

# THE VERY BEST LOCAL GOVERNMENT LAW FIRM, P.A.

Jack Betram\*  
Misty Meanor\*  
\* Board Certified City, County and Local Government Law

Telephone (941) 555-1234  
Email: thebest@lawyer.com

## M E M O R A N D U M

**DATE:** November 1, 2023

**TO:** Mayor and City Council Members

**CC:** City Manager  
City Clerk

**FROM:** City Attorney

**SUBJECT:** Meeting in the Bahamas during Council retreat

---

Issue: Can City Council hold a regular meeting in the Bahamas in August? Or alternatively, can City Council make decisions by email voting in August?

Answer: No to both questions.

Analysis: Meetings of the City Council must be public. The fact that a meeting is held in a public room (like a hotel conference center) does not make it public within the meaning of the Sunshine Law. For a meeting to be "public," the public must have notice and a reasonable opportunity to attend. As an example, the First District Court of Appeals found that a school board workshop held outside county limits over 100 miles away from the board's headquarters violated the Sunshine Law where the advantage to the board resulting from the out-of-town gathering (elimination of travel time and expense due to the fact that the board members were attending a conference at the site) did not outweigh the interests of the public in having a reasonable opportunity to attend. The Florida Attorney General has also opined that generally a municipality may not hold commission meetings at facilities outside its boundaries.

Since official action of the City Council must occur at a public meeting, the City Council cannot make decisions by email voting. The Sunshine Law requires all meetings to have an in-person quorum, so at least 4 of the 7 City Council Members need to be present in-person at a meeting for the City Council to take official action. If a quorum is physically present, other Council Members can participate by telephone conference or other interactive electronic technology. The absent members must use devices that allow them to participate in discussions, to be heard by other board members and the public and to hear discussions taking place during the meeting. The City Council may only conduct meetings fully by teleconferencing or other technological means if the in person requirement for a quorum is lawfully suspended during a state of emergency (like Covid). Even then, adequate public access must still be afforded.