

# CITY OF NAPLES FLORIDA



## HANDBOOK FOR BOARDS AND COMMITTEES

MARCH 2014

# Handbook for Boards & Committees

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# CITY OF NAPLES

## HANDBOOK FOR BOARDS AND COMMITTEES

### Introduction

Thank you for your interest in the City of Naples Boards and Committees. Citizen's participation, by way of community input, advice, and/or recommendations regarding matters to be brought before the Council for approval, is important in developing Naples' programs and policies, and in providing quality, effective, and efficient delivery of public services to the community. This is an opportunity for residents to get involved with the City.

Any resident of the City of Naples who would like to be considered for appointment to one of the boards or committees listed on our website should click on the "Application for Membership" link on the Clerk's webpage. Please review the board and committee information to determine what time commitment is involved for members.

Boards and committees have an important role in the governance process to allow for an in-depth examination of issues; serve as a communication channel between elected officials and the community; bring a wide range of ideas and expertise to public decision-making; assist in resolving conflicts and provide training for new leaders. Boards and committees are established by Florida Statutes, ordinance, or resolution at the discretion of city council and shall also describe the duties and the qualifications of its members.

Committees may be standing or ad hoc. Standing committees are those that are considered permanent so long as they have an assigned mission with goals and objectives. The City Council evaluates its committees and may choose to create additional committees or to abolish committees that no longer have an important mission and/or goals. Ad hoc committees may be appointed for specific and limited issues. These committees are temporary in nature and will be disbanded when the objectives are accomplished.

Board and Committee members need to be informed advocates and be familiar with Florida's Sunshine Laws, Public Records Laws and City Ethics Laws. They should contribute to the group's productivity and abide by the rules. Members should be faithfully committed to attend scheduled meetings, and to be prepared to participate in the decision process.

If a member desires to preview the meeting agenda at home, please follow instructions as listed: Go to City's website homepage; select the "Meetings & Agendas" tab, under "Upcoming Events"; then select "Agenda" for your meeting. This will open the agenda and make available the meeting packet documents which are listed under each item as attachments. City-owned iPads will be available for Board and Committee member use on the dais during each meeting.

Thank you for your interest in serving the City of Naples,

Patricia L. Rambosk, CMC  
City Clerk

## **List of City's active boards and committees**

The following are descriptions of the City's active boards and committees as well as four (4) Collier County groups with City-appointed representatives. Meetings are held in City Council Chamber unless otherwise noted. Boards are in alphabetical order:

### **Airport Authority**

5-member autonomous body appointed by the City Council to oversee operation of the Naples Airport.

Terms 4 years. Meets 3<sup>rd</sup> Thursday at 8:30 a.m. Average meeting time: 3 hours.

### **Board of Carver Finance, Inc.**

3-member board which provides oversight to the George Washington Carver Apartments and normally meets annually to review financial statements and audits.

Terms 3 years. Average meeting time: 1 hour.

### **Citizens Police Review Board**

5-member body. Provides impartial forum to review closed departmental investigations of complaints against police officers made by citizens.

Terms 3 years. Meets at least annually. Average meeting time: 1 hour.

### **Code Enforcement Board**

Quasi-judicial body of 7 members and 2 alternates. Hears and decides alleged violations of any codes and ordinances for which there is no criminal penalty, and may impose fines for violations and record liens for non-payment of fines.

Terms 3 years. Meets 4th Thursday at 2:00 p.m. Average meeting time: 1.5 hours.

### **Collier County Affordable Housing Advisory Committee**

2 City representatives. Makes recommendations to the City and County on a variety of affordable housing issues.

Terms 3 years. Meets 1<sup>st</sup> Monday at 3 p.m. in the County Commission Chamber. Average meeting time: 2 hours.

### **Collier County Coastal Advisory Committee**

3 City representatives on 9-member committee created to assist in establishing unified beach erosion control and inlet management programs within both incorporated and unincorporated areas. The Committee advises the Board of County Commissioners and the Tourist Development Council on project priorities

with respect to available funding sources for restoration and protection of the shoreline.

