

It appears - as a result of our public records research - that at their Nov 19th meeting, **the newly elected Council members were given inaccurate advice by the Village Attorney on the desire several of them expressed to make new appointments to the LPA last December, instead of waiting until May to replace appointees of the no longer seated former Council.**

The official minutes, and a clip of the video record, that document this serious mis-advice by Village Attorney Roget Bryan are attached, along with the conflicting relevant section of the Village Code; and the Village Council should publicly express their concern about this significant discrepancy -- and have the mis-statement corrected on the record.

Excerpt from official minutes of the Islamorada Village Council meeting on Thursday Nov 19, 2020

D. Discussion Regarding Appointments to the Local Planning Agency

This item was heard at 8:05 p.m.

Councilman Henry Rosenthal stated he would like to see the Local Planning Agency appointment occur at the December meeting.

At 8:08 p.m. Mayor Buddy Pinder asked the Village Attorney if committee appointments could be made at any council meeting. **The Village Attorney explained that the annual appointments occurred in May; and other appointments were for the remainder of the term, with most committee terms being for one year.** Village Clerk Kelly Toth explained that the LPA vacancy referenced by Councilman Rosenthal was a “Council” appointment that required a super-majority vote of the Council. Village Attorney Roget Bryan suggested that the Council coordinate with the Clerk if they had a potential committee appointment.

Contrarily, this is what the Village Code, Section III actually states very clearly:

(d)

The appointing village council member may replace a local planning agency member with or without cause at any regular village council meeting. The two local planning agency members appointed by a super majority vote (four/fifths votes) of the village council may be replaced with or without cause at any regular village council meeting by a super majority vote (four/fifths votes) of the village

council. Replacements shall serve the remainder of the original term. Nonvoting members may be removed by majority vote of the village council without cause.

Link to corresponding video excerpt of meeting featuring Village Attorney's misstatement (file is too big to attach at 114 MB, so you may have to go directly to the video file and scroll:

[Click to Download](#)

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Capt Ed Davidson, First Vice President, Islamorada Community Alliance