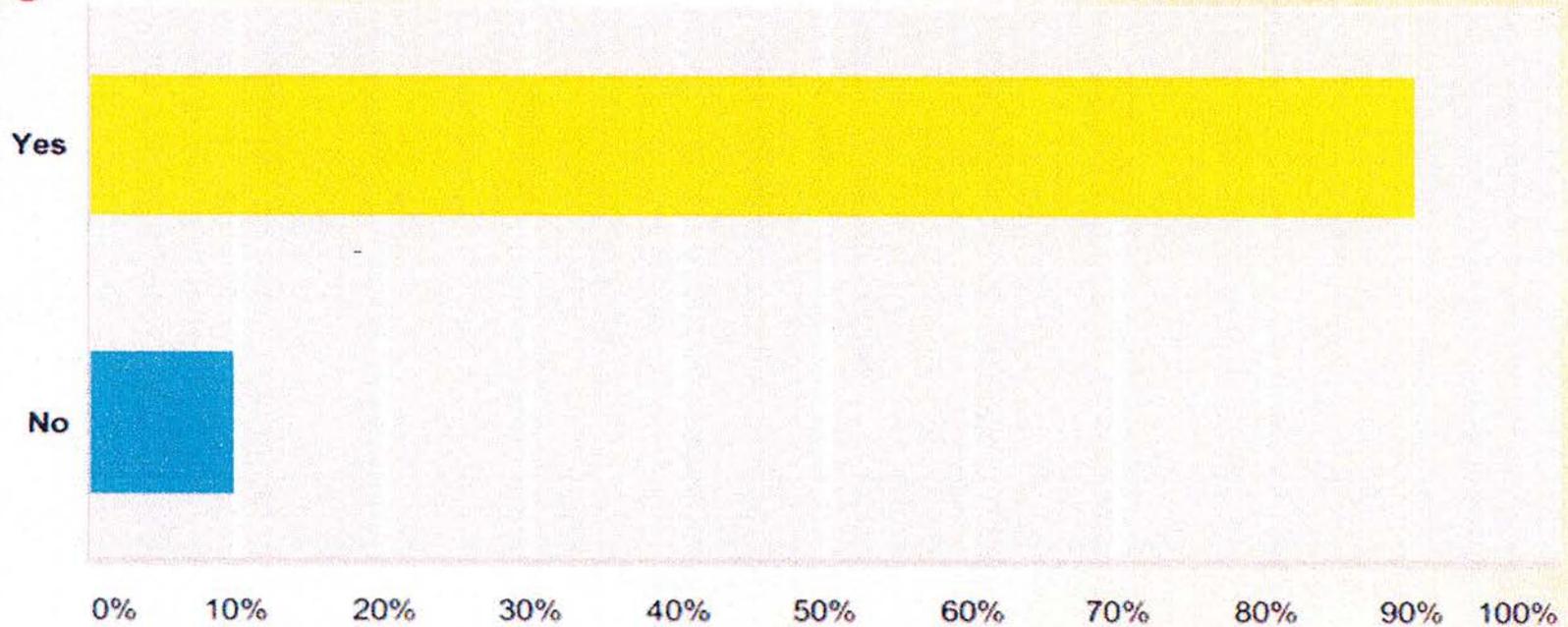
Answered: 34 Skipped: 7





Q14 Were you satisfied with the overall range of speakers today?

Answered: 41 Skipped: 0





FRRI: Recommended Next Steps

Internal Committee

➤ Focus:

- What the City, as an organization can do to address diversity
- HR partnership
 - Goals, objectives
 - Action plan

External Committee

➤ Focus:

- Workshops
 - 2 to 3 Hours Sessions
 - GAP
 - Ethnicity
 - LBTQ+
 - TBD: Dates in 2017





? Questions ?

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"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

CONSIDERATION ITEM #9
DATE 12/19/16

MEMORANDUM

To: Mayor and City Council

Via: Russ Blackburn – City Manager 

Thru: Patricia Roebling, P.E. – Assistant City Manager/City Engineer 

From: Carmen A. Capezzuto – Neighborhood Services Director 
Mike Lubeck – Assistant Director

Re: Temporary Signage in Rights-of-Way – Workshop Discussion Item

Date: December 14, 2016

Background

Applicants of non-profit organizations requesting the City's approval of special event sign placement in the city Right-of-Way (ROW) are required to complete a special event application (attached) with applicable documents and submit an event letter to the city manager requesting sign placement within the ROW. The request is then placed on the City Council agenda for consideration. This process can take up to 3 weeks which is problematic for some applicants who are unaware of the process. Several times per month special events go without permitted signs due to missing the deadline for a City Council agenda.

