

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
Minutes of the Board of Supervisors Workshop
February 18, 2015**

A workshop of the Supervisors of Lely Community Development District was held on Wednesday, February 18, 2015 at 1:00 p.m. at the LCDD Maintenance Building.

SUPERVISORS PRESENT: Robert Fisher, Chairman
Gerry Campkin, Vice-Chairman
Harold Ousley, Treasurer
Kenneth Drum, Secretary (Via Speakerphone)
William Lee, Public Relations

ALSO PRESENT: W. Neil Dorrill, Dorrill Management Group, Manager and
Assistant Secretary/Treasurer
Kevin Carter, Dorrill Management Group
David Bryant, District Counsel
Jerry Ellis, Operations Manager

SUNSHINE LAW AND PUBLIC RECORDS WORKSHOP

Mr. Bryant advised the Board that along with bringing Mr. Lee up to speed on the Sunshine Laws, it was important for the rest of the Board to revisit the issue as well.

He explained how the Governor's cabinet worked, and how the meetings are extremely well orchestrated by the designees of the cabinet members, known as the little cabinet. As those particular meetings are not noticed and decisions are being made there, lawsuits have been brought against them.

Mr. Bryant brought this to the Board's attention to stress the importance of Statute 286.011 regarding public meetings, which is very comprehensive as to what is required as far as reasonable public notice, and stresses that no resolution, rule or formal action will be considered binding unless it is taken at a public meeting. Florida is known as the state with the widest and most open public meetings and public records laws in the United States, which began with Governor Rubin Askew.

Mr. Bryant also pointed out that governmental entities bear this burden placed on them by the Statutes, while a private entity does not, which makes it more difficult in litigation. The only time private discussion is allowed is in an executive session.

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Mr. Bryant also advised the Board of a case where the governing court indicated that in order for there to be a violation of Statute 286, a meeting between two or more public officials must take place that violates the Statute's spirit, intent and purpose, and that all decisions about an issue must be made in the Sunshine, at a public meeting.

The subject of fact-finding tours was also discussed, which would involve two or more members of a governmental entity going to examine, for example, a piece of property that may be used for the Lely CDD. In this case this tour should be publicized as any meeting would, and the Board members segregated in different vehicles to avoid the appearance of impropriety. Mr. Bryant further suggested that if more than one Board member is at another meeting regarding something that may interest the Board, they should not sit together, again to avoid the appearance of impropriety.

In response to Mr. Lee's question, Mr. Bryant indicated that these rules do not apply to homeowner associations, as the case law indicates.

Another issue that has arisen is when an agenda is amended at a meeting, as that may preclude the public from knowing that a topic will be brought up and discussed. The Courts have ruled that this is appropriate and not a violation, as it would be too restrictive for the governmental entity, and the public does have the right to speak about the new agenda items at the public meeting.

Mr. Bryant explained the Public Records Law, and noted that he always advises his clients to give whatever records are requested unless they are exempted, as withholding them could lead to a lawsuit which may result in costs and attorney's fees.

To summarize, Mr. Bryant reminded the Board not to socialize at any other public meetings with another Board member, and not to discuss a matter that may come before the Board and require a decision in a public meeting with any other Board member outside of that meeting.

A five minute break was then taken.