

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

M E M O R A N D U M

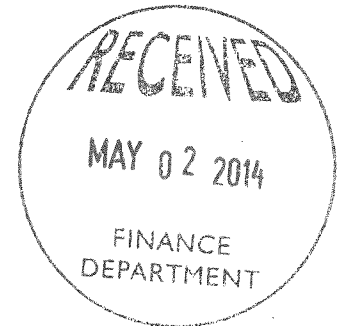
TO: Gloria Johnson, Retirement Board Secretary
FROM: James T. Walker, Assistant City Attorney
SUBJECT: Handwritten Notes as Public Records
DATE: May 1, 2014

This memorandum serves to transmit for inclusion in the Retirement Board's next Agenda packet a memorandum formally addressed to Tom Perona, as Chair, which sets out a proposed Rules amendment regarding use of notations.

s/ James T. Walker

James T. Walker, Esq.
Assistant City Attorney

/mlp
Attachment
cc: Robert V. Schwerer, City Attorney



CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

M E M O R A N D U M

TO: Thomas K. Perona, Retirement Board Chair
FROM: James T. Walker, Assistant City Attorney
SUBJECT: Handwritten Notes as Public Records
DATE: May 1, 2014

This memorandum serves as response to request by the Board for proposed amendatory language to be added to the Board's Rules of Procedure, governing informal notes as public records. The draft language below may simply be viewed as a springboard for further discussion. Alternatively, in the event the Board now chooses to move forward with formal adoption of a rules amendment then, in accordance with Rule 15, a motion to amend would be in order. The motion must then be renewed and passed at the next following meeting. Rule 15 states: "These rules may be amended upon motion of any member as passed at two consecutive meetings."

Rule 1. Miscellaneous.

Section (a). Name. The name of this BOARD shall be the Fort Piece Retirement BOARD as created by Chapter 13, Division II, of the Code of Ordinances of the City of Fort Pierce.

Section (b). Interpretation. These rules shall be interpreted so as to be consistent with state law and local ordinances. In the event any rule or portion hereof is declared by a court of competent jurisdiction to be invalid, then, in such event, the invalid portion thereof shall be severed and the remaining rules and parts thereof shall remain in full force and effect.

Section (c). Definitions. Unless otherwise required by context, the following words shall have the meanings herein provided for:

- (1) "Applicant" shall mean any individual who petitions the BOARD for relief.
- (2) "BOARD" shall refer to the Fort Pierce Retirement BOARD.

- (3) "Code" shall refer to the Code of Ordinances of the City of Fort Pierce.

Section (d) Making of Informal Notations.

Informal notations may be made and kept by Board members, whether made by handwriting, electronic stylus or other means. If the notation is solely for the use of the individual member making the note as an aid to recollection, it should be kept confidential and not shared with any other person. But if any notation of the Board member is intended to communicate, perpetuate or formalize knowledge of some type then, in such event, a copy of the notation should be given to the Board Secretary as soon as practicable, as a public record. If the Board member displays, shows or shares the notation at any time with any other person then, in that event, it will be presumed that the note is or was intended as a means of communication, whereupon a copy of the notation should be given to the Board Secretary as soon as practicable following the display, showing or sharing of the notation.

s/ James T. Walker

James T. Walker, Esq.
Assistant City Attorney

/mlp

cc: Robert V. Schwerer, City Attorney