Terms 4 years. Meets 2<sup>nd</sup> Thursday at 1:30 p.m. in the County Commission Chamber. Average meeting time 2-5 hours.

#### Collier County Contractors Licensing Board

2 City representatives. Determines the qualifications for Contractor Certificates of Competency and holds related disciplinary hearings.

Terms 3 years. Meets 3<sup>rd</sup> Wednesday at 9:00 a.m. in the County Commission Chamber. Average meeting time: 1 to 4 hours.

#### Community Redevelopment Agency Advisory Board

7-member board which advises the Community Redevelopment Agency by providing public input and technical advice on land use, economic and other issues within the City's redevelopment district, and reviews certain petitions within the district.

Terms 2 years. Meets 4<sup>th</sup> Monday at 9:00 a.m. Average meeting time: 1 hour.

#### Community Services Advisory Board

5-member body which reviews and makes recommendations on issues involving parks and recreation programs as well as reviewing applicable budgets, capital improvement programs and applicable elements of the Comprehensive Plan.

Terms 3 years. Meets monthly as called. Average meeting time: 1 hour.

#### Design Review Board

5-member board with one alternate which reviews all land use petitions associated with architectural and landscape/architectural plans.

Terms 3 years. Meets 4<sup>th</sup> Wednesday at 9:00 a.m. Average meeting time: 2 hours.

#### East Naples Bay Citizens Advisory Committee

5-member committee charged with the responsibility of making recommendations to the City Council on a variety of issues within this canal maintenance district such as maintenance dredging, canal cleanup, and maintenance of private aids to navigation.

Terms 3 years. Monthly as called. Average meeting time: 1 hour.

#### Metropolitan Planning Organization (MPO) Citizens Advisory Committee (CAC)

2 City representatives. Reviews and provides comments on transportation planning issues and needs of Collier County, assists the MPO in the formulation of goals and objectives for improving urbanized area transportation systems, and

assists in other functions as requested by the MPO. Nominations for CAC members are recommended by the corresponding MPO Board member representing the City of Naples for ratification by the MPO Board.

Terms 3 years. The CAC meets on the last Monday at 2 p.m. at the MPO Offices, located at 2885 S. Horseshoe Drive, Naples. Average meeting time: 2 hours.

#### Moorings Bay Citizens Advisory Committee

5-member committee charged with making recommendations to the City Council on a variety of issues within this canal maintenance district such as maintenance dredging of canals and waterways, including Doctors Pass, as well as maintenance of aids to navigation. Terms 3 years. Meets monthly as called. Average meeting time: 1 hour.

#### Pension System (General, Police and Fire) Boards of Trustees

Duties include administering the pension plans for employee groups including approval of retirements, plan revisions, and investment monitoring.

Terms vary from 2 to 4 years. Each board meets quarterly, both in individual and joint session. Average meeting time: all day.

#### Planning Advisory Board

7-member board with one alternate. Reviews a wide range of land use, planning and zoning issues.

Terms 3 years. Meets 2<sup>nd</sup> Wednesday at 8:30 a.m. and as needed for workshops. Average meeting time: 3 hours.

#### Public Art Advisory Committee

5-member body with one alternate dealing with acquisition, donation and loan of public artwork.

Terms 4 years. Meets 4<sup>th</sup> Tuesday at 3:00 p.m. Average meeting time: 1 hour.

Note: The Florida Constitution prohibits individuals from holding more than one governmental office at any given time. Other appointments in other jurisdictions could constitute dual office holding.

## **Code of Ordinances. City of Naples**

### **ARTICLE V. BOARDS, COMMISSIONS, AND COMMITTEES**

#### **Division 1. Generally.**

##### **Sec. 2-401. Qualifications of members.**

Except as may be otherwise provided in the legislation creating a board, commission, or committee, every person appointed to a board, commission or committee of the city must be domiciled within the corporate limits. Every person appointed to the city airport authority must be a resident of the city and domiciled within the city, and must meet all other requirements of this division which are not inconsistent with Laws of Fla. ch. 69-1326, as amended, known as the City of Naples Airport Authority Act.

