

# Sunshine lawsuit costs discussed

**The legal costs associated with a Sunshine Law lawsuit filed against former advisory board members have exceeded \$35,000.**

**BY JOE HENDRICKS**

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BRADENTON BEACH – The first meeting of the newly-reconfigured city commission led by Mayor John Chappie featured multiple discussions on the Sunshine Law lawsuit filed against six city board and committee members.

When the Thursday, Dec. 7 meeting began, Commissioner Marilyn Maro asked that an invoice submitted by attorney Robert Watrous be removed from the consent agenda for additional discussion. Maro said some of her constituents asked about the growing cost of the lawsuit.

Watrous is representing the city in the Sunshine lawsuit and paralegal Michael Barfield is providing additional legal assistance.

Initiated jointly by the city commission and city resident Jack Clarke, the lawsuit filed in August alleges four Planning and Zoning Board members and two Scenic Waves Committee members

violated the Florida Sunshine Law.

The alleged violations pertain to the board and committee members discussing a potential parking garage prohibition outside of a properly noticed public meeting. The resulting investigation then produced evidence of additional possible violations stemming from the defendants' email exchanges.

During general public comment, lawsuit defendant and former planning board member Patty Shay told the commission that due to the expense she would no longer be represented by an attorney and would now represent herself as the case moves forward.

"I can only imagine how much it will eventually cost the city," she said.

"Some people who represent the city have assured the citizens that after the case is settled, the legal costs will be redeemed by payment from the defendants, but is that really the case?" Shay asked.

Shay suggested the resignations of all six board and committee members cured the alleged violations.

"What is the objective of this lawsuit?" she said.

## SHADE MEETING EXPENSES

When discussing a consent agenda for the first time, new Commissioner Randy White questioned the \$1,000 expense listed in the \$10,395 monthly invoice submitted by City Attorney Ricinda Perry.

The expense pertained to legal services Perry provided regarding a lawsuit-related, attorney-client shade meeting in September.

Chappie told White the confidential shade meeting could not be discussed at a public meeting and he suggested he discuss it with Perry privately. White then cast the only opposition vote to paying Perry's invoice in its entirety.

Later, when asked to approve the \$14,597 Watrous invoice Maro questioned, White said, "What do the residents gain from this? This is their money."

He then cast the only vote in opposition to paying it.

## LITIGATION UPDATE

During her litigation update, Perry responded to Maro's original question. She said the city has been invoiced \$35,800 so far for services provided by Watrous and Barfield.

Perry also responded to a question posed by Shay, who was no longer present.

"The sole purpose of the lawsuit is the city of Bradenton Beach must have all public records of all of its board members. Anybody who's serving the city must turn those into our clerk. In this instance, individuals did not do this," Perry said.

"It's the defendants who are driving this cost. All we wanted were the documents, the admission of what was done and the ability to cure it. So far, the defendants have refused to do that," she added.

"If the city wins, then the costs to the city could be recouped in some manner and a judge would decide who pays how much?" Chappie inquired.

"That has been the case in the past, where the judge has said this one is more culpable than this one. The judge has the statutory authority to give the city back the money it cost to correct these board members' behavior," Perry said.

Perry said she expects the preliminary legal proceedings to resume in January.



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