

# **CITY OF OPA-LOCKA**

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Clerk's Action Summary Minutes

## **FIRST BUDGET HEARING**

**September 6, 2011**

**5:01 p.m.**

**City Commission Chambers**

777 Sharazad Boulevard

Opa-locka, FL 33054

### **1. CALL TO ORDER:**

Mayor Myra L. Taylor called the meeting to order at 5:06 p.m. on Wednesday, September 6, 2011 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida 33054.

### **2. ROLL CALL:**

The following members of the City Commission were present: Vice Mayor Dorothy Johnson, Commissioner Gail E. Miller, and Mayor Myra L. Taylor. Also in attendance were: Interim City Manager Bryan K. Finnie, City Clerk Deborah S. Irby, and City Attorney Joseph S. Geller. Commissioner Timothy Holmes arrived at 5:10 p.m. and Commissioner Rose Tydus arrived at 5:20 p.m.

### **3. INVOCATION:**

The Invocation was delivered by Mayor Myra L. Taylor.

### **4. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited in unison.

### **5. FIRST READING ORDINANCES/PUBLIC HEARING:**

- A. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA ADOPTING A FINAL MILLAGE RATE FOR THE CITY OF OPA-LOCKA, FLORIDA, PURSUANT TO SECTION 200.065, FLORIDA STATUTES, FOR FISCAL YEAR 2011-2012, COMMENCING OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012; SETTING PUBLIC HEARING DATES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to approve the above ordinance.

Commissioner Miller asked, is the above ordinance final?

Attorney Geller said the ordinance will be final when it is adopted for second reading.

Vice Mayor Johnson said during a presentation staff gave the roll back rate and said there were not going to be any changes in revenue, however the percentage changed slightly.

She asked staff to address it for public records.

Faye Douglas, Budget Administrator informed the City Commission that the proposed millage rate is 9.1526 and it is a zero percent change from last fiscal year revenue.

Vice Mayor Johnson asked, what will the zero percent change mean to the citizens?

Ms. Douglas said on an average the citizens will not see an increase in their property taxes.

Vice Mayor Johnson said in addition to the roll back, she encouraged the citizens to voice their concerns at the second reading should they have any concerns.

She further suggested workshops in the future to engage the citizens in the budget process.

There being no further discussion, the motion passed by a 4-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Not present
Mayor Taylor	Yes

- B. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AND ADOPTING THE CITY'S GENERAL FUND BUDGET FOR THE FISCAL YEAR 2011-2012, COMMENCING OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET, AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL

BUDGET EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATION AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to adopt the above ordinance.

Vice Mayor Johnson said she noticed that staff recommended two additional furlough days for employees.

She asked have staff had any dialogue with the Union Representatives and received input, because she is concerned.

She further asked for a listing of all top staff that received a reduction in salary. Exempt employees are not going to be affected by furlough days and the majority of the top level employees have already received an increase.

Vice Mayor Johnson continued by saying whenever she makes a request for information she does not expect staff to tell her they do not have the requested information. Since she has not received the previously requested information it has impacted her decision.

She would like to know why staff is recommending a twelve percent increase and the status of Sherbondy Village. The building cost started off at \$3.2 Million Dollars, Commissioner Barbara Jordan gave the city \$2.5 Million Dollars and it was not for Segal Park.

She further said she does not mind moving back into Historic City Hall because the city owns it, but she championed for Sherbondy Village.

Manager Finnie apologized to the City Commission for not being clear on the allocation of monies. \$2.1 Million Dollars is being allocated to the city for Segal Park from the Community Development Block Grant Funding Program. Commissioner Jordan has given the city \$2.5 Million Dollars from the GOP Program.

Vice Mayor Johnson said the city started off with a budget of \$3.2 Million Dollars for Sherbondy Village and it went up to \$3.7 Million Dollars. Five Hundred Thousand Dollars were always there because the city wanted a green building. The contractor said there were not going to be any change orders to make the building green. Looking at the facility now, the city will have to spend more money because it needs additional square

footage in order to utilize the building for what it was built for. That is additional money that someone needs to write grants for, we need to have a turn key project.