##### **Sec. 2-402. Appointments and reappointments.**

The council shall by majority vote make all appointments and reappointments to the boards, commissions and committees of the city. The council shall take applications even if the present members are requesting reappointment. All persons requesting appointment or reappointment shall be interviewed provided those persons meet the qualifications as established by this policy, unless determined by resolution of the city council to be in the best interest of the city to forego such procedure. Interviews shall take place in a council workshop after due public notice. Appointments shall take place as part of official council agenda items.

##### **Sec. 2-403. Length of term.**

All appointments to city boards, commissions and committees shall be made for the full term set forth in the section applicable to a particular board, commission or committee, unless the appointment is to fill an unexpired term. Members shall be limited to two (2) consecutive, full terms. Partial terms shall not be considered in this computation. Members and alternate members may reapply for appointment 1 year after the expiration of the member's last term. However, if it is determined to be in the best interest of the city to retain a member or alternate beyond the term limit set forth herein, the city council, by 5/7 vote, may waive said term limit. This waiver shall apply to 1 additional term only per member or alternate.

##### **Sec. 2-404. Attendance at meetings.**

All board, commission and committee members and alternates shall be required to attend the meetings of the board, commission or committee to which they have been appointed. When unable to do so, each member shall so notify the secretary of the board, commission or committee or designee at least 3 days prior to the meeting. Failure to attend 3 consecutive regularly scheduled meetings will subject the member to removal from the board, commission or committee. A proposed resolution shall be presented to the city council by the secretary of the board, commission or committee providing for such removal, pursuant to [Section 2-405](#). Medical related absences are specifically exempted from this rule.

##### **Sec. 2-405. Removal.**

Except as may be provided by controlling state, federal, or other local law or ordinance provision, any member of a board, commission or committee established by the Charter, Code

of Ordinances or resolution of the council shall continue in office until the end of the member's term or until the member is removed by a majority vote of the city council. Removal may be with or without cause.

Sec. 2-406. Role; job description.

The city council shall establish the role and job description of each board, commission or committee and the members of each board, commission or committee. This shall be done at the time of creation of each board, commission or committee and shall be formally adopted by the city council.

Sec. 2-407. Staff assignments.

The city manager shall make appropriate staff assignments to give support to the various boards, committees or commissions. Board, commission and committee members shall work in concert with the city manager and may counsel with the city manager regarding the staff assistance needed. Final ruling on staff assignments and personnel assigned to support the board, commission or committee shall rest with the city manager.

Sec. 2-408. Oversight by city council.

The city council is responsible for oversight of all boards, commissions and committees. To that end, minutes of the boards, commissions and committees will be provided to the city council. Citizens have the right to file grievances to the city council. Substantive issues may not be appealed to the city council, except where those issues would normally come to the city council for final determination.

Sec. 2-409. Conflicting provisions.

All of the provisions of this division shall apply to all appointed boards, commissions and committees of the city, except for any conflicting provisions in the legislation creating the board, commission or committee.

## **Code of Ethics, City of Naples**

### **ARTICLE IX. CODE OF ETHICS**

Sec. 2-971. Statement of purpose and policy.

- a) The purpose of this article is to promote the welfare of the citizens of the city through the adoption of a code of ethics to govern all public officials of the city.
- b) Our system of representative government depends, in part, on the people maintaining the highest trust in their officials and employees. The people have a right to public officials who are impartial and use independent judgment.
- c) The confidence and trust of the people is eroded when the conduct of city business is subject to improper influence or even the appearance of improper influence.
- d) To guard against improper influence, or the appearance of such improper influence, the city council finds it necessary and appropriate to enact this article, which is intended to establish comprehensive standards for the ethical conduct of city business.

Sec. 2-972. Definitions.

As used in this article, the following words and terms shall have the following definitions, unless the context clearly requires otherwise:

**Advisory board member** means any person appointed to any city board, commission, committee, or authority by the city council.

**Business associate** means any person or entity engaged in or carrying on a business enterprise with a public official, public employee or candidate, as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

**Business entity** means any profit or nonprofit corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, self-employed individual, association, trust, or political action committee whether fictitiously named or not, doing business in this state.

