

TOWN OF REDINGTON SHORES  
BOARD OF COMMISSIONERS  
**SPECIAL MEETING**  
**MINUTES**  
**HYBRID MEETING**  
**IN PERSON BY COMMISSION ONLY**  
**ATTENDEES ZOOM ONLY**

WEDNESDAY, JANUARY 27<sup>TH</sup>, 2021 – FOLLOWING THE WORKSHOP MEETING

Present upon roll call: Commissioner Blackburn, Commissioner Neal, Commissioner Krajewski, Vice Mayor Robinson, Mayor Henderson, Attorney Denhardt and Attorney Rubenstein

Request for Discussion/Action regarding the Conduct of a Commissioner at the January 19<sup>TH</sup>, 2021 Commission Meeting.

Attorney Denhardt stated in anticipation of this meeting he had spoken to the Commission on Ethics office as to if Mayor Henderson or Commissioner Neal should abstain from voting on this matter. The General Counsel of the Ethics Commission answered there is very little in the way of ethics opinions on this matter and if one or both abstained, they could not be criticized. They suggested the better course would be to abstain, as what may happen at this meeting could affect one or the other in an election or future salary. They thought the better course would be to abstain. Attorney Denhardt stated he recommends to both to declare a conflict and abstain from voting and to file the form with the Town Clerk. Mayor Henderson stated she has already filed the form with the Town Clerk, Commissioner Neal stated he will recuse himself and file the form. Vice Mayor Robinson stated before discussion starts, he would like to make it clear on how and why this meeting was called. Vice Mayor Robinson explained Commissioner Krajewski sent a formal complaint via email to the Town Clerk requesting this meeting. Town Clerk Palmer sent the email to himself and Attorney Denhardt, rather than Mayor Henderson due to the content and issue at hand. Vice Mayor Robinson stated he discussed this matter with Attorney Denhardt and following the discussion, he scheduled this special meeting, which was made at the request of Commissioner Krajewski. Commissioner Krajewski stated after the meeting held on January 19, 2021, he reached out to Attorney Denhardt asking several questions. Commissioner Krajewski stated 99.9% of his questions were answered in a formal response which was sent to all the Commissioners and the Mayor from Attorney Denhardt. After reading the response from Attorney Denhardt he sent an email to the Town Clerk requesting this meeting. Attorney Denhardt stated after the meeting on January 19, 2021 he received numerous calls from several Commissioners asking questions. After receiving these calls, he sent out his response to the Commission so all could be on the same page at the same time. He stated he tried to touch on all that was of asked of him. The Town Clerk per the Town charter did send a memo out to the Commission and the prosecuting of the County.

Commissioner Krajewski stated his understanding based on the letter from Attorney Denhardt it appears it is up to the Commission to take forward any type of actions or discussion of actions. In Attorney Denhardt's letter there are references to the town charter and additional remedies that may be sought by the Ethics Commission. Commissioner Krajewski stated in his email he suggested to hire special counsel as a prosecuting attorney for the Commission in investigating this matter. Commissioner Blackburn asked Commissioner Krajewski to read his email sent to the Town Clerk. Commissioner Krajewski read his email. Commissioner Blackburn spoke referencing town code sections that have been violated and Florida Statutes. The different sections of town code and Fl. Statute were reviewed. After discussion Commissioner Blackburn stated maybe the Commission should hire an attorney as Attorney Denhardt must stay neutral in this matter. Vice Mayor Robinson stated he found Commission Neals comments reprehensible and inexcusable. He also misled the Commission and residents by suggesting on why the item was on the agenda and continued to mislead all that the ethics matter was resolved, when he knows it is not resolved. Vice Mayor Robinson stated after saying this he does not know if these actions rise to the removal of Commissioner Neal or the hiring an attorney for removal. While the Commission has the authority to remove, the Commission could also suspend and perhaps that could be a solution, but definitely censure is in order as it is an embarrassment to the Commission and Town. Commissioner Blackburn stated she thinks the Commission needs to consult an attorney, so nothing is missed. Vice Mayor Robinson questioned, why hire, and pay an outside attorney for legal guidance that Attorney Denhardt is providing and being paid for. Attorney Denhardt stated he is trying to provide legal guidance as to what your options are without being an advocate for one way or another.