Looking at Town Center Properties the building already has variables for the airport. That building takes 5 miles North and 5 miles East so anything in the downtown Opa-locka area is covered, and Miami-Dade County has a record of it.

She further said she does not have the answers she needs to make a decision today.

Mr. Finnie said he will provide the City Commission with the requested information by tomorrow.

Vice Mayor Johnson asked, why is bond money being used for projects that was previously budgeted for?

Mr. Finnie said its poor communications. Pump station 11A has been budgeted for and in his previous tenure money was raised for projects and when he returned back to the city a year later the projects were not completed.

Budgeting an item is one thing, spending the money is another, unfortunately the items were budgeted and the monies were never spent so the funds rolled over. A research is being done on all the pump stations and he will provide the City Commission with a detail of what was spent for every pump station.

Vice Mayor Johnson said staff informed the Commission that the city has a shortage because of the red light projection. How the city can have a budget gap for the red light initiative when someone should have noticed we was not receiving the amount of money that was projected?

Vice Mayor Johnson requested a resolution for the city's auditor to appear before the City Commission on a monthly basis to provide the Commission with a monthly report.

She further mentioned that staff has informed the Commission that the city is triple A and that means you can borrow money from anyone. She asked, what is the city's line of credit?

Commissioner Miller said staff first recommended a 3% salary reduction and 10 furlough days, today staff is recommending a 4% salary reduction and 12 furlough days and she is not in support of those recommendations.

She had concerns in regards to transferring money for Segal Park property.

Commissioner Miller asked, where are the funds being transferred from?

Manager Finnie said it is a transfer that will not happen. They have already closed on the Segal Park transaction so next year's budget they don't have to close on the property.

Commissioner Miller asked, when did the transaction take place and were her colleagues aware of it?

Manager Finnie said the transaction took place last week and it was approved by resolution and he was mandated to close his resolution.

He further said in terms of the increase of furlough days it had a lot to do with balancing the budget.

Commissioner Miller advised staff to bring the Commission better recommendations. Staff can not afford to take 12 furlough days and a 4% pay reduction when they are already paying 3% towards their retirement.

Vice Mayor Johnson said the City Attorney needs to inform the Commission what the possible liability is and what it would have been as it relates to the vacant property located adjacent to Segal Park.

Attorney Geller said the City Commission approved the land purchase in February and the city was suppose to pay 50% at that time and 50% six months later which was August and there was a hold up on getting the title cleared, when they got it cleared the six months was up so the entire amount was due, but there was a contract that was signed in February based on the Commission approval.

Vice Mayor Johnson said she is thinking about the City of Miami and the Commissioner that was brought back. She doesn't know whether the city will be challenged to pay salary so the city needs to be prepared for one of our Commissioners that were in the same situation.

She further said she is concerned about the law suits and we need to have money in the Risk Management line item.

Community Development Department had a budget of One Hundred Thousand Dollars (\$100,000.00) that was allegedly spent on professional services and she asked for all the documentation to support it because she is unaware of it coming before the City Commission.

Commissioner Miller said staff previously informed the Commission that they were going to look into a way to have staff clock in and out to reduce the cost of ADP and she see the cost is still the same.

Manager Finnie said staff does need to meet regarding the ADP time clocks, but it is his understanding that they let the system stay in place to have better control of staff clocking in and out.

Commissioner Tydus said Commissioner Miller addressed her concerns as it relates to the time clocks.

She further said staff previously recommended eliminating the Fleet Manager Position and there were several Commissioners including herself that was not in favor of that and it is still listed today. She needs clarification as to whether it will eliminate an employee or will it be a change in responsibilities.

Manager Finnie said someone will be affected by these changes, but they are looking at the function. At this time that function is not working in the city's best interest and they would like to recommend looking at other ways to manage the fleet in servicing vehicles and inventory.

Commissioner Holmes apologized for not being at the budget workshop.

He asked, did staff recently receive a 4% pay reduction?

Mr. Finnie replied, yes.

Commissioner Holmes asked, how many furlough days did staff have to take?

Mr. Finnie said four days.

