

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
WORKSHOP  
NOVEMBER 8, 2000  
NationsBank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The meeting of November 8, 2000, was opened by Mayor Daniel Hughes at 9:00 a.m.  
**Council members present at the meeting:** Terry Cain, Anita Cereceda, Daniel Hughes, Ray Murphy and Garr Reynolds.  
Members absent from meeting: None.  
**Town Staff present:** Town Attorney Richard Roosa.

**II. PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance.

**III. PUBLIC COMMENT ON AGENDA ITEMS**

None.

**IV. DISCUSSION OF TOWN COUNCIL POLICY AND PROCEDURES**

Vice Mayor Murphy stated that to make it a policy that an agenda item must be discussed prior to making a motion means you discuss it twice. We did this when we first started the Council and meetings went on until midnight. He doesn't see any reason to do this himself. He agrees with what Dan Hughes says -- it's a contradiction of Robert's Rules.

According to Councilwoman Cereceda, Robert's Rules of Order are used to guide the meeting and the presiding officer decides when the discussion is over.

Mayor Hughes noted that Robert's Rules says no member will speak twice on a subject until all others have spoken. He thinks this is a good suggestion but that it should read "no member will speak twice during a discussion of a pending motion until all other members have spoken." Councilman Reynolds said he agreed with this statement. He considers an expression of disagreement, however, to be a criticism. Nor does he feel that one member should interpret another person's words.

Councilwoman Cain felt that if someone said he disagreed with something another member said and then put more input into it, she thinks this only clarifies where that person stands and is not making an interpretation of what was said.

Councilwoman Cereceda advised Councilman Reynolds that he was the only council member that she hesitated to disagree with.

There was a discussion regarding allowing a motion to be made on a non-agenda item. Mayor Hughes felt that if the chair gets the consent of the majority of the Council, that we could deviate from our normal rules if something that wasn't on the agenda comes up and ask for public input. We have done this a few times. Vice Mayor Murphy said he absolutely agreed.

**MOTION:** Moved by Ray Murphy and seconded by Anita Cereceda to approve the changes suggested. Passed unanimously.

Councilwoman Cereceda noted that our established policy has been that public comments are limited to three minutes, but it has not been one that we have actively adhered to. She would allow for giving a time limit to a speaker at the discretion of the Chair prior to public comment.

Councilman Reynolds would prefer that we adhere to the three-minute rule, and certainly no more than five minutes.

Mayor Hughes said he would suggest some language where comments would be generally limited to three minutes per speaker but may be modified by the Chair upon the approval of the majority of the Council. Modify can mean an increase of three minutes or a reduction of three minutes. It would require a motion.

Councilwoman Cereceda noted that occasionally a member of the public will give a presentation during public comment and he should be listed on the agenda as someone who is making a presentation to the Council. People should have three minutes unless the Chair says otherwise.

Attorney Roosa said we could change a sentence in our policy to read "comments will be generally limited to three minutes per speaker subject to modification by the Chair and vote of the Council."

Mayor Hughes said he didn't feel we should have any absolute limitations but have flexibility instead.

Councilwoman Cain said we need that flexibility for the people.

**MOTION:** Moved by Dan Hughes and seconded by Anita Cereceda that comments will be generally limited to three minutes per speaker subject to modification by the Chair. Passed 4-1 with Councilman Reynolds dissenting.

Other policy items were discussed and explained to everyone's satisfaction.

Mayor Hughes noted that our policy was to have a rotation system on a roll call. Councilwoman Cereceda said we've never done this. It originated with Any Priem and herself years ago to eliminate a potential swing vote falling on any given council member all the time. Mayor Hughes said he'd like to eliminate it. Councilman Reynolds said he thought this was a fairly established way of voting and he'd like to see it initiated. Attorney Roosa said that another alternative that might work is if the person who made the motion voted first, let that be the person who starts the rotation and then have a regular rotation across the room. Mayor Hughes liked this suggestion and everyone agreed to make this change.

Councilwoman Cain asked if she was correct in assuming that a three-minute limit did not apply to council members and she was told yes.