On December 21, 2009 the City Council discussed giving the authority to approve event sponsorship to the City Manager or place the request on the consent agenda. A motion was made and unanimously passed that required any future city-sponsorship items for events be placed on the consent agenda for non-profit organizations. The minutes from this meeting are attached.

On December 5, 2016 the City Council requested a workshop discussion item to consider eliminating this step (City Council approval) from the application process. The question before the City Council now is whether or not these applications could be approved administratively by staff. City Council approval of special event signs was put in place several years ago as it was considered a "sponsorship" by the City to allow signs to be placed in the right-of-way (ROW).

Analysis

Since a garage sale could be considered an event, an argument can be made to handle these applications in the same manner as garage sale permit applications. These are processed without City Council approval. The City Council set policy guidelines for the regulation of garage sale permits and staff has followed this direction and the process is highly effective.

In review of our ordinances, the city code section that regulates temporary and special events signage falls under section 155.07 (attached). The code states that “Special event signs for city sponsored event may be placed in the right-of-way”, but does not provide any guidance as to whom can authorize city sponsorship. Under another section of the code it is permissible to administratively authorize other temporary signs to be placed within the ROW. Sec.155.03(I)(3) (attached) allows for the Code Compliance Division to permit garage sale and estate sale signs to be placed in the ROW without City Council approval.

Ten (10) of the twelve (12) organizations we contacted do not allow signs of any kind in the ROW.

1. The following agencies do not allow signs in the ROW:
 - a. St. Lucie County
 - b. Martin County
 - c. Fort Pierce
 - d. Cape Coral
 - e. Gainesville
 - f. Miami
 - g. Orlando
 - h. Palm Bay
 - i. Tampa
 - j. West Palm Beach
2. The City of Vero Beach does allow signs in the ROW. Applicants can obtain a permit from the Planning and Zoning Department. The permit does not require Council approval. The permit allows for the placement of 20 signs in the in the ROW from Thursday through Sunday.
3. The City of Stuart does not allow signs within the ROW, but they can obtain a banner from the Special Events Department. The banners do not require Council input/approval.

Recommendation

The City of Port St. Lucie is the only municipality of the agencies we contacted that requires approval of its elected officials to allow sign placement in the ROW, The Neighborhood Services Department has no issues with keeping the process intact or changing it based on the desire of the City Council. At this time, we are suggesting to help facilitate a policy discussion with the City Council in conjunction with the City Attorney’s Office and the Planning and Zoning Department. Please refer to the attached PowerPoint presentation for more details that will be discussed at the workshop.

Attachments:

1. City Council Meeting Minutes from 12/21/2009
2. Application for Special Event Sign
3. Letter template to organizations
4. Excerpts from City Code Chapters 155 and 158
5. Workshop PowerPoint Presentation
6. Sign Examples (Photos)

Copy. O. Reginald Osenton – City Attorney
Patti Tobin – Planning and Zoning Director



"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 1 CITY COUNCIL MEETING MINUTES 12/21/2009

13. NEW BUSINESS

a) **ARBOR TREE & LAND, INC., D/B/A ATL DISASTER RESPONSE & RECOVERY**, AMENDMENT #6, HOWARD CREEK WATERWAY PROJECT, PHASE I, SEGMENT II, #20070060, EMERGENCY DEBRIS COLLECTION AND REMOVAL SERVICES CONSISTING OF CLEANING AND EMBANKMENT REPAIRS FROM WESTMORELAND BRIDGE TO JUST SOUTH OF FARLEY ROAD AND ELROSE STREET, APPROXIMATELY 3,600 FEET, \$512,280; CONTRACT PERIOD IS 120 DAYS, FUND 403-4126-5688, PUBLIC WORKS

Mr. Oravec said, "This is a contract with ATL Disaster Response and Recovery for the Howard Creek waterway. It is to clean out the next segment of the waterway. We do recommend approval." Councilman Cooper **moved** to approve Item 13 a). Councilwoman Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 a). The **motion passed unanimously** by roll call vote.

b) DISCUSSION CONCERNING REQUEST BY TEMPLE BETH EL ISRAEL FOR CITY SPONSORSHIP OF THE TASTE OF THE TOWN EVENT, ASSISTANT CITY MANAGER