**City employee** means any person employed by the city, or any of its departments, agencies, commissions, authorities or boards, whether on a full-time or part-time basis. "City employee" shall not be construed to include unpaid volunteers.

**City managerial employee** means the city manager, the city clerk, and the following city department directors:

- (1) Human resources director;
- (2) Planning director;
- (3) Police chief;
- (4) Community services director;
- (5) Utilities director;
- (6) Streets and stormwater director;
- (7) Finance director;
- (8) Technology services director;
- (9) Building official; and
- (10) Fire chief.

**Conflict** or **conflict of interest** means a situation in which regard for a private interest tends to lead to a disregard of a public duty or interest.

**Elected officer** means any member of the city council.

**Gift.**

- (1) For purposes of this article, "gift" means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:
  - a. Real property.
  - b. The use of real property.
  - c. Tangible or intangible personal property.

- d. The use of tangible or intangible personal property.
  - e. A preferential rate or terms on a debt, loan, goods or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
  - f. Forgiveness of indebtedness.
  - g. Transportation, other than that provided to a public official by the city in relation to officially approved governmental business, lodging, or parking.
  - h. Food or beverage.
  - i. Membership dues.
  - j. Entrance fees, admission fees, or tickets to events, performances, or facilities.
  - k. Plants, flowers, or floral arrangements.
  - l. Services provided by persons pursuant to a professional license or certificate.
  - m. Other personal services for which a fee is normally charged by the person providing the services.
  - n. Any other similar service or thing having an attributable value not already provided for in this subsection.
- (2) **"Gift"** does not include:
- a. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
  - b. Contributions or expenditures reported pursuant to F.S. ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
  - c. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
  - d. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
  - e. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
  - f. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
  - g. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

**Governmental body** means the city council and any of its departments,

agencies, commissions, authorities or boards.

**Indirect** or **indirect interest** means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under F.S. ch. 112, part III (F.S. § 112.311 et seq.).

**Material interest** means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this article, indirect ownership does include ownership by a spouse and/or minor child.

**Nominal intrinsic value** means anything with a value less than \$50.00.

**Public official** means any and all elected officers, advisory board members, city managerial employees, and the city attorney (whether serving as an employee/in-house counsel or as outside counsel).

**Relative** unless otherwise specified in this article, means an individual who is related to a public official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, halvesister, grandparent, great-grandparent, grandchild, great-grandchild, step-grandparent, step-great-grandparent, step-grandchild, step-great-grandchild, person who is engaged to be married to the public official or employee or who otherwise holds themselves out as or is generally known as the person whom the public official or employee intends to marry or with whom the public official or employee intends to form a household, or any other natural person having the same legal residence as the public official or employee.

**Represent** or **representation** means actual physical attendance on behalf of a client in a city proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with public officials or employees on behalf of a client.

**Special private gain or loss** means any gain or loss to a public official involving an interest in real property located within the jurisdiction of the city or involving an investment in a business entity, a source of income or a position or employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the city which is or will be affected in a different manner or degree than the manner or degree in which the public in general will be affected. If the gain or loss affects only a special class of persons, then it would be considered a special private gain or loss if the public official's interest represents more than 1 percent of the special class. The public official's interest will be determined on the basis of percentage of total value or number of individuals or business entities involved in the special class, whichever yields the greater percentage interest.

#### Sec. 2-973. Conflict of interest.

No public officer or employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of or is

doing business with the city; nor shall an officer or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between the officer's or employee's private interests and the performance of the officer's or employee's public duties or that would impede the full and faithful discharge of the officer's or employee's public duties. Any member of the city council or any city officer or employee who willfully violates this section shall be guilty of malfeasance in office or position and shall forfeit such person's office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager or the city council.

Sec. 2-974. Standards of conduct for public officials and employees.

(a) Prohibitions.

