

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 18, 2008  
(1:30 P.M.)**

Proceedings of a Special Educational Session Workshop of the Board of County Commissioners of St. Johns County, Florida, held at the County Administration complex, 500 San Sebastian View, St. Augustine, Florida.

Proof of publication of the notice of the Special Educational Session Workshop was received, having been published in *The St. Augustine Record* on November 13, 2008.

Present were:           Cyndi Stevenson, District 1, Vice Chair  
                              Ron Sanchez, District 2  
                              Mark Miner, District 3  
                              Ken Bryan, District 5  
                              Michael D. Wanchick, County Administrator  
                              Patrick McCormack, County Attorney  
                              Lenora Newsome, Deputy Clerk

Also present:           Darrell Locklear, Assistant County Administrator; Michael Hunt, Deputy County Attorney; James Whitehouse, Senior Assistant County Attorney; Regina Ross, Assistant County Attorney; Paras Desai, Assistant County Attorney; Karen Pan, Public Affairs Specialist

(11/18/08 - 1 - 1:30 p.m.)  
CALL TO ORDER

McCormack called the meeting to order.

(11/18/08 - 1 - 1:30 p.m.)

1. EDUCATIONAL SESSION - THE PURPOSE OF THE WORKSHOP SESSION WILL BE TO REVIEW CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES; QUASI-JUDICIAL PROCEEDINGS; SUNSHINE LAW AND PUBLIC RECORDS

McCormack reviewed the purpose of the meeting. Stevenson explained other classes that could be taken for more information regarding this subject. McCormack spoke on the Commission on Ethics booklet.

(1:37 p.m.) Hunt spoke on ethics in general, public trust breach being a problem, being professional and cautious in everything they did, being careful of the appearance of doing something wrong, and if anything of a problematic nature developed they should check with the County Attorney's Office.

(1:52 p.m.) Stevenson spoke on not hiring County staff, on or off the clock. Sanchez spoke on being approached by a developer to build houses for him, knowing that he was a contractor and running for a County Commissioner's position. McCormack echoed some of Hunt's comments. He spoke on people trying to undermine the Commissioners' positions and other people with good intentions causing harm. He spoke on being careful of lobbyists.

(1:59 p.m.) Stevenson spoke on innocent acts.

(2:00 p.m.) Hunt mentioned to be cautious about accepting tickets for games or anything like that. He recommended that Commissioners call and ask a question, rather than take a chance, because the attorney's had an open door policy.

(2:05 p.m.) Stevenson mentioned that Commissioners should pay for their own lunch. Hunt stated that gifts over \$100 had to be reported, determined what was honorary and the concept in which the gift was given.

(2:08 p.m.) Wanchick mentioned that the County government was a billion dollar corporation which placed them in a competitive bidding process, and he recommended the Commissioners not to get involved with bidding until it came before the Board. He stated that in the past things weren't done in St. Johns County the way they should had been, and they were trying to rectify that situation.

(2:10 p.m.) Hunt spoke on the Commissioners watching what they said to the public.

(2:13 p.m.) McCormack spoke on having a business on the side, and doing business with the County.

(2:18 p.m.) Hunt spoke on gift giving.

(2:19 p.m.) Ross spoke on the purpose of the Sunshine Law. She stated that the Sunshine Law pertained to the gathering of two or more members of the same Board to discuss some matter which would foreseeably come before the Board for action. She mentioned the three requirements of the Sunshine Law; the meeting had to be open to the public, prior to having meetings must be publicized and minutes must be taken. She stated that during the meetings when the Board took breaks, they should be cautious, and no quorum was required to break the Sunshine Law. Hunt mentioned to be cautious when talking on the cell phone or using voice mail. Ross spoke on closed meetings, consideration of confidential records, and disclosures. McCormack mentioned that, if two commissioners ended up at a meeting, only one of them should talk. Ross spoke on having all resources available before deciding on something that they were not sure about. Ross briefly reviewed the public records law. She reviewed the definition of public records stating, that it included almost everything. McCormack encouraged them to use their County e-mail as opposed to their home e-mail. Hunt mentioned that the law could not keep up with technology, so they should be careful on mixing county and personal business. Wanchick stated that more people got themselves in trouble with e-mail than any other way. Ross stated that records were more than what was on paper and practically anything, in the course of conducting County business, was open to public records.

(2:54 p.m.) Desai spoke on voting conflict rules, distributing handouts. He spoke on filling out a conflict form, and the proper procedure to follow when not present for a vote. McCormack spoke on using common sense. Desai spoke on voting conflicts, relatives being in a business being voted on, and special or private gain. McCormack stated that there was a difference between an elected board and an appointed board regarding voting conflicts.

(3:09 p.m.) Whitehouse spoke on quasi-judicial proceedings; the difference between legislative items and quasi-judicial items. He spoke on findings of fact, and gave samples. He spoke on Board members not providing evidence, getting information through a staff member, coming into the meeting with an open mind and revealing ex-parte communications. Sanchez asked what the PZA Board members' position was with the Commissioners regarding taking action on an issue. Whitehouse replied that they could come and talk to the Commissioners about issues, but it would be considered ex-parte communication. He stated that it was all about fairness. McCormack stated that whatever decision the Board made, they wanted to be able to defend them. Whitehouse mentioned when disclosing ex-parte communication, they

needed to reveal what the substance of it was. McCormack mentioned that there were some counties and cities that did not allow ex-parte communications on quasi-judicial items. Wanchick spoke on a couple of local governments that he worked for, adopting a policy to say that the Board shouldn't hear anything that the public did not hear in public forum. He stated that they were going to be talking about some Board policies because the Board got to set them. He stated that this might be one policy that they might want to think about because they would bring it back for discussion. Sanchez spoke on not going to the developer's site before it came to the Board for a decision. Whitehouse mentioned listening to the evidence and not being afraid to listen to staff. Wanchick said to remember that all evidence should be fact based. Whitehouse stated that certain things were not covered.

With there being no further business to come before the Board, the meeting adjourned at 3:29 p.m.

Approved December 16, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

ATTEST CHERYL STRICKLAND, CLERK

By: Wenne King  
Deputy Clerk