Mr. Oravec explained, "The Temple has a Taste of the Town event scheduled for January 30, 2010, from 6:00 p.m. to 9:00 p.m. They are requesting sponsorship of the City for the sole purpose of locating temporary signage within the City's right-of-way. Pursuant to the Code of Ordinances, only City-sponsored special events may locate signs within the right-of-way. Staff has no issues with this due to the fact that the event would impose little if any cost upon the City." Councilman Cooper said, "The loophole now is to come to us for sponsorship so they can put their signage up. Instead of hearing these every time come forward, and I'm assuming we are going to pass them, why don't we give the City Manager the authority to approve them?" Mayor Christensen said, "I don't have a problem if you want to give discretion to the City Manager's Office to determine whether the City should sponsor an event. There are certain events that I can assure you, I wouldn't sponsor." Mr. Oravec commented, "Be careful of slippery slopes and unstable surfaces. There are some events that the City Manager's Office may think are fine, but it's outside the brand of the City. We can all go back to a recent concert event located near the Turnpike that did not turn out well. There was a big discussion by the Council. This member of the City Manager's Office wouldn't want to get sideways with the Council by using discretion to approve an event and then learn the day after the event that it was bad. I understand where Councilman Cooper is coming from. We can put them on the Consent Agenda. It will give the Council the opportunity to approve the event."

Vice Mayor Kelly stated, "We set the precedent for this. There is something wrong with the Sign Permit Ordinance. We said it was \$200 and there was a limit of 100 signs. The fee was for the 100 signs.

The way the ordinance came back, it was \$200 per sign. We didn't approve that. That's the way it reads. If Pop Warner wants to put up 100 signs and pay \$200 for the permit, I don't have a problem with it, if it's a 501(3)(C). That's what we set up. The ordinance is written differently. It's written for every single sign. It's thousands of dollars for 501(3)(C) organizations to put up signs. If we correct the ordinance, it will take a lot of that away. It has to be corrected." Mr. Oravec pointed out, "It would not correct the issue before us this evening. The issue is that no event, outside of City-sponsored events, can have a sign in the right-of-way. That would address the issue of the expense for a special-event sign on private property. It would not address the signs within the right-of-way. You haven't received requests from Little League because they are so intertwined with the City that those are approved matter of fact. They are at the City parks. They've always been City-park leagues. That's why they haven't come forward. These events will come forward because regardless of the price they are not allowed to put the signs within the right-of-way." Vice Mayor Kelly stated, "It would alleviate quite a bit. People say it's cheaper to put the signs up and, if we take them down, it's still cheaper to put them up illegally. We're still pulling illegal signs down. This is a separate issue. I'd rather have that ordinance come back. It's incorrect." Mayor Christensen said, "Mr. Oravec pointed out that these organizations cannot legally put signs in the right-of-way unless they are City-sponsored events. That's the way the ordinance is written. That's why these organizations are requesting the City to be a sponsor." Vice Mayor Kelly stated, "I understand. I want to straighten out the other ordinance, too." Mayor Christensen pointed out, "It doesn't alleviate these coming to the Council." Councilman Cooper said, "I support them being put on the Consent Agenda."

Councilwoman Berger noted, "I want to make sure you remember that in St. Lucie West, a lot of it is not City right-of-way. Even if we pass this tonight, some of that area is still off limits for the signs." Lisa Friend, Temple Beth El Israel, said, "I've been in contact with Bayshore Management. I filed an application with them, as well. I let them know that I was waiting for possible approval here." Vice Mayor Kelly **moved** to approve Item 13 b). Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote. Mayor Christensen asked, "Is there a motion to place these items on the Consent Agenda in the future?" Councilwoman Berger said, "So **move**." Councilman Cooper **seconded** the motion. The City Clerk restated the motion as follows: for approval to place any future City-sponsorship items for events on the Consent Agenda for non-profit organizations. The **motion passed unanimously** by roll call vote. Councilwoman Berger said, "I've heard that there is an interpretation of the ordinance that it's \$75 per sign. The Legal Department can review that and make sure the intent has been followed through with."



"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 2 APPLICATION

City of Port St. Lucie
Code Compliance Division
121 S.W. Port St. Lucie Blvd, Bldg. B
Port St. Lucie, Fl. 34984
Phone: (772)871-5010
Fax: (772) 344-4181



Application for Special Event Sign

Please submit application to:
Specialeventpermits@cityofpsl.com

Name of Applicant _____ Date _____

Address of Applicant _____ City _____ State _____ Zip _____

Telephone number of Applicant _____ Cell _____ Email _____

Name of Business/Organization _____

Address of Business/Organization _____

Purpose of sign: (Please check box that applies)

Special Event Sign (\$75) "Just Opened" Please circle one: Banner or Feather Flags (Free) Temporary Banner (\$75)

Date(s) signs will be displayed _____

Signs must be removed within 48 hours after the event ** Initial** _____

No signs are allowed to be placed in St. Lucie West ** Initial ** _____

Will signs be located in Tradition? _____ If yes, permission from Tradition Development is needed (Page 3).