Commissioner Holmes asked, are you recommending giving staff another 4% pay reduction in order to balance the FY 2011-2012 budget?

Mr. Finnie said the 4% pay reduction goes away at the end of September, however if these recommendations are approved then the first pay period in October staff will take a 4% pay reduction so its not a 8% pay reduction.

Commissioner Holmes said if staff had to take a 4% pay reduction to balance the current budget then their salary will still be reduced when we get into the new budget.

Mr. Finnie said in light of the budget deficit they have several options and they have chosen the option to continue to keep the employees that provide services to the community.

He further said what he is recommending is painful, however he has limited options.

Commissioner Holmes said since November of last year a lot of new employees were hired and if you cut two of the employees that are still here you can save money. Giving employees twelve furloughs days is one day a month in addition to a 4% pay reduction along with the 3% employees pay towards their retirement, he is not happy with this and will not support these recommendations.

Vice Mayor Johnson said she noticed in the new recommendations the Police Department and Parks & Recreation took a big hit. Parks & Recreation deal with children and seniors and she is not in support of it.

Ms. Douglas said they are recommending eliminating one vacant Recreation Leader position.

Vice Mayor Johnson asked, how many Recreation Leaders does Parks & Recreation have?

Ms. Douglas said there are three Recreation Leaders and four Recreation Supervisors.

She further said they recommend including two employees from Crime Prevention in the Parks & Recreation budget.

Vice Mayor Johnson asked, is Parks & Recreation and Crime Prevention two separate departments?

Mr. Finnie said they are separate functions, but only one department is approved by the charter which is the Parks & Recreation Department. The city has been funding Crime Prevention for a long time.

Vice Mayor Johnson asked, does that program normally pay for itself?

*NOTE: This portion of the minutes is transcribed in verbatim format.*

Vice Mayor Johnson: So you are telling me that Crime Prevention is not what?

Manager Finnie: A department.

Vice Mayor Johnson: A department just like Community Development is not a department.

Manager Finnie: Actually yes you are right.

Vice Mayor Johnson: I been saying this for years, help me cause I have senior moments often.

Mayor Taylor: Is Community Development a department?

Vice Mayor Johnson: No it is not according to the charter.

Manager Finnie: Literally we treat it as a department, but according to the charter it is not a department.

Vice Mayor Johnson: It is not a department officially and I been telling you guys that. So we are funding a department. Parks & Recreation you said is a program.

Manager Finnie: Parks & Recreation is a department.

Vice Mayor Johnson: Parks & Recreation is by the charter, but Crime Prevention is what?

Manager Finnie: It's a program.

Vice Mayor Johnson: It's a program. Now under this program we have staff.

Manager Finnie: Yes.

Vice Mayor Johnson: Staff that is normally paid through grants, because for me I'm the Executive Director for my organization, but under my grants I am the project director and that's where a portion of my salary comes from. Am I right, because I'm trying to understand?

Manager Finnie: Yes Vice Mayor.

Vice Mayor Johnson: Don't say yes if its not yes, just tell me the truth.

Manager Finnie: Yes

Vice Mayor Johnson: Community Development is not, so what program is that?

Manager Finnie: Historically the City of Opa-locka has used Community Development.

Vice Mayor Johnson: No, no, no, no, no, no, no, no, no not historically because when years ago I made a suggestion for Community Development, now I want to know is it a program and where can I find it as a part of the charter.

Manager Finnie: It's not a department it is a program.

Vice Mayor Johnson: So how are we budgeting for it?

Manager Finnie: We historically submitted the budget to the Commission that included Community Development and it has been funded.

*Note: This concludes the verbatim portion of the minutes.*

Vice Mayor Johnson said we have Parks & Recreation with one vacancy that will not be filled. She asked staff to walk her through the rest of the reductions in Parks & Recreation.

Ms. Douglas said they are recommending eliminating Ten Thousand Dollars (\$10,000.00) in other professional services that were not specified.

Vice Mayor Johnson asked, what is the current budget?

Ms. Douglas said in this current year's budget, they budgeted for other professional services the thought was for tutoring and other services, however in the upcoming budget through other contracted services they are going to provide for the maintenance of Sherbondy Village.

