

CITY OF OPA-LOCKA
"The Great City"

SPECIAL COMMISSION MEETING MINUTES

July 3, 2012

1:00 P.M.

Opa-locka Municipal Complex
780 Fisherman Street, 2nd Floor
Opa-Locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 1:10 p.m. on Tuesday, July 3, 2012 on the 2nd Floor of the Opa-locka Municipal Complex, 780 Fisherman Street, Opa-Locka, Florida.

2. ROLL CALL:

The following members of the City of Opa-locka City Commission were present: Vice Mayor Dorothy Johnson, Commissioner Gail Miller, Commissioner Timothy Holmes, and Mayor Myra L. Taylor. Also in attendance were: Assistant City Attorney Oliver Gilbert and Interim City Clerk Joanna Flores. Commissioner Rose Tydus was not in attendance.

3. INVOCATION:

The Invocation was delivered by Mayor Myra L. Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. RESOLUTIONS:

Vice Mayor Johnson thanked her colleagues for allowing her to facilitate the City Manager negotiation process.

She further said after meeting with Mr. Baker it has been brought to her attention that he use to receive Executive Insurance and asked Attorney Gilbert to look into it.

Attorney Gilbert said some City Manager's do receive an Executive package, but he feels the language in the resolution is a fair option.

Vice Mayor Johnson said if Mr. Baker chooses to keep his current insurance, it is \$1,400 per month.

Attorney Gilbert said the cost is \$1,400 per month for Mr. Baker and his family. He asked the city to cover his family; however it has been the city's practice in the past to cover the employee only.

(A) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE APPOINTMENT OF KELVIN L. BAKER, SR. AS CITY MANAGER AND TO PROVIDE THE TERMS THEREOF; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Assistant City Attorney Gilbert.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above resolution.

Attorney Gilbert read the terms for the record.

The City Commission of the City of Opa-locka, Florida employs Kelvin L. Baker, Sr. as City Manager on the following terms:

- a. The City Manager is to receive an Annual Salary of One Hundred Twenty-Five Thousand Dollars (\$125,000) per year, payable bi-weekly as a base salary, plus any cost-of-living increases received by other employees.

Vice Mayor Johnson said she looked at the Personnel Action Forms for all current employees, because you don't want anyone that reports directly to the City Manager to make more money than him/her.

Commissioner Holmes asked, are there any employees in the city that make close to \$125,000 per year?

Vice Mayor Johnson replied, yes.

- b. In lieu of a City take home vehicle and cell-phone / Blackberry, the City Manager is to receive Three Hundred Dollars (\$300.00) per month as an auto allowance and One Hundred Dollars (\$100.00) per month as a cell-phone / Blackberry allowance. The City Manager must provide evidence that the City of Opa-locka has been added as an additional insured on his car insurance within thirty (30) days of becoming employed by the city. In addition, the City Manager is to receive a deferred compensation contribution to his International City Managers Municipal Association Deferred compensation plan in an annual amount equal to 6.5% of his annual salary, payable bi-weekly.

Vice Mayor Johnson said she did some negotiating to get the car allowance down to \$300.00, the deferred compensation contribution was less than what was paid in the past.

- c. The City will pay reasonable professional development fees and expenses for Manager, including travel related to City issues. All such expenses, and other reasonably incurred business expenses, shall be charged on a city credit card to be provided to the City Manager, All such expenses and reimbursements shall be subject to the furnishing of

original paid receipts or original invoices, and appropriate backup, by the City Manager. The City Manager shall submit an affidavit of authenticity affirming to validity of the incurred expenses, which shall be submitted to and notarized by the City Clerk prior to submitting the information to the finance department.

Vice Mayor Johnson said there were a lot of additions made in this section. The language personal funds were removed because if you are out on official business then you should not be using your personal funds and it needs to be documented. She informed Mr. Baker if he has to travel for official city business then the commission should know about it.

- d. The City Manager shall receive the City's executive insurance package, including health insurance (PPO Plan), other medical insurance available to other employees, life insurance, disability, vision, and non-cosmetic dental insurance. At his option, the City Manager can receive the above stated coverage from the city or in lieu of receiving the coverage may receive \$600 per month.

Vice Mayor Johnson said the City Manager can choose to receive \$600 per month to off set his current \$1,400 insurance payment. Mr. Baker wanted what was best for the city, however she did inform him if he wanted to include his family then he would have to off set the expense.

- e. The City Manager shall accrue and receive personal annual leave of twenty-five (25) days per year and annual sick leave of fifteen (15) days per year, both of which may be rolled over if unused in any year. At the time of separation from the city, the City Manager will be entitled to be paid for any unused annual personal leave and unused sick leave.

Vice Mayor Johnson said no changes were made in this section.

Mayor Taylor asked, is this normal for all employees or just part of the City Manager's package?

Vice Mayor Johnson said this was standard for all the previous City Manager's.