Number of signs/banners located in City Limits? _____

I have attached a detailed list of all sign/banner locations? _____

I have attached a drawing or picture of the sign(s) representing the dimensions of all signs/banners? _____

I have attached the wording of all signs/banners I will be placing out? _____

Responsible Agent for erecting and removing signs: _____

Phone Number _____

Driver's License Number _____ Attach Copy of DL with Application _____

If you are claiming non-profit status, proof of non-profit status must be attached with the application _____

***Signs MAY NOT be placed in the city right-of-way, which includes the swale, unless permission from the City Council is granted. If this application requires City Council approval, please submit it at the Code Compliance office at least 3 weeks before your sign display date.**

Once the application is accepted by our office, the applicant will be contacted within 5-7 business days of approval. **All permit fees are non-refundable**

I, _____, do hereby agree to follow all city rules and regulations in the installing and removal of all signs, further, I understand that a special event sign permit does not give me or my group/organization permission to violate the City of Port St. Lucie sign codes, ordinances of any law. I am also aware of the special event sign code and if I do not pick up my signs and/or place my approved signs where indicated or allowed it is a violation of City Ordinance and may be subject to forfeiture of bond or littering citations per sign. I agree to indemnify and hold harmless the City of Port St. Lucie against any and all causes of action related to my, my business', and/or my employees' participation in the above event, and/or any and all causes of action arising out of the location and manner of said participation. Use of the City Logo is not permitted without specific authorization and approval by the City.

ACKNOWLEDGEMENT THAT I HAVE READ "APPENDIX A"

Applicants Signature _____ Date _____

APPENDIX A

(B) *Special event signs.* Temporary signs announcing special events to be sponsored by a charitable, educational, or religious institution or a commercial entity may be installed subject to approval by the Code Compliance Division based on a finding of compliance with the provisions of this section. No special event signs may be located within a public right-of-way, except as specifically authorized herein. Sign permits shall be allowed per schedule of special events listed in the Zoning Code. The signs may be in the form of flags, banners, pennants, or balloons and exhibited only for that period of time specified on the special event permit. The number of special events signs shall not exceed one hundred (100).

(1) *Application.* The applicant shall submit a written application on a form to be provided by the city which stipulates the conditions under which the temporary special event sign is being requested. The applicant shall submit a one hundred dollar (\$100.00) removal bond, refundable upon compliance with sign removal. The application should include the following:

(a) *Nature of the special event.* Include the location of the special event and daily schedule of activities.

(b) *Duration of special event.* Include dates of commencement and termination of the special event.

(c) *Type of signage proposed.* Include description of signage, dimensions (banners not to exceed fifty (50) square feet in area), materials used, method of construction and placement, including dimensions from driveway, right-of-way and edge of pavement, list of sign locations, and such other information as the city may require.

(d) *Responsible agents.* Identify the name and phone number of the sponsoring entity and principle contacts responsible for erecting and removing signage.

(e) *Temporary movable "A" frame—sandwich board type signs* Temporary movable "A" frame—sandwich board type signs which advertise specials or sales are permitted per [section 155.02](#), definitions. They may be placed by the entrance to the business as long as they do not block access to any part of the building or sidewalk per ADA Code regarding clearance standards. They shall not be placed in the parking lot, city right-of-way, landscaping or swales.

(f) Special event signs for city sponsored events may be placed in the right-of-way.

(2) *Removal.* Temporary special event signs must be removed within forty-eight (48) hours after the event for which they were posted has occurred.

(3) *Fees.* At the time of submission of an application for a special event sign permit, the applicant shall pay a seventy-five dollar (\$75.00) application fee.

(F) *Temporary banners.* A business that has a current business tax receipt and approved zoning compliance may have a temporary banner no more than three (3) times per year upon application and approval, provided that each time shall not exceed seven (7) consecutive days. The three (3) times, seven (7) day period may be successive but not exceed a total of twenty-one (21) days per calendar year. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each business is permitted to have one (1) banner, professionally created and maintained, and not to exceed thirty-two (32) square feet in area during the approved time.

In addition, a temporary banner shall be permitted during the holiday season from October 15 to January 2, when they meet the above criteria. Said banners for the period of October 15 to January 2, shall not count as part of the aforementioned twenty-one (21) day limit.