Vice Mayor Johnson asked, did we provide other professional services in house?

Ms. Douglas replied, no it was an outside source.

Vice Mayor Johnson asked, who did we use?

She asked, what professional services Parks & Recreation used for tutoring?

Charles Brown, Parks & Recreation director informed the City Commission that they did not use any Professional services for tutoring. The recreation leaders and staff assist with homework and tutoring.

Vice Mayor Johnson asked, what is staff referring in regards to professional services?

Mr. Brown said they used professional services to hire officials to run their football and baseball programs.

Vice Mayor Johnson said at the time when the professional services are outsourced, what does our staff do?

Mr. Brown said our staff is not skilled to organize sports officiating procedures they hire professionals to do that, but as far as tutoring and homework our staff provide those services.

Vice Mayor Johnson said when the professional services is provided for sportsmanship what is our staff doing?

Mr. Brown said staff is overseeing the program. They still have after school and recreational programs.

Vice Mayor Johnson said she is concerned that the city will be spending this amount of money for outside sources and our staff does not have the skills to provide these services, if that's the case maybe we should consider outsourcing.

Ms. Douglas said Twenty Eight Thousand Five Hundred and Ninety Five Dollars (\$28,595.00) is being added to Parks & Recreation budget from Crime Prevention. Crime

Prevention has Twenty Thousand Dollars (\$20,000.00) in revenue and One Hundred and Forty Three Thousand Dollars (\$143,000.00) in expenses so there was a budget shortfall.

In the beginning of this fiscal year there was one director over both Crime Prevention and Parks & Recreation so some of those employees were included in the general fund budget under Parks & Recreation.

Vice Mayor Johnson asked, was Crime Prevention covered by a grant for this current year?

Ms. Douglas said they had one grant in the amount of Forty One Thousand Dollars (\$41,000.00). In previous years the city had the Miami-Dade County DHS and Children's Trust grants; we no longer have the Miami-Dade County grant.

Vice Mayor Johnson said Children's Trust doesn't normally give grants to municipalities so they need to consider partnering.

She further said it's no different from DJJ if we can't carry the load then we need to look at other means of getting the funds.

Ms. Douglas said they are also recommending eliminating Ten Thousand Dollars (\$10,000.00) in unspecified capital improvements.

Vice Mayor Johnson said she don't think staff had time to speak to the PBA and their contract is coming up. She is concerned that the Commission is being asked to vote on legislation that has not been communicated with PBA and will put the city in a bad position.

Ms. Douglas said the one sergeant position is the only position that may be affected by the PBA.

Manager Finnie said he will speak to the City Attorney and they will reach out to the PBA. He further said the position is not being eliminated, it is a vacancy.

Vice Mayor Johnson said there has been a recommendation to eliminate the Community Empowerment Team (CET), does it work hand in hand with Weed & Seed?

The city just paid a law suit and she felt forced to have done that, but now staff is recommending eliminating the program, what will happen to the staff?

Manager Finnie said they will have to discuss eliminating positions.

Vice Mayor Johnson said she can not support a lot of what is being proposed because it is incomplete.

She said she think a lot of services needs to be brought back in house and some employees already agreed they will be willing to do the work.

Commissioner Tydus asked, when does the amnesty program end?

David Chiverton, Assistant City Manager informed the City Commission that there's one Amnesty Program for Code Enforcement and it was extended to December 31, 2011.

Mayor Taylor said she asked the City Manager to include utilities in the Amnesty Program.

Manager Finnie said staff is preparing an item to bring before the City Commission for approval.

Vice Mayor Johnson said the legislation only dealt with Code Enforcement and if there's an amendment it has to come back before the Commission.

Mayor Taylor said she asked for the date to be December 31<sup>ST</sup>, but she doesn't believe that was the sunset for the Code Enforcement Amnesty. The legislation she asked for as it relates to the amendment went to December 31<sup>ST</sup>.

Mr. Chiverton said the ordinance that was in place expired and there was an opportunity to extend it and as requested from the dais by the Mayor to figure out the amount and extend it to December 31<sup>ST</sup> with the appropriate legislation coming back to the Commission to include Code Enforcement as well as Utilities.

