

Safe Harbor Opinion: Commissioner email update system and related website

Douglas Gonzales <DGONZALES@hollywoodfl.org>

Mon 8/2/2021 10:24 AM

To: Caryl Shuham <CSHUHAM@hollywoodfl.org>

Cc: Damaris Henlon <DHENLON@hollywoodfl.org>

Thank you Commissioner.

This email provides a safe harbor opinion that you may rely upon should there ever be a question as to its accuracy, as set forth in the Broward County Ethics Ordinance. This opinion is based upon the information that you provided below and when noted, information that you indicated during our phone conversation last week. See my responses in red.

Thank you again.

Doug

From: Caryl Shuham

Sent: Friday, July 30, 2021 9:48 AM

To: Douglas Gonzales <DGONZALES@hollywoodfl.org>

Subject: Questions about a commissioner email update system and related website

Hi Doug – At my own expense, I am working on a commissioner’s email update system and a commissioner’s website to house those updates. The goal is to establish an email list of City residents and anyone else that’s interested, and then to keep them informed about City and D1 matters via email updates. I have a few questions and may be submitting your response to the County pursuant to Broward Code of Ethics for Elected Officials 1-19(c)8 (Advisory Opinions). **Please note that I am required to submit all safe harbor opinions to the OIG on an annual basis.**

The email updates will initially go to a list of emails I collected during my campaign, before I was elected. I hope to expand the email list as people sign up for the updates, either by going to my new website to sign up, or if someone is forwarded one of my email updates, the email will have a link for that person to sign up for future updates. **[You indicate that the list you are working from was gathered during your campaign but before you were elected. Although that may be a fact without much distinction, you may certainly use the list of residents and others that you compiled during your campaign for purposes of reaching out now that you are an elected official]** Also, I would like for City staff to provide me with a list of emails for residents in District 1 to add to the new email list. Finally, I expect the district civic associations might include the link to sign up for my updates in their periodic newsletters as well. All out-of-pocket expenses relating to this effort are being paid by me personally. I would like your opinion on the following:

- On this website, can I include photos appearing on the City’s website or provided by the City (e.g. a photo of me and of the City Commission taken by the City’s photographer, or photos of Hollywood Beach originally taken by or on behalf of City)? **You may use photos that are on the City’s website or provided by the City so long as those photographs were not obtained from a third party, such as Getty Images. You would need their approval before using their material. As indicated during our call, I recommend that you let Raelin or Joann know that you intend to use some of the City’s images so that they are aware that it will appear on your website.**
- Can I link to the City’s various websites and webcams, etc? (e.g. “To learn District 1’s boundaries, click here” – would take you to the City’s map; “Watch what’s happening now at the beach” – would take you to the City’s link to beach cam, etc.)? **There is no legal prohibition against you utilizing City generated links as indicated, but again, I recommend that you let Raelin or Joann know that you intend to do so. They may also be helpful in setting up the links for your use.**

- Can City staff provide me with a list of email addresses for residents in my district so I can add them to this new email update list? **You may request the list from staff, who should treat the request as a public records request. Whenever someone interacts with the City, there is a provision indicating that their email addresses and other supplied contact information becomes public record, so you may obtain that information as indicated.**
- Can I use my City email address and other City contact information as my contact information on this new website and in the email updates (for residents or others that have any questions or concerns for me as commissioner)? **Yes. However, you will need to let Raelin or Joann know that this website exists since it is a work site and subject to state retention requirements.**
- Should I decide to run for reelection in 2022, will I be able to use the email list generated by the above efforts for campaign purposes? **Yes.**
- During my initial 2018 campaign, I had a campaign website and email address. These email/online accounts remained open post campaign at a cost of approximately \$140, allowing me to now use the email addresses collected then for these new commissioner email updates. Can I pay these post-election expenses out of my personal bank account? **Since the payment is for post election "services", I believe that you can pay them using your personal funds.**

Please let me know if you have any further questions.

Doug

Thanks in advance,
Caryl

Caryl S. Shuham

Commissioner, District 1

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