(G) *New Businesses "Just Opened" Temporary Banners.* A new business may display a temporary banner to show that their business has just opened. Such banners will be permitted for a thirty-day period from the date of the new business opening. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each new business is permitted to have one (1) banner, professionally created and maintained, and not to exceed thirty-two (32) square feet in area during the approved time.

(H) *New Businesses "Just Opened" Feather Flags.* A new business may display a temporary feather flag to show that their business has just opened. Such flags will be permitted for a thirty-day period from the date of the new business opening. The banner shall only be permitted on the principal property identified on the corresponding business tax receipt. Each new business is permitted to have one (1) flag if the business frontage is under one hundred (100) feet, and two (2) flags if the business frontage is over one hundred (100) feet. The square footage per flag may not exceed sixteen (16) square feet in face area and shall be at least ten (10) feet from the property lines.

Sec. 158.225

(G) An application shall be denied if:

1. The applicant has made any misrepresentations in the application.
2. The applicant fails to provide any of the items or information required.
3. The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of public safety or other city services needed to support of such other previously scheduled events.
4. The special event will have an un-mitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.

(H) Any violation of any City ordinance shall result in the permit being revoked immediately and the violator being banned from holding an event in the City for a period of not less than twenty-four (24) months.

Related Contact Information:

Tradition Development

Jane Rowley

10489 Meeting St.

Port St. Lucie, FL 34987

Email: tthjane@aol.com Phone: (772) 201-0129

St Lucie West Commerical Association, Inc.

c/o Lang Management, Inc.

8350 Commerce Center Dr

Port St. Lucie, FL 34986

Email: tiffanyj@langmanagement.com

Office: (772)489-9501 Fax: (772)429-5325



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CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 3 LETTER TO APPLICANTS



"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

Special Event Sign Regulation for Non-Profit Organizations Requesting Event Signage in the City's Right-of-Ways

Thank you for your interest in locating your Special Event advertising signage. Please be advised that all requests for signage in the City of Port St. Lucie right-of-ways must receive City Council sponsorship. All requests for City Council sponsorship must be made through the City Code Compliance Division. Completed applications will be submitted to the City Manager for approval by City Council, during a City Council Meeting.

- Obtain application from the Code Compliance Division or go to our website <http://pandapublicweb.cityofpsl.com/code/specialevents.aspx>
- Submit your completed application to the Code Compliance Division along with any applicable fees and an event request letter to the City Manager, Russ Blackburn.
- Special Event Permit Fees will be waived for all 501(c)(3) applicants once approval is granted; however, all applicants will be required to post a refundable \$100.00 bond.
- The event request letter must include the following information:
 - Name of Organization,
 - Date and time of Event,
 - Location of Event,
 - Applicant contact information,
 - Date range of sign placement,
 - Number of signs to be placed in City right-of-ways.
 - Copy of your valid tax-exemption under section 501(c)(3) of the Internal Revenue code.
- All sign requests must be received by the City Code Compliance Division, for City Council approval, at least three (3) weeks prior to the City Council meeting.
- Upon approval, the Code Compliance Division will issue the permit and permitting stickers.
- Any questions or concerns please contact the Code Compliance Division at 772-871-5010 or email specialeventpermits@cityofpsl.com
- NOTE: No signs may be placed in St. Lucie West unless permission is granted from:

St. Lucie West Commercial Association, Inc.
C/O Lang Management, Inc.
8350 Commerce Center Dr.
Port St. Lucie, FL 34986
Office: (772)489-9501 Fax: (772) 429-5325
tiffanyj@langmanagement.com

121 S.W. Port St. Lucie Boulevard • Port St. Lucie, FL 34984-5099
Phone • (772) 871-5010 Fax • (772) 344-4181 TDD Line • (772) 344-4222
Email • nsd@cityofpsl.com Website • www.cityofpsl.com



"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 4 SECTIONS OF CITY CODE

Sec. 155.03. - Sign Regulation Procedures.

(I) Garage sale signs.

- (1) A permit is required to conduct a garage sale pursuant to Section 158.219 (A) of the Zoning Code. Said permit shall be prominently displayed upon the on-premises garage sale sign.
- (2) Garage sale signs may only be displayed between the hours of 5:00 a.m. and 7:00 p.m.
- (3) Labels issued by the code compliance division shall be displayed on any off-premises signs. Off-premises garage sale signs are allowed in the right-of-way. Only signs bearing a city issued registration label may be displayed, not to exceed four (4) signs.
- (4) The fee for a garage sale sign application shall be five dollars (\$5.00). The fee shall include labels, free listing on the city website and TV channel, and the city's e-newsletter.
- (5) The cut-off time for garage sale sign applications shall be Tuesday at 4:30 p.m. for sales taking place that weekend.
- (6) Garage sale sign shall be in compliance with subsection 155.07(E) governing off-premises signs unless inconsistent with this subsection.

