



Strategic Workshop

**Wednesday, September 15, 2021
8:30 AM - 10:30 AM**

**Florida Polytechnic University
WEBEX TELECONFERENCE MEETING**

Dial in: 1-415-655-0001 | Access code: 161 142 6856#

MEMBERS

Cliff Otto, Chair
Dr. Laine Powell
Samantha Ashby
Lyn Stanfield

Mark Bostick, Vice Chair
Gary C. Wendt
Beth Kigel
Dr. Narendra Kini

Dr. W. Earl Sasser
Bob Stork
Dr. Ala' J. Alnaser

AGENDA

- | | |
|---|--|
| I. Call to Order | Cliff Otto, Chair |
| II. Roll Call | Kristen Wharton |
| III. Public Comment | Cliff Otto, Chair |
| IV. Governance: Operating in the Sunshine | Carol LoCicero and
Jon M. Philipson
Thomas & LoCicero PL |
| V. 2023-2028 Strategic Plan | Randy K. Avent, President
and Cliff Otto, Chair |
| VI. Closing Remarks and Adjournment | Cliff Otto, Chair |

**Florida Polytechnic University
Board of Trustees
September 15, 2021**

Subject: Governance: Operating in the Sunshine

Proposed Board Action

No action required – information only.

Background Information

Jon M. Philipson and Jim Lake from Thomas & LoCicero PL will give a presentation on the Sunshine Law and how it applies to the work of this Board.

Supporting Documentation: PowerPoint presentation

Prepared by: Jon M. Philipson and Jim Lake, Thomas & LoCicero PL

Florida Polytechnic University
Government in the Sunshine

Carol LoCicero & Jon Philipson

Thomas & LoCicero PL

September 15, 2021



What is the Sunshine Law?

- Florida's Government in the Sunshine Law, a/k/a **The Sunshine Law**, provides a right of access to meetings of public boards and commissions.
 - Fla. Stat. § 286.011

Three Basic Requirements



1. Record Minutes
2. Access, and
3. Notice

When does the Sunshine Law apply?

What is a public board or commission under the Sunshine Law?

- Any agency or authority at all levels of state and local government
- Elected or appointed
- Universities
- **Dispositive question:** Is there decision-making authority?



When does the Sunshine Law apply?



What is a meeting under the Sunshine Law?

- ***Two or more*** members of the same board (includes members-elect)
- Discuss some matter which will foreseeably come before that board for action

Separation of Public Service and Personal Life

- Use University Issued Email
- Maintain Separate Social Media Pages
- Avoid Discussing Public Business on Non-Official Channels
- If University-Related, Keep within Official Meeting Settings



Delegating Authority

VIOLATION:

- Committee created to screen applications and make recommendations for a short list for hiring a new dean
- Committee created to consider proposals submitted by contractors, whose function was to weed through the proposals, determine which ones were acceptable, and rank them



Delegating Authority



NOT A VIOLATION:

- Screening committee whose *sole* function is to help gather factual information on potential applicants by sitting in on interviews, asking questions of the applicants in the interviews, etc., not to accept or reject or rank applicants

Board Members Socializing

VIOLATION:

- Two board members who are also members of the same country club go golfing together and discuss an upcoming vote on adjustments to the president's compensation



Board Members Socializing



NOT A VIOLATION:

- Two board members who live in the same neighborhood attend a neighborhood barbeque with their families; they socialize together but avoid discussing board business

Important Note: The Attorney General has cautioned against giving the appearance of impropriety.

E-mail, Texts, & Other Written Communication

VIOLATION:

- Two board members engage in an exchange or discussion in the comments section of a post about a proposed new building on the University's Facebook page
- Virtual Meetings and Communications within Meetings
- Sunshine and Public Record Risks with Electronic Communications and Virtual Meetings



E-mail, Texts, & Other Written Communication



NOT A VIOLATION:

- A board member emails a third-party environmental impact report that is to be discussed at an upcoming open meeting to all other board members so they can read it before the meeting; there is no discussion between members about the report prior to the meeting

Important Note: Business emails not subject to the open meetings law should still be maintained as public records

Exemptions

- Limited Litigation privilege
- Competitive solicitation/negotiation
- Collective bargaining agreements
- Direct-support agencies

What are the consequences of failing to follow the Sunshine Law?

- Criminal penalties
- Removal from office
- Noncriminal infractions
- Attorney's fees
- Civil actions for injunctive or declaratory relief
- **Action considered void**

Tips to Avoid Violations

- All formal board meetings should be open (including proper notice and recording)
- Avoid discussing board business with each other outside of formal board meetings
- If you think an inadvertent violation may have occurred, take steps to remedy it as soon as possible, including holding an open meeting to make/remake the decision and get it “in the Sunshine”
- Any written communication that is not subject to the open meetings law should still be maintained as a public record





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**Florida Polytechnic University
Board of Trustees
September 15, 2021**

Subject: 2023-2028 Strategic Plan

Proposed Board Action

No action required – information and discussion only.

Background Information

In preparation for a new 2023-2028 Strategic Plan, President Randy Avent will present an introduction and overview of the strategic topics and process for creating a new plan. Trustee participation in discussion is anticipated and welcomed.

Supporting Documentation: PowerPoint presentation

Prepared by: Randy K. Avent, President