Vice Mayor Johnson asked, what are the standard days of annual leave for full time employees in the City of Opa-locka?

Shirley Freeman said after being employed by the city for one year employees receive 96 hours per year.

Vice Mayor Johnson asked, what are the standard days of sick leave for full time employees in the City of Opa-locka?

Ms. Freeman said 1 day per month totaling 12 days per year.

Manager Finnie said since his tenure with the city, City Manager's have received 20 vacation days and 25 sick days and the amount of days included in the package for Mr. Baker is consistent with what the city has done in the past.

- f. In the event the City Manager is terminated for cause, the city agrees to pay a lump sum payment of one month salary. The City Manager may be terminated by the City Commission without cause. Upon such termination the city agrees to pay the Employee two month's salary and the cash equivalent of two months health insurance. No other payments will be made.

Vice Mayor Johnson said she had to negotiate with Mr. Baker, because past agreements stated that he shall receive the funds immediately and receive three month's salary. She felt that two months was reasonable and Mr. Baker was willing to accept.

- g. Such other benefits (such as paid holidays) as are generally afforded to city employees.

Vice Mayor Johnson said no changes were made in this section.

- h. The City Manager's employment shall commence at 12:00 a.m. on Monday July 9, 2012.

Vice Mayor Johnson said Mr. Baker will be available to start his employment with the City of Opa-locka on July 9, 2012. She said if this item passes she would like the City Attorney to contact Mr. Baker so he will not terminate his current employment without having prior approval from the commission.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above resolution.

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

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

(B) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION NO. 11-8256 DESIGNATING AND AUTHORIZING SIGNATORIES FOR CITY ACCOUNTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. Sponsored by T.H.

The above resolution was read by title by Assistant City Attorney Gilbert.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson asked, who is the third person authorizing signatories on the city accounts?

Mr. Finnie said Charmaine Parchment.

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

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

(C) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION NO. 12-8427 TO ACCEPT THE RESIGNATION OF CITY MANAGER BRYAN K. FINNIE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by D.J.

The above resolution was read by title by Assistant City Attorney Gilbert.

Attorney Gilbert informed the City Commission that they have been given a document that will substitute the body of the resolution.

Moved by Vice Mayor Johnson, seconded by Commissioner Holmes to accept the amendment as follows:

WHEREAS, the City Commission of the City of Opa-locka adopted Resolution No. 12-8427, accepting the resignation of Bryan Finnie as City Manager, and setting July 27, 2012 as the last date of his employment; and

WHEREAS, the City Commission has now determined that Bryan Finnie's successor as City Manager will commence his term of office at 12:01 a.m. on Monday July 9, 2012; and

WHEREAS, the City Commission wishes to amend Resolution 12-8427 to provide for the earlier cessation of Bryan Finnie's duties as City Manager.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1: The recitals to the preamble herein are incorporated by reference.

Section 2: Bryan Finnie's term as City Manager will cease at 11:59 p.m. on Sunday July 8, 2012. For the remainder of his period of employment through July 27, 2012, and for the two (2) month period thereafter for which he is to receive severance pay, Bryan Finnie shall act solely as a consultant to his successor as City Manager. During the remainder of his term of employment

he shall be available by telephone and email from 9:00 a.m. to 5:00 p.m. Monday through Friday to consult with his successor as deemed necessary. Resolution No. 12-8427 other wise continues in full force and in effect. Between the adoption of this resolution and the cessation of Bryan Finnie's term as City Manager at 11:59 p.m. on Sunday July 8, 2012, he shall not expend City Funds or obligate the city except in accordance with previously approved decisions of the City Commission, process payroll, or by expending already budgeted funds.

Section 3: This resolution shall take effect immediately upon adoption.

Mayor Taylor asked for some clarification as to processing payroll.

Attorney Gilbert said they did not want to limit the city's ability to make payroll.

Commissioner Holmes said Mr. Finnie is still the City Manager until the date specified in the resolution.

Mayor Taylor asked, does Mr. Finnie still have the authority to fire employees until July 8, 2012?

Attorney Gilbert said the only limitation that will be placed on Mr. Finnie are listed in the resolution. Yes, Mr. Finnie can still make personnel decisions.

Mr. Finnie can not make any new expenditures or unbudgeted expenditures. It limits his ability to spend the discretionary Five Thousand Dollars or to give raises.

Commissioner Holmes said after speaking to Mr. Finnie it seems that he wants to assist his successor and leave the city with a smile on his face.

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

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

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

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

Vice Mayor Johnson said she contacted Attorney Gilbert and asked him to go over the above resolution with Mr. Finnie and she asked him if he had a chance to do so.

Attorney Gilbert replied yes, and no questions were brought up.

6. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to adjourn the meeting at 1:55 p.m.



MAYOR

ATTEST:



INTERIM CITY CLERK