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Memorandum

To: Town Manager, Finance Director, Town Clerk
Date: October 9, 2009
Subject: Sponsorship of Brochure Printing

Per your request, below is a brief analysis of issues related to private parties' sponsorship of brochures or other costs incurred by the Town. These types of issues tend to be very fact-specific so specific situations should be discussed.

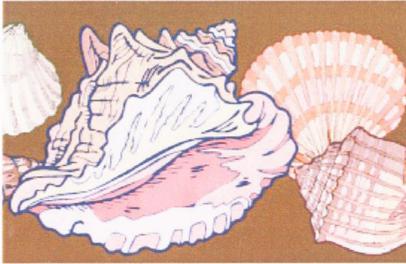
ETHICS

1. Where the sponsor is not a "public officer" of the Town, a sponsorship of an event on behalf of the Town does not present ethical issues for the sponsor or the Town. Please keep in mind that if there is a pending zoning action, etc., the specific circumstances should be reviewed. Also please note that "public officer" and agency are defined terms:
 - "public officer" is defined by FS 112.313 (1) as "any person elected or appointed to hold office in any agency, including any person serving on an advisory body"
 - "agency" includes "any municipal government" under F.S. 112.312(2)
2. When the sponsor is an advisory committee member, a Town Councilmember, or an employee, the situation and the resolution become fact-specific. For example, if the sponsoring involves paying the printing cost for a brochure put together by that advisory committee, the provisions of FS 112.313 (3) regarding doing business with one's own agency and/or the cautionary provisions of FS 112.313(6) regarding misuse of public position could apply, depending on the circumstances. Please note that it is not necessary to show a specific economic benefit for the "misuse of public position" provisions to be applicable under current case law.

PROCUREMENT

Sponsoring an event in exchange for publicity and/or advertisement is not a "donation" since the publicity/ad has a cash value. It is up to the Town to determine the equivalent cash value of such advertisement, and then to follow requirements of the Purchasing Manual accordingly. In the alternative, perhaps the Town could bid out the sponsorship at a specific dollar level or best-price basis. For example, charity events commonly offer opportunities for businesses to "sponsor" a hole of golf in exchange for payment of a fixed amount to the charity.

Beach Do's and Don'ts



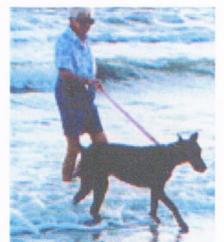
- Empty shells are collectible.
- Collecting live shells, including sand dollars & starfish, is prohibited by law.
- Share our beach bounty and leave some shells for the next visitor.

- Turtle season is May 1-Oct. 31. Shield all beachfront lights and close drapes.
- No flash photos or flashlights around turtles.
- Don't touch or disturb nesting turtles, nests or hatchlings.
- Remove all beach furniture by 9 PM.



- All birds and other wildlife are protected in the Little Estero Critical Wildlife area. Pets are not permitted there.
- Don't disturb nesting sites.
- People or pets should not chase, harass or scatter birds anywhere on the beach.

- Pets must always be on a 6' leash and under owner's control at all times.
- Owners must clean up after their pets & deposit waste in trash cans.



- Keep the beach clean for everyone -- place all trash and litter in containers.
- Plastic straws, cup lids and other debris kill turtles and other marine life -- please pick up and dispose of properly.
- Enjoy our beach!

Printing costs sponsored by



Created by the Marine Resources Task Force,
Town of Fort Myers Beach