(J) Estate sale signs.

- (1) A permit is required to conduct an estate sale pursuant to Section 158.219 (B) of the Zoning Code. Said permit shall be prominently displayed upon the on-premises estate sale sign.
- (2) Estate sale signs may only be posted on a Friday, Saturday, Sunday and shall on each day be limited to a display period of no earlier than 5:00 a.m. or not later than 7:00 p.m.
- (3) Labels issued by the code compliance division shall be displayed on any off-premises signs. Off-premises estate sale signs are allowed in the right-of-way. Only signs bearing a city issued registration label may be displayed, not to exceed four (4) signs.
- (4) Estate sale signs shall be in compliance with subsection 155.07(E) governing off-premises signs unless inconsistent with this subsection.

Sec. 155.07. - Regulations for Temporary Signs or Special Events Requiring Permits.

The temporary signs identified in this section shall require issuance of a permit through the business tax office. Prior to the placement of any of the temporary signs described below in this section, all relevant provisions of this chapter shall be satisfied.

(A) Political signs.

- (1) *Application.* The applicant for a political sign permit shall submit a written application on a form to be provided by the Code Compliance division of the Building Department. The application format shall include the following information:
 - (a) Name, address and telephone number of the sign(s) erector and the sign(s) owner.
 - (b) An affirmation by the applicant that the sign(s) is being placed upon the building, structure or lot with the owner or tenant's permission.
- (2) *Fee.* At the time of submission of an application for a political sign permit, the applicant shall pay a twenty-five dollar (\$25.00) application fee.
- (3) *General regulation for political signs.* Political signs are allowed subject to the following provisions:
 - (a) An individual political sign shall not exceed six square feet in area per lot or parcel of land. Double-faced signs are permitted. Multiple-faced signs are not permitted.
 - (b) The maximum number of political signs per lot or parcel of land shall be one (1) political sign per candidate or issue per street frontage of the subject lot or parcel of land.
 - (c) Sign(s) shall not be illuminated and shall be freestanding.
 - (d) Sign(s) shall be located wholly on private property; shall be placed at least ten feet from side and rear property lines not to include property line along road frontage, and shall not exceed five feet in height.
- (4) *Removal.* Political signs shall be removed within fourteen (14) days after the event for which they were posted has occurred. A two hundred fifty dollar (\$250.00) removal bond, refundable upon compliance with sign removal, is required for political signs.

(B) *Special event signs.* Temporary signs announcing special events to be sponsored by a charitable, educational, or religious institution or a commercial entity may be installed subject to approval by the Code Compliance division based on a finding of compliance with the provisions of this section. No special event signs may be located within a public right-of-way, except as specifically authorized herein. Sign permits shall be allowed per schedule of special events listed in the Zoning Code. The signs may be in the form of flags, banners, pennants, or balloons and exhibited only for that period of time specified on the special event permit. The number of special events signs shall not exceed one hundred (100).

- (1) *Application.* The applicant shall submit a written application on a form to be provided by the city which stipulates the conditions under which the temporary special event sign is being requested. The applicant shall submit a one hundred dollar (\$100.00) removal bond, refundable upon compliance with sign removal. The application should include the following:
 - (a) *Nature of the special event.* Include the location of the special event and daily schedule of activities.
 - (b) *Duration of special event.* Include dates of commencement and termination of the special event.
 - (c) *Type of signage proposed.* Include description of signage, dimensions (banners not to exceed fifty (50) square feet in area), materials used, method of construction and

placement, including dimensions from driveway, right-of-way and edge of pavement, list of sign locations, and such other information as the city may require.

- (d) *Responsible agents*. Identify the name and phone number of the sponsoring entity and principle contacts responsible for erecting and removing signage.
- (e) *Temporary movable "A" frame—sandwich board type signs*. Temporary movable "A" frame—sandwich board type signs which advertise specials or sales are permitted per section 155.02, definitions. They may be placed by the entrance to the business as long as they do not block access to any part of the building or sidewalk per ADA Code regarding clearance standards. They shall not be placed in the parking lot, city right-of-way, landscaping or swales.
- (f) *Special event signs for city sponsored events may be placed in the right-of-way*.
- (2) *Removal*. Temporary special event signs must be removed within forty-eight (48) hours after the event for which they were posted has occurred.
- (3) *Fees*. At the time of submission of an application for a special event sign permit, the applicant shall pay a seventy-five dollar (\$75.00) application fee.

