

# **REQUEST FOR CITY COUNCIL CONSIDERATION**

**Meeting Date: February 20, 2007**

Agenda Item: 71	Prepared By: A. William Moss, City Manager Date: February 15, 2007
Agenda Section: Business: Discussion	
Subject: Allegations of Sunshine Law Violations	Department: City Manager

## **BACKGROUND:**

The City Clerk received a public records request for copies of emails between City Council and the City Manager, and between City Council and the Public Works Director for the period August through October 2005. On or about January 19, 2007, copies of over 900 emails were provided as requested.

On January 25, 2007 City Council received correspondence from the citizen who requested copies of the emails. The correspondence included copies of 14 emails and alleged: "an alarming trend showing numerous violations of the Government in the Sunshine Law," and "a very serious problem with our local government."

Immediately upon receiving the allegations of January 25<sup>th</sup>, the City Manager and staff copied each individual email in sequence, reviewed actions of City Council before and after the dates of the emails, reviewed opinions of the Florida Attorney General, case law, publications on the Sunshine Law, and reached certain conclusions. These conclusions are summarized on the attachment.

With the assumption that City Council may wish to obtain an outside review of the allegations from an individual deemed an "expert" in Government in the Sunshine Law, the City Manager contacted the Florida League of Cities to seek the name of individuals who may be qualified to review the 14 emails and render opinion(s) as to whether there were potential violations. FLC staff, including their legal counsel, recommends Attorney Mark Herron.

Mr. Herron is with the firm of Messer, Caparello, & Self, P.A. in Tallahassee. He specializes in Government in the Sunshine, Ethics, and Elections. He has represented local governments, and he has represented individuals who have sought public records from local governments. His fee for service is \$225 per hour.

## **RECOMMENDED ACTION:**

Discussion and further direction.

Reviewed by Department Director	Reviewed by City Manager
Council Action: Motion by:	Second by: