

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, MARCH 26, 2009

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 2:00 p.m. on Thursday, March 26, 2009, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

Motion made by Council Member Kleid and seconded by Council Member Diamond to approve the Agenda. On roll call, the motion carried unanimously.

III. SURFRIDER FOUNDATION, INC., ET AL 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

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Town Council President Rosow announced:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, MARCH 26, 2009

William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Robert N. Wildrick, Town Council Member
John C. Randolph, Town Attorney
Reginald Bouthillier, Attorney (via telephone)
David Jordan, Attorney (via telephone)
Peter B. Elwell, Town Manager
Ley and Marsaa, Court Reporters

- d.) Persons attending the meeting (listed above) relocate from Town Hall Council Chambers to the immediately adjacent conference room.

The meeting attendees relocated into the adjacent conference room at 2:02 p.m.

IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN COUNCIL CHAMBERS

- A.) Call to Order

Council President Rosow called the meeting back to order at 2:22 p.m.

- B.) Town Council President to Announce the Termination of the Attorney/Client Session.

Council President Rosow announced the termination of the Attorney Client Session. He further announced that in the Closed Door Session, the Council instructed the attorneys to NOT appeal the decision of the Administrative Law Judge.

The Town Attorney declared that the decision to not appeal should be made in the open and in the form of a Motion.

Motion made by Council Member Kleid that the town withdraw its request for a permit for Reach 8 renourishment, and that they direct the Town's Attorneys to convey this to the Florida Department of Environmental Protection (DEP), and ask that they concur in this request. If they (DEP) want to continue the appeal, that they give the Town permission to pursue other options for Reach 8, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS

Council Member Diamond indicated that he thought he may have a possibility of the

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, MARCH 26, 2009

1 violation of the Town Code prohibitions with relation to Conflicts of Interest and wanted the
2 Council to consider removing this person if they were in violation. He indicated he had the forms to
3 show the other Council Members.

4
5 Mayor McDonald asked for more specific information and asked why the Town Attorney
6 had not been consulted.

7
8 Council President Rosow suggested that the matter should have been discussed with the
9 Town Attorney first, and in order not to embarrass anyone, in case there isn't a violation, allow the
10 Town Attorney to render an opinion.

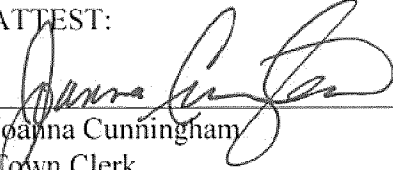
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13 VI. ADJOURNMENT

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15 There being no further business, the March 26, 2009, Special Town Council meeting was
16 adjourned at 2:28 p.m.

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18
19 APPROVED:

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21 
22 _____
23 David A. Rosow
24 Town Council President
25

26
27
28 ATTEST:

29 
30 _____
31 Joanna Cunningham
32 Town Clerk
33