Councilman Reynolds stated that there was nothing in the policies to indicate that the Town should open a council member's mail. It is not mandated in this and will not be mandated anywhere else in our laws that a council member's mail should be opened. Attorney Roosa felt that any mail that came addressed to the Town Attorney was not his mail but belonged to the Town. Any personal mail to him should be sent to his home. Mr. Reynolds made a differentiation between Town mail and council member mail. Councilwoman Cereceda suggested that Councilman Reynolds call Lee Melsek and ask him about the public records law.

He would be able to give him every minute detail of what is and is not public, up to and including before Janeen or anyone else would ever open the mail that came to Town Hall. Should Charlie Loucks come into Town Hall and open the mail first or if Joe Schmo who lives on Williams Drive wants to come into Town Hall and look at the mail before anybody else gets to it, he has every right to do it. Anything that comes into Town Hall is public record and open and available to the public at large.

The draft of 1/27/97 has never been approved.

Councilwoman Cereceda asked that Attorney Roosa prepare a policy on public records, including mail, faxes and e-mails. This can be reviewed at another meeting. Councilman Reynolds would like to have it stated in there that council members' mail will be opened by the Town Manager or whoever she designates in Town Hall.

Attorney Roosa said we could put sexual harassment as a paragraph in the policy manual rather than adopting it by resolution. In fact, if it were adopted by resolution it would end up as part of this document anyway. There were some questions on the wording. There were some minor changes. Vice Mayor Murphy noted that there was no resolution made on the actual incident itself. If something like this comes up again, what are we as a Town Council to do? What we have right now is one person saying one thing and one person saying another, and obviously both sides are uncomfortable about what's happened. But really neither side has gotten any real satisfaction out of this thing and we haven't put it to rest. According to Attorney Roosa if something like this happens, it's out of our hands as a city council but elevates itself to the state level. He can give his legal opinion.

Vice Mayor Murphy said we need to provide our employees with an environment that's safe and non-hostile to work in. It does us a disservice if word gets out that Town Hall on Fort Myers Beach is not a great place to work. We have to get the best out of the limited pool of employees that we have. Anything that takes away from that is a big disservice to the Town.

Attorney Roosa said his recommendation is to have a workplace harassment policy. He has adapted one such policy to the Town of Fort Myers Beach. He feels strongly that this is a legal requirement. We should look to the golden rule -- treat others the way you would like to be treated. This calls for sensitivity training, something that council members should avail themselves of.

Councilman Reynolds would like to see a separation of elected officials and appointed committee members. He felt that because some of the appointed members did not live in the Town they shouldn't be considered official members. Attorney Roosa advised that our ordinances say that we may appoint nonresidents to Town committees.

Councilwoman Cain felt that if sensitivity training is required of the staff, it should also be required of the Council instead of just being optional. Councilwoman Cereceda had a problem with the reasonable person law which she finds to be subjective. We've had one incident and because of it we have a policy that we're going to ask everybody to sign. Only the affected parties should be signing the policy. It's like if one person does something wrong, then everyone's punished. She is not comfortable with this. Also the policy should be put into the policy and procedures manual instead of being made a separate resolution.

Councilwoman Cereceda also felt that there should be a stated policy that the Council will abide by the Golden Rule. She felt that council members should be able to criticize a member who in the newspaper misrepresented something that occurred at a meeting.

Councilwoman Cereceda would also like to see a policy on filling vacancies. There needs to be some criteria by which a person would be selected and some criteria by which that person

is nominated. In the past the person was chosen by a seated council member to fill the vacancy. We also need to set a time limit for that vacancy to be filled. Attorney Roosa, however, said that it would be difficult to set a standard for every situation. The policy could be that as soon as a vacancy has been identified, a policy would be established at that time for that particular vacancy.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

The meeting was adjourned at     a.m.

Respectfully submitted,

Lorraine Calhoun  
Transcribing Secretary

### **Items for Action November 8, 2000**

1. Mayor Hughes noted that our policy was to have a rotation system on a roll call. Councilwoman Cereceda said we've never done this. Attorney Roosa suggested letting the person who made the motion first start the rotation and then have a regular rotation across the room. Mayor Hughes liked this suggestion and everyone agreed to make this change.
2. Councilwoman Cereceda asked that Attorney Roosa prepare a policy on public records, including mail, faxes and e-mails. This can be reviewed at another meeting. Councilman Reynolds would like to have it stated in there that council members' mail will be opened by the Town Manager or whoever she designates in Town Hall.
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