(C) *Construction and real estate development signs*. Temporary construction signs advertising the construction or improvement of the property upon which such sign is located may be erected subject to compliance with the following conditions:

- (1) *Construction sign*. A construction sign shall not exceed sixteen (16) square feet in area and no more than one (1) such sign shall be permitted per single family residential lot and no more than three (3) signs for multiple family or nonresidential projects. No such sign shall be illuminated. These signs must be located on the developing premises, removed from all rights-of-way, and at least ten (10) feet from other property lines. Construction signs shall not exceed ten (10) feet in height.

Timing of removal. Construction signs shall be removed within thirty (30) days after completion of construction activity.

- (2) *Real estate development sign for a development under ten (10) acres*. A real estate development sign shall not exceed thirty-two (32) square feet in area of the entire sign face. The sign must be located on property owned by the development. The signs must not exceed ten (10) feet in height.

Real estate development sign for a development over ten (10) acres. A real estate development sign shall not exceed one hundred (100) square feet in area of the entire sign face for the development's frontage on an interstate and sixty (60) square feet of the entire sign face for all other roads. Signs on an interstate can be eighteen (18) feet in height. Signs on all other roads can be ten (10) feet in height.

All real estate development signs shall meet the following regulations:

- (a) Signs shall be non-illuminated.
- (b) Ground mounted.
- (c) Erected no more than 180 days prior to the beginning of construction.
- (d) Removed if construction is not initiated within 180 days after the sign is erected or within 60 days of cessation of construction is not continuously and actively prosecuted to completion or when construction is completed and final certificate of occupancy has been issued.
- (e) Signs approved in PUD developments are additionally subject to any conditions specified in the PUD agreement.
- (f) No more than one (1) sign per street frontage shall be permitted.

- (g) Maintain a ten (10) foot setback from property lines except on interstates.
- (D) *"Coming Soon" or "Future Home Of" signs.* Signs announcing a future business to be located on a site shall be limited to one (1) freestanding sign thirty-two (32) square feet in area and not to exceed ten (10) feet in height with a ten-foot setback from property lines. These signs shall be limited to a six (6) month period. Model homes on residential lots are not allowed this type of signage.
- (E) *Residential transitory signs.*
- (1) In addition to one (1) sign at the residence where the activity is occurring, no more than three (3) directional signs are permitted.
 - (2) Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement, and not located in the right-of-way, except as specifically authorized in subsections 155.03(l), 155.04(B)(4)(f), and 155.07(B)(1)(f).
 - (3) Directional signs may not exceed a height and area of four (4) feet.
 - (4) Directional signs must be erected and taken down on the same calendar day.
 - (5) Directional signs may only be posted on a Saturday or Sunday or legal holiday, and shall on each day be limited to a display period of no earlier than 5:00 a.m. or not later than 7:00 p.m.
 - (6) These signs may only be staked to or pressed into the ground.
 - (7) Residential transitory signs posted at the residence where the activity shall occur shall not exceed a maximum of five (5) square feet in area and shall indicate the responsible agency or owner of the property.
 - (8) Any transitory sign deemed a safety hazard may be removed without notice to any public personnel.
 - (9) The name and telephone number of the party responsible for removal of the sign must be clearly displayed on the sign enabling the city to contact the responsible party if necessary.
- (F) *Temporary banners.* A business that has a current business tax receipt and approved zoning compliance may have a temporary banner no more than three (3) times per year upon application and approval, provided that each time shall not exceed seven (7) consecutive days. The three (3) times, seven (7) day period may be successive but not exceed a total of twenty-one (21) days per calendar year. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each business is permitted to have one (1) banner, professionally created and maintained, and not to exceed thirty-two (32) square feet in area during the approved time.
- In addition, a temporary banner shall be permitted during the holiday season from October 15 to January 2, when they meet the above criteria. Said banners for the period of October 15 to January 2, shall not count as part of the aforementioned twenty-one (21) day limit.
- (G) *New Businesses "Just Opened" Temporary Banners.* A new business may display a temporary banner to show that their business has just opened. Such banners will be permitted for a thirty-day period from the date of the new business opening. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each new business is permitted to have one (1) banner, professionally created and maintained, and not to exceed thirty-two (32) square feet in area during the approved time.
- (H) *New Businesses "Just Opened" Feather Flags.* A new business may display a temporary feather flag to show that their business has just opened. Such flags will be permitted for a thirty-day period from the date of the new business opening. The banner shall only be permitted on the principal property identified on the corresponding business tax receipt. Each new business is permitted to have one (1) flag if the business frontage is under one hundred (100) feet, and two (2) flags if the

Sec. 158.219. - Garage Sales and Estate Sales.