Vice Mayor Johnson said she understand you cannot tag legislation that has already sunset.

She further said staff did not have the right to avoid any liens without the approval of the commission.

New Birth Baptist Church was interested in purchasing property owned by Ms. Dee and some of her family members said it was mentioned the church was not going to purchase the building because it had too many liens and now to find out that building has been sold to FCAA, when were the liens forgiven. Staff does not have the authority to forgive liens without the approval of the City Commission.

Mayor Taylor said there was legislation giving the City Manager a certain sealing to forgive, what was the amount?

Manager Finnie said that was done under the previous City Manager and he needs to research it.

Mayor Taylor said the Commission gave the City Manager authority to negotiate liens to a certain amount.

Mr. Finnie said he understands by legislation the amount is up to 75% of the amount owed.

Vice Mayor Johnson requested a copy of that legislation.

Mr. Finnie said for the record he has not authorized any lien waivers.

Mayor Taylor said as a legislature of fourteen years with the City of Opa-locka she noticed there's a lot of information the Commission does not know and staff does not know either and that's bad.

The City Commission has to answer to the citizens and if they don't have an answer for them then that looks bad.

She asked, when does the budget information have to be in Tallassee?

Ms. Douglas said six weeks after adoption.

Mayor Taylor said there are too many unanswered questions about money that the Commission has to be accountable for.

The questions that are been asked are not being answered with a definite answer.

Mayor Taylor asked, is this time sensitive.

Ms. Douglas said she have six weeks after the budget is approved to send it to the state and three days after approval to send it to Miami-Dade County.

Mayor Taylor asked, what will happen if the deadline is not met with Miami-Dade County.

Ms. Douglas said we will have a problem with the taxes.

Mr. Finnie asked, can he schedule another 1<sup>ST</sup> Budget Hearing?

Attorney Geller said the Commission is required to adopt a balanced budget by ordinance based on the charter by the 30<sup>TH</sup> of September because it goes in affect on October 1<sup>ST</sup>, failure to due so puts you in trouble of getting tax bills out, but you violate the law of the State which can result in hearing from the Governors office.

Mayor Taylor asked what is the pleasure of the commission as it relates to voting on item 4B?

Vice Mayor Johnson said she is not going to support it as it is now and she suggest that staff do their homework and bring back all documentation.

How many days before September 20<sup>TH</sup> do you need to publicize?

Clerk Irby replied, ten days.

She further said she needs to check the budget hearing dates for Miami-Dade County and Miami-Dade County School Board. She informed the City Commission that Miami-Dade County Budget hearing dates are September 8<sup>TH</sup> at 5:01 p.m. and September 22<sup>ND</sup> at 5:01 p.m. and Miami-Dade County School Board already had their first Budget Hearing and the Second Budget Hearing is scheduled for September 7<sup>TH</sup> at 6:00 p.m.

Mr. Finnie said staff will provide the Commission with a line item for each of the recommendations along with an explanation. They will begin to address all the commission questions and/or concerns.

He further asked, when can the First Budget Hearing be scheduled in order to have the Second Budget Hearing by September 30<sup>TH</sup>?

Clerk Irby said the dates has already been provided to Miami-Dade County Property Appraiser and there already on the tax bill.

Ms. Douglas said the September 6<sup>TH</sup> meeting was advertised on the tentative tax bill.

Clerk Irby suggested scheduling the Budget Hearings on September 13<sup>TH</sup> and September 27<sup>TH</sup>.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to defer item 4B until September 13, 2011.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to defer item 4C until September 13, 2011.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

Mayor Taylor directed the City Manager to speak to each Commissioner to make sure everyone concerns has been addressed.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to vote on item 4A for second reading on September 27, 2011.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

**6. ADJOURNMENT:**

There being no further business to come before the City Commission, it was moved by Commissioner Miller, seconded by Vice Mayor Johnson to adjourn the meeting at 6:52p.m.

ATTEST:

  
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MAYOR

  
\_\_\_\_\_  
CITY CLERK