

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FEBRUARY 19, 2009

1 I. CALL TO ORDER AND ROLL CALL

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3 The Special Town Council Meeting was called to order on Thursday, February 19, 2009, at
4 6:15 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be
5 present.

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8 II. PLEDGE OF ALLEGIANCE

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10 President Rosow led the Pledge of Allegiance.

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13 III. APPROVAL OF AGENDA

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15 **Motion made by Council Member Kleid, seconded by President Pro Tem Coniglio to**
16 **approve the Agenda. On roll call the motion carried unanimously.**

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20 IV. RESOLUTION NO. 22-09

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22 **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN**
23 **OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,**
24 **AMENDING RESOLUTION NO. 19-09 TO ADD SUSAN**
25 **EICHHORN TO THE CANVASSING BOARD FOR THE**
26 **RECOUNT OF THE BALLOTS FROM THE MUNICIPAL**
27 **RUN-OFF ELECTION HELD ON FEBRUARY 17, 2009.**

28
29 Council President Rosow announced the purpose of calling the meeting. He indicated that
30 because the election count was very close, and there was going to be a recount, he consulted with
31 Town Manager Elwell and asked him about the Ordinance and Resolutions that call for
32 representatives to be at the recount. Since there were only two people authorized by Resolution, the
33 Supervisor of Elections, and the Town Clerk.

1 Town Attorney Randolph read Resolution No. 22-09 by title, as printed above.

2
3 Mayor McDonald read a prepared statement that said "as elected public officials, you have
4 a fiduciary responsibility and hold a public trust to the voters. You know how important it is to
5 avoid the appearance of impropriety. The rule of law relating to voting conflicts does not distinguish
6 between benign or meritorious acts, in terms of eliminating conflicts, where there is bias or
7 prejudice. It is important to establish a public record of bias and conflict prior to a vote. I am the
8 only party sitting on the podium affected by this Resolution. I need to ascertain, and the public
9 deserves to know of any bias prior to the vote. Therefore, I will ask if you have endorsed any
10 candidate which is involved in the run-off, and would be affected by the substance of this Resolution.
11 If you have shown a bias in this matter by endorsing any candidate in the run-off, you should recuse
12 yourself, so I would like to ask each member if they have endorsed any candidate."

13
14 Mayor McDonald first asked each member of the Council if they had endorsed any candidate.
15 All responded they had not, except for Council President Rosow.

16
17 Council President Rosow responded to Mayor McDonald's comments by stating that the
18 reason he asked for the Resolution and asked for the third party, who would be Sue Eichhorn, who
19 is a well known member of the Town government, and is the retiring Town Clerk, was to ensure that
20 there is no bias in the recount. He wanted the recount to be fair, objective and will give the citizens
21 complete transparency. He added that whether he votes for or against the Resolution, all he was
22 attempting to do was ensure fairness and transparency in the recount for both candidates. He
23 intended to vote on the Resolution.

24
25 Council President Rosow asked if any of the candidates, or their representatives objected to
26 the Resolution.

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28 Mayor McDonald, candidate for mayor, stated that he did not object to the Resolution.

29
30 Mr. Gerry Goldsmith candidate for mayor, was in the audience and announced that he did
31 not object to the Resolution.

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33 **Motion made by Council Member Kleid seconded by Council President Pro Tem**
34 **Coniglio to approve Resolution No. 22-09. On roll call, the motion carried unanimously.**

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38 V. ANY OTHER MATTERS

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40 There were none.

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VI. ADJOURNMENT

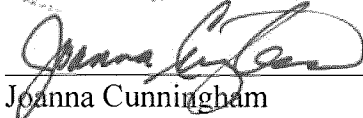
There being no further business, the February 19, 2009, Special Town Council meeting was adjourned at 6:20 p.m.

APPROVED:



David A Rosow
Town Council President

ATTEST:



Joanna Cunningham
Town Clerk