Commissioner Neal stated he is doubtful this meeting even conforms to the legal constraints of the Commission. Commissioner Neal referred to Chapter 12 of the town code stating it clearly impowers the Town Clerk as the Election Official. Commissioner Neal referred to Section 12-7 of the code, stating it shall be unlawful for any person to violate any provision of this chapter or disobey or molest any election official in the conduct of an election according to the law. Commissioner Neal stated this means discussing an election matter may be in violation of this section of the town ordinance. Commissioner Neal stated there is reason the law is written in this manner and that is to establish a clear and definite firewall between politics and the administration of the election, thus preventing an incumbent or a running candidate to influence, molest or temporary influence the administration of an election. I respectfully advise the Commission to ensure the town clerk acts independent with only the council of the attorney as needed and I believe the discussion about relevant elections matters or conduct of candidates is beyond the scope and authority of this Commission. These matters are clearly to be handled by the Town Clerk, the Election Official without influence by anyone. Commissioner Neal stated Section 12-7 of the code directs the Town Clerk it shall be her duty to report a suspected violation to the proper prosecuting officer of the county. This section does not empower the town clerk to conduct an investigation nor does it empower the town commission to conduct an investigation. The

responsibility falls to the appropriate county prosecutor who is impartial and politically removed entity. Vice Mayor Robinson stated for clarification, he believes what the Commission is discussing now is the behavior of a commissioner whether he is an elected official or not is beside the point. The fact he is a member of this commission and we have responsibility to the town, and we have the responsibility to the conduct of the business of the town to address matters of the commission members. I believe we are certainly empowered to discuss these matters and to discuss the behavior of a member of the Commission.

Attorney Denhardt stated he certainly thinks it is the prerogative of the Commission and of the charter, again if you find there has been any misconduct. The Commission by charter has a right to conduct an investigation, neither Mrs. Palmer nor himself are authorized by charter or code to conduct an investigation unless delegated by the Commission. The commission has the authority to investigate any matter you feel that might be a violation of town codes. The commission has the right to punish for misconduct and if the commission sees fit can start removal.

Commissioner Blackburn stated it seems when convenient to Commissioner Neal he wants things to be delegated to town clerk, other situations he wants things to come before the commission for a vote. Commissioner Blackburn handed out to the Commission a transcript she prepared with notes, since ting from the other night she wrote, since Commissioner Neal still has not handed in to the town clerk his statement he read for the record. Commissioner Blackburn stated this handout shows there were a lot of false statements made in addition to electioneering at the dais and bashing a political opponent. Points out, the violations of the code, specifically the malfeasance, malicious remarks about another political opponent/ a commissioner. Commissioner Blackburn continued to review with the commission the transcript and the footnotes she prepared pointing out the false statements made by Commissioner Neal. Commissioner Blackburn stated, this document will go into the public record.

Vice Mayor Robinson stated, there was nothing done in the November meeting regarding the complaint, in May the complainant contacted him on the status, so he brought it back to the Commission. At that meeting Vice Mayor Robinson state, the commission may not have a legal obligation, but does have a moral and civic obligation to the complainant, Commissioner Neal and to the town. At that meeting, he made a motion to appoint someone from the Commission to bring to the Ethics Commission and the commission supported this motion.

Attorney Denhardt asked Commissioner Blackburn where she got the transcript, she stated, she did the transcript by listening to the tape repeatedly. Attorney Denhardt stated that a copy should go to the Town Clerk for the record. Commissioner Blackburn asked if Commission Neal will be giving a copy of what he read tonight and a copy of what he read at the last meeting. Commissioner Neal stated he would give a copy of what he read tonight, but the statement from the last meeting is on tape and he should

not have to give a copy to the Clerk as there is a record here tonight.

Commissioner Blackburn asked both the Mayor and Commissioner Neal if they had anything to say. Mayor Henderson stated she did not. Commission Neal did not comment.

Commissioner Blackburn moved to suspend Commissioner Neal for the duration of his term as commissioner, Vice Mayor Robinson seconded the motion, but would like to amend. Attorney Denhardt stated if the motion is to remove or suspend, under the charter provision, the commissioner has the right to be heard, complying with due process, giving due notice to Commissioner Neal to give him an opportunity to be heard. The Commission can hold another meeting for this process with a three-day notice.

Commissioner Blackburn withdrew her motion. Vice Mayor Robinson withdrew his second. Vice Mayor Robinson moved to formally censure Commissioner Neal for his intentional and reprehensible actions at the Jan 19, 2021 meeting, sec 20-21 of code, suspend without pay for the remainder of his term of office and such action be ratified at a Special Meeting to be held on February 1, 2021 at which time Commission Neal has the opportunity to respond before the vote, seconded by Commission Krajewski for discussion. Commissioner Blackburn stated she would keep the pay and insurance benefits. Commissioner Blackburn amended the motion to suspend with pay and benefits and Commissioner Neal be limited to three minutes with his remarks. After discussion Vice Mayor Robinson withdrew his motion and Krajewski withdrew his second. Commissioner Blackburn withdrew her amendment.

Vice Mayor Robinson moved to hold a special meeting on February 1, 2021 at 6:00 p.m. to hear from Commissioner Neal if he desires, before the Commission votes to censure, suspend and or removal, seconded by Commissioner Blackburn. Roll call: all yes. Mayor Henderson and Commission Neal did not vote as both abstained.

Respectfully submitted,

Mary F. Palmer, MMC  
Town Clerk