(1) Public officials and employees shall not solicit or accept, directly or indirectly, any fee, compensation, gift, gratuity, favor, food, entertainment, loan, or any other thing of monetary value, from anyone who the public official or employee knows or reasonably should know:

- a. Has, or is seeking to obtain, contractual or other business or financial relations with the city department or board with which the public official or employee is affiliated.
- b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the city department or board with which the public official or employee is affiliated.
- c. Is seeking zoning, permitting, or inspection approval from the city department or board with which the public official or employee is affiliated.
- d. Has interests that may be substantially affected by the performance or nonperformance of duties of the city public official or employee.
- e. Is in any way attempting to affect the official actions of the city public official or employee.

This subsection is not intended to prohibit a public official from obtaining a loan from a financial institution at a rate and terms available to all other similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

(2) A public official or employee shall not solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a subordinate public official or employee.

However, this subsection does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, birth of a child, illness, or retirement. Nor does this subsection prohibit public officials from participating in fund-raising activities for charitable purposes.

(b) Doing business with the city. A public official or employee shall neither directly nor indirectly purchase, rent, or lease any realty, goods, or services for the city from any business entity of which the public official or employee or the official's or employee's spouse or child is an officer, partner, director, or proprietor or in which such public official or employee, or their spouse or child, has a material interest. No public official or employee shall, acting in a private capacity, rent,

lease, or sell any realty, goods, or services to the city. This section shall be applicable to advisory board members effective December 2, 1998. No person shall be held in violation of this subsection if:

- (1) A contract was entered into prior to:
    - a. Qualification for elected office.
    - b. Appointment to public office.
    - c. Beginning public employment.
  - (2) The business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city.
- (c) Misuse of public position. No public official or employee shall use or attempt to use such official's or employee's official position or any property or resource which may be within the official's or employee's trust, or perform the official's or employee's official duties, to secure a special privilege, benefit, or exemption for such official or employee or others. This subsection shall not be construed to conflict with F.S. § 104.31.
- (d) Conflicting employment or contractual relationship.
- (1) No elected city officer or city managerial employee shall have or hold any employment or contractual relationship with any individual or business entity which is doing business with, or routinely seeks zoning, permitting, or inspection approval from the department of the city with which the elected officer or city managerial employee is affiliated. Excluded from this provision are those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the city. Nor shall a public official or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between the official's or employee's private interests and the performance of the official's or employee's public duties or that would impede the full and faithful discharge of the official's or employee's public duties.
  - (2) While serving as a public official or employee, no public official or employee shall personally represent another person, group, or business entity before the governmental body. This provision, however, is not intended to preclude and shall not preclude an elected officer or advisory board member from interacting with and coordinating with city staff as part of such elected officer's or advisory board member's representation of another person, group or business entity in the normal course of building permit applications, interpretations from staff relating to construction codes, conversations with staff relating to construction codes and similar functions conducted in the normal course of business. An elected officer or advisory board member shall not, however, be permitted to pursue a variance to any city code on behalf of or represent, another person, group or business entity, in a variance process.
- (e) Disclosure or use of certain information. No public official or employee shall disclose or use information not available to members of the general public and gained by reason of such official's or employee's official position for the official's or employee's personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(f) Post-employment restrictions.

- (1) No elected official or city managerial employee shall personally represent, for compensation, another person, group, or business entity before the governmental body for a period of 2 years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining.
- (2) An elected officer or city managerial employee is prohibited from engaging in or having an employment or contractual relationship with any person or business entity, or their representative, if such elected officer or city managerial employee, within 2 years immediately preceding the vacancy from elected office or termination/resignation from employment, personally or substantially participated in a recommendation or decision relating to any contracting or zoning approvals sought or received by any such person or business entity. Such prohibition on an employment or contractual relationship shall be for a period of 2 years after the vacancy from elected office or termination/resignation from employment, as applicable, of such elected officer or city managerial employee.
- (3) The provisions of this subsection (f) relating to post-employment restrictions shall be applicable to the following categories of public officials:
  - a. Elected officers upon the effective date of the ordinance from which this article is derived;
  - b. Immediately upon employment date for any city managerial employees hired after the effective date of the ordinance from which this article is derived;
  - c. For current city managerial employees, the effective date will be January 1, 2000.
- (4) By majority vote of city council, the post-employment restrictions may be waived. Request for waiver must be made by the specific city managerial employee involved, appear on an advertised regular agenda of city council, and be approved by majority vote of council.