- (A) Garage Sales. Garage sales are permitted in accordance with the following criteria.
- (1) No person shall conduct a garage sale in the City without first completing and filing an application with the code compliance division and receiving a permit to conduct said sale.
 - (2) No more than three (3) garage sale licenses shall be issued to any one residence within any calendar year, unless said residence has been sold or newly rented within that time.
 - (3) No permit shall be issue for more than three (3) consecutive days and said permit shall be prominently displayed upon the on-premises garage sale sign. See Section 155.03(l) for garage sale signage requirements.
- (B) Estate Sales. Estate sales are permitted in accordance with the following criteria:
- (1) No person or business shall conduct an estate sale in the City without first completing and filing an application with the code compliance division.
 - (2) Code compliance division will issue a permit to conduct said sale. No permit shall be issued for more than three (3) consecutive days.
 - (3) The fee for an estate sale permit shall be one hundred dollars (\$100.00). The fee shall include registration, free listing on the City website, TV channel and the City's e-newsletter.
 - (4) No external merchandise may be brought to the registered residential property before or during the estate sale.



"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 5 WORKSHOP POWERPOINT PRESENTATION

Temporary Signage in Rights-of-Way

Neighborhood Services Department

December 19, 2016
City Council Workshop



CityofPSL.com

Brief History

- On December 21st of 2009 the City Council discussed giving the authority to approve event sponsorship to the City Manager or place the request on the consent agenda.
- A motion was made and unanimously passed that required any future city-sponsorship items for events be placed on the consent agenda for non-profit organizations.



A) City Recognized User Groups

- No Application Fee
- Bond Check Required
- City Council Approval is **NOT** needed
- Examples: Mako Soccer Club & Greater PSL Football League

B) City Co-produced Events

- No Application Fee
- No Bond Check Required
- City Council Approval is **NOT** needed
- Examples: Parks & Rec → Freedomfest & Festival of Lights

C) City-Sponsored Events

- Events hosted by a non-profit agency that **REQUIRE** City Council approval for placement of signs in the ROW
- No Application Fee
- Sign Bond Required
- Examples: San Juan Festival, i9 Sports & Jessica Clinton Foundation



Event Sign Guidelines

- Signs **MAY NOT** be placed in the City ROW unless City Council approval is granted.
- The number of special events signs shall not exceed one hundred (100).
- Banners shall not exceed 32 square feet.
- The applicant must provide a list of all sign locations.
- No signs are allowed to be placed in St. Lucie West.
- Signs must be removed within 48 hours after the event.



Current Process

City-Sponsored Events

- A. Receive and process Special Event Sign Application with required documentation
- B. Send Special Event Memorandum and Request Letter to City Manager
- C. Wait for approval or denial from City Council (consent agenda items)
- D. If approved, process and issue permit and stickers for event signs
- E. Process can take up to four weeks



Parallel Process for Consideration

- The City-recognized user groups must go through the same processes as the City-sponsored groups **EXCEPT** for going to City Council for approval.
- The Neighborhood Services Department administratively approves permits for garage sale and estate sale signs which are placed in the rights-of-way.



Recommendations

1. Leave the Special Event Sign Program as it is; or
2. Authorize Special Event Signage to be administratively approved or denied by the City Manager or designee.
3. Or consider a combination process where 1st time applications are brought before the City Council for consideration.





"A City for All Ages"

CITY OF PORT ST. LUCIE

Neighborhood Services Department

ATTACHMENT 6 SIGN EXAMPLES (PHOTOS)



Free Heart Screening

November 19th, 2016

Hosted By: The Jessica Clinton MVP Foundation

Available to students ages 5 – 20 yrs

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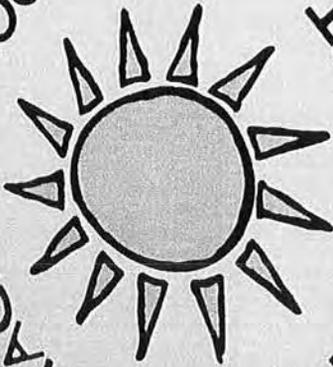
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