

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON MONDAY, AUGUST 25, 2008

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 1:00 p.m., on Monday, August 25, 2008, in the Town Council Chambers. On roll call, the following elected officials were found to be present: Mayor Jack McDonald, President Richard M. Kleid, President Pro Tem Gail Coniglio, Council Member Susan Markin, and Council Member David A. Rosow. Also present were Town Manager Peter B. Elwell, and Town Clerk Susan Eichhorn

II. CONSIDERATION OF SCHEDULING AN ATTORNEY/CLIENT SESSION REGARDING SURFRIDER FOUNDATION, INC., SNOOK FOUNDATION, INC., CAPTAIN DANNY BARROW, TOM WARNKE AND HERBERT TERRY GIBSON, PETITIONERS, VS TOWN OF PALM BEACH, DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, RESPONDENTS, State of Florida Division of Administrative Hearings, DOAH Case No. 08-1511, To Discuss this Matter on August 26, 008, 7:30 p.m., in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Jack McDonald, Town Council President Richard M. Kleid, President Pro Tem Gail Coniglio, Town Council Members Denis Coleman, Susan Markin and David Rosow, Town Manager Peter B. Elwell, Attorney Reginald Bouthillier, and Court Reporter from Ley & Marsaa Court Reporters, Inc.

President Kleid noted that it was suggested that several of the Petitioners' attorneys be invited to the meeting for the purpose of presenting their settlement to the Town, and answering questions from the Town Council and the Mayor.

Responding to President Kleid, Town Manager Elwell indicated that, he would confirm, through the Town's attorneys (Town Attorney Randolph was unavailable this week), whether or not it was legal to invite the Petitioners' attorneys. Mr. Elwell noted that he would also relate whether or not Council Member Coleman, who was unable to attend the meeting, could attend by telephone. Mr. Elwell commented that depending on the answers to the above questions, he would make the changes to the Agenda, for the August 26, 2008, Special Town Council meeting,

8-25-08 STC Surfriders

1 to reflect the actual roster of individuals who would be participating in the Closed Door Session.
2 He stated, for the record, the reason for calling the Closed Door Session was that the attorneys
3 representing the Town, in this litigation, would need the Town Council and Mayor's advice and
4 direction regarding the potential settlement of the case, based on the offer that was submitted to
5 the Town.

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7 Responding to President Kleid, Town Manager Elwell indicated that the Town received a
8 postponement of the date by which the Town must respond.

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10 Discussion occurred among the Town Council members and Town Manager, and several
11 of the following comments were made:

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13 • A shuttle diplomacy would be requested, if it was determined that the Petitioners'
14 attorneys could not legally meet during the Closed Door Session.
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16 • The purpose of inviting the Petitioners' attorneys to speak prior to the Closed
17 Door Session was to listen to their presentation and obtain clarification without
18 the filter of the Town's attorneys, and to have the opportunity to ask questions.
19 The Petitioners' attorneys would then be asked to adjourn to another room, and
20 the Council would participate in an internal discussion.
- 21
22 • The reason for a private versus a public discussion was that in a private setting,
23 the discussion could be more candid regarding issues on the table and the reaction
24 to the initial proposal might move to a better settlement. The transcript would
25 become public at the end of litigation.
- 26

27 **Motion made by President Pro Tem Coniglio, seconded by Council Member Rosow**
28 **to convene on Tuesday, August 26, 2008, at 7:30 p.m., in the Town Hall Council Chambers,**
29 **before the Attorney/Client Session with the Surfrider Foundation, Inc., et al. On roll call,**
30 **the motion carried 4-0, as Council Member Coleman was absent.**

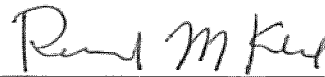
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34 **III. ANY OTHER MATTERS**

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36 There were none.
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IV. ADJOURNMENT

There being no further business, the August 25, 2008, Special Town Council meeting was adjourned at 1:10 p.m.

APPROVED:



Richard M. Kleid
Town Council President

ATTEST: *



Susan A. Eichhorn
Town Clerk