Sec. 2-975. Voting conflicts.

No elected officer or advisory board member shall vote in an official capacity upon any measure which would inure to such officer's or member's special private gain or loss; or which the elected officer or advisory board member knows, or should know, would inure to the special private gain or loss of any principal by whom the elected officer or advisory board member is retained, or to the parent organization or subsidiary or a corporate principal by which the elected officer or advisory board member is retained (other than the City of Naples, a municipal corporation), or to a relative or business associate of the elected officer or advisory board member. Such elected officer or advisory board member shall, prior to the vote being taken, publicly state to the assembly the nature of the official's interest in the matter from which the elected officer or advisory board member is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of the elected officer or advisory board member's interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Sec. 2-976. Contracts for professional and construction services.

- (a) Required contract language. Except as otherwise prohibited by law, all contracts with persons or business entities providing construction or professional services to the city shall contain 1 or more contractual provisions, unless specifically waived by the city council, which:
  - (1) Provide assurances to the city that the contracting person or entity will not employ or offer to employ any elected official or city managerial employee who in any way deals with, coordinates on, or assists with the construction or professional services provided, for a period of 2 years after termination of all provisions of the construction or professional services contract;
  - (2) Provide restrictions on the ability of the person or business entity contracting with the city to also provide services for compensation to another party other than the city on the same subject matter, same project, or scope of services without city council approval and;
  - (3) Provide covenants that the contracting person or other entity will not disclose or use information not available to members of the general public and gained by reason of such person or business entity's contractual relationship with the city for the special gain or benefit of the contracting person or entity, or for the special gain or benefit of any other person or business entity, except as specifically contemplated or authorized by the contract.
- (b) Damage provision. In addition to the penalty provided for in section 1-15, a contract with a person or business entity providing construction or professional services to the city shall, except as otherwise prohibited by law or specifically waived by the city council, contain a damages provision which shall require a payment of damages for violation of subsection (a)(1) of this section in an amount equal to any and all compensation which is received by the former elected official or city managerial employee from the contracting person or entity, or an amount equal to the former employee's last 2 years of gross compensation from the city, whichever is greater.
- (c) Applicability. The provisions of this section shall be applicable to all contracts as described above which are entered into by the city on or after September 30, 1998.

Sec. 2-977. Applicability to law firms serving as city attorney.

The provisions of this article shall be applicable to a law firm serving as the city's general attorney to the extent specifically addressed in the retention agreement or legal services contract between the city and the law firm.

Sec. 2-978. Interpretation.

Written requests for interpretive rulings concerning the applicability of this article may be submitted by any public official to the city attorney, who will respond with a written opinion.

Sec. 2-979. Complaints.

Information concerning any incident or situation which demonstrates that any public official may have engaged in conduct contrary to this article may be forwarded by complaint affidavit to the state attorney for the 20th Judicial District for investigation and appropriate action.

Sec. 2-980. Article supplemental to state law; conflicts with state law.

This article is a supplement and addition to the requirements of F.S. ch. 112, part III (F.S. § 112.311 et seq.), entitled "Code of Ethics for Public Officers and Employees." This article shall not be construed to authorize or permit any conduct or activity which is in violation of F.S. ch. 112, part III. In the event of a conflict between the provisions of this article and F.S. ch. 112, part III, the more restrictive provisions shall apply.

Sec. 2-981. Liberal construction.

It is intended that the provisions of this article be liberally construed to accomplish the purpose and intent of this article, except where such liberal construction is specifically prohibited by law.

### **Government in the Sunshine Law...Chapter 286, Florida Statutes**

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of Chapter 286.011, F.S.:

1. Meetings of public boards or commissions must be open to the public;
2. Reasonable notice of such meetings must be given;
3. Minutes of the meetings must be taken.

**Note:** Pamphlets on file for additional information in City Clerk's office.