



TOWN OF GOLDEN BEACH
One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the December 27, 2023
Special Meeting called for 10:00 AM**

Zoom Room Meeting ID: 892 4271 6334 Password: 142173

For Dial In Only: Call 305.224.1968 Meeting ID: 892 4271 6334

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. RESOLUTION FOR CONSIDERATION

1. A Resolution of the Town Council Relating to State Financial Disclosure Legislation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RELATING TO STATE FINANCIAL DISCLOSURE LEGISLATION; AUTHORIZING PARTICIPATION IN PROPOSED LEGAL ACTION CHALLENGING SUCH LEGISLATION; DEFENSE OF THE MAYOR AND COUNCIL MEMBERS IMPACTED BY SUCH LEGISLATION; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2913.23

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2913.23

D. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING. RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2913.23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RELATING TO STATE FINANCIAL DISCLOSURE LEGISLATION; AUTHORIZING PARTICIPATION IN PROPOSED LEGAL ACTION CHALLENGING SUCH LEGISLATION; DEFENSE OF THE MAYOR AND COUNCIL MEMBERS IMPACTED BY SUCH LEGISLATION; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and all current members of the Town Council (the “Council Members”) were elected by the electors of the Town of Golden Beach, Florida subject to and in reliance upon Florida law that required the Mayor and Council Members to annually file a “Form 1” financial disclosure with the State of Florida; and

WHEREAS, after the election of the Mayor and Council Members, the Florida Legislature enacted amendments to Fla. Stat. § 112.3144, which significantly changed the financial disclosure requirements and now obligate the Mayor and each Council Member to file a “Form 6” financial disclosure, which is substantially more burdensome and personally intrusive than the “Form 1”; and

WHEREAS, the Mayor and Council Members unanimously find the new “Form 6” to be an improper violation of their individual privacy and right to govern without justifiable public purpose; and

WHEREAS, the Mayor and Council Members, based upon the advice of counsel, find that the only alternative to filing the “Form 6” is to resign from office during their respective terms, denying the electors their chosen representatives; and

WHEREAS, the Mayor and Council Members each have expressed their intent to resign from office if compelled to comply with the “Form 6” requirements; and

WHEREAS, in the event of resignations by the Mayor and Council Members, the Town will be without any legal mechanism to fill the vacant positions, therefore, eliminating the governing body of the Town; and

WHEREAS, the Mayor and Town Council Members have each decided to uphold their oath of office to represent the residents of the Town and to retain their respective seats while challenging the validity of the “Form 6” obligation, thus ensuring an ongoing essential governance; and

WHEREAS, the Town Council wishes to pursue all available legal, administrative and legislative proceedings to challenge the legality of the “Form 6” requirements, including joinder in any legal proceedings initiated by other impacted municipalities; and

WHEREAS, the Town Council wishes to engage legal counsel and other governmental consultants to assist in the undertaking to effect a change in the “Form 6” obligations and to defend the Mayor and Council Members in the event they are subject to any disciplinary action arising from their actions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted and confirmed.

Section 2. Authorization. The Town Council hereby authorizes the Town Mayor, Town Manager and Town Attorney to take all reasonable action necessary, including any judicial, administrative, and legislative remedies to challenge the legality of the “Form 6” requirements. This includes a financial contribution of up to \$10,000 in legal fees incurred in any judicial proceeding.

Section 3. Defense. The Town Council hereby agrees that the Town shall defend and indemnify the Mayor and each Council Member who may be subject to any ethical disciplinary action, fines and/or penalties as a result of actions taken to maintain their respective positions and ensure continued uninterrupted governance of the Town.

Section 4. Implementation. The Town Mayor, Town Manager and Town Attorney are hereby directed to take all steps necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida,
this 27th day of December, 2023.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY