

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING

THURSDAY, November 19, 2015

12:00 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 12:00p.m. on Thursday, November 19, 2015 at the Opa-locka Municipal Complex, 780 Fishermen Street, 2nd Floor, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Mayor Myra L. Taylor, Vice Mayor Timothy Holmes, and Commissioner Joseph L. Kelley. Also in attendance were: City Manager Roy Stephen Shiver, Jr., City Attorney Vincent T. Brown, and City Clerk Joanna Flores. Commissioner Santiago arrived at 12:25p.m. Commissioner Terence K. Pinder was not in attendance.

3. INVOCATION:

The Invocation was delivered by Commissioner Joseph L. Kelley.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

Mayor Taylor started off by thanking Commissioner Kelley for coming up with the idea to have the financial sessions to get the City on the road to recovery. She mentioned her plan for adopting a recovery plan for the City. She referenced a bible verse from Proverbs Chapter 11:14, where there is no counsel, the people fall; but in an abundance of counselors, there is safety (the counselors from the script were her colleagues). She also let the clerk know that one of the Commissioners (Santiago) would be late.

She continued by proposing a five to seven (5-7) year plan for paying back what is owed to Miami Dade County starting with DERM and the six hundred thousand dollars (\$600,000.00) that is owed. She proposed that amount is paid with the ad-valorem taxes that are coming in between November and January for 2014. The DERM obligation for 2015 should be put on a payment plan. The payment is due in January, but she wants to request an extension for September to allow for the payment to be made timely. She proposed to assess a surcharge on the water and sewer accounts, but the surcharge will only be for residents who do not have a homestead or senior exemption, on rentals and businesses only. This should be based on

consumer amount therefore there will be a set amount and will be paid back bi-annually until it is paid back. The surcharge should be put in a surcharge account and legislation made to sponsor what she is proposing. The legislation is to be sponsored by everyone, not just the mayor. The vendor's payments will be handled at another meeting, but she wants this meeting to focus on paying back Miami Dade County.

Mayor Taylor proposed hiring an outside accountant, firm, or person independent of the Commission to provide a monthly report on the status of the recovery plan. Once the payment plan has been agreed upon, she proposes a resolution to finalize the estimated obligations with supporting documents that will include an actual figure since we currently do not have an actual figure. She will convene a meeting for final adoption, and during that meeting she will meet with the key players involved in carrying out the recovery plan. A report will be compiled and sent to The Commission and to the community. The adopted recovery plan will also be provided at an upcoming meeting with Mayor Jimenez on this coming Tuesday as he is the face of Miami Dade County.

Upon adoption of the recovery plan, it will be submitted to the county and the State of Florida for consideration as necessary. She thanked Vice Mayor Holmes for his support and Commissioner Kelley for suggesting the finance meetings. Also to Commissioner Pinder and Commissioner Santiago for going out and keeping the community calm. Everything that is collected will be put into a special account that will be used to pay the bills. She says it is important to let the state and the county know that the City is coming up with a plan and not just sitting waiting for somebody to give us something.

Mayor Taylor said that there is a plan to put the City back on track. The surcharge that she is proposing should be based on consumption and should have a set amount perhaps on a sliding scale that the business and rental community can understand that it will be monthly and should be put in an account that will not be touched, that is part one.

She asked City Attorney Brown if it was lawful to withhold PTP money based on Miami Herald articles because that is the first sentence in the paper. Because of what they read in the paper, are they withholding the surtax funds?

City Attorney Brown responded that there were several issues, but as to how far they have investigated beyond The Miami Herald report he does not know. He stated that they are the grantor of those funds and are responsible for distribution. If they feel like the City has not complied or has issues going on, they have the right to suspend the funds until such time as they have been made comfortable.

Mayor Taylor expressed her concern with the fact that you can read an article and that be the cause of why the City has not received these funds.

She mentioned that the tipping fees has a bond on them and wants to know if we have sued the bond company yet for the tipping fees because it is her understanding that it is not necessarily the City that owes all of the money to the county.

City Attorney Brown stated that the matter was taken up in bankruptcy court and (inaudible). There is an issue as to whether the bond presented to Ecological at the time they were awarded the contract was a valid performance bond. There are questions with that bond and they are discussing that with the prior manager and the current manager on whether that is even a valid bond that was presented to The Commission the night they were awarded the contract. They have made that very clear. He said that management has put the bonding company on notice. Whether they can have a levy on that bond is a whole different question because the requisite signatures that is required for the bond is not there. And there appears to be no premium ever paid on that bond. That is the initial investigation that has been uncovered and management has placed the bond company on notice.

Mayor Taylor stated that the IRS seizure also uncovered funds for the OLPD. While she will let Vice Mayor Holmes deal with that, she wants to know where the funds are.

City Attorney Brown says they have done a comprehensive audit of those dollars and have provided a report to the manager and the Finance Director. There are questions as to whether those monies have been properly used beyond the scope of the law enforcement trust fund policies and procedures and whether resolutions were issued to transfer and/or use the money beyond the scope of law enforcement programs and purchases.

Mayor Taylor asked City Attorney Brown if he provided a copy of the audit report to the Commission to which he replied no and stated that the report has just been completed. She told him that he just said that he provided a copy to everyone, but he did not provide a copy to the people that should receive it first.

City Attorney Brown said that he did not provide The Commission with copies of the report because it had not been finalized.

Mayor Taylor told City Attorney Brown that while The Commission does not have to be all inclusive, he can still send drafts of the report so that they can know what is going on.

City Attorney Brown agreed.

Commissioner Santiago arrived at 12:25p.m.

Commissioner Kelley said that the dais went all over the place with the agenda for the meeting and he would like to get back on course. He would like to hear from the citizens.

Commissioner Santiago apologized for being late and expressed his interest in trying to solve the issues with the finances. He wants to know why there is a company that potentially owes money for something the City is being held responsible for, and why nothing is being done about it.

**5. CITIZENS' INPUT:
Agenda Items Only**

Former Commissioner Dorothy Johnson wanted clarification on one of the handouts where it states a three year plan. Is it a three year plan or a five year plan?

Mayor Taylor told her that the handout is a typo and that the proposed plan is actually for five years.

Former Commissioner Dorothy Johnson questioned the City extracting money from homeowners homestead exemption. She said even with Section 8 properties, is not on the registry to show ownership to the renter so more research should be done. She is glad the City is looking at the bond issue because she brought it up the other night and is surprised that there is such a quick response to the bond and execution of the agreement. She had mentioned it to City Attorney Brown when they first met. She does not think it was executed correctly.

John Riley 2963, NW 135 Street, stated that the homestead exemption states that you have to live in that property in order to receive the exemption. If you do not live there you cannot get it. That is illegal.

Former Commissioner Dorothy Johnson returned to the podium to say that while we all know the rules behind homestead exemption, there are a lot of homeowners that are not going according to the standard and we should be mindful of these things.

There being no further persons to speak, Mayor Taylor closed citizens input.

6. DISCUSSION ITEMS:

City Manager Shiver thanked The Commission for providing the forum to share information and ideas on coming up with the recovery plan for the City. Through the budget process, management presented a budget that was formally adopted and began to find the challenges and inconsistencies that the City is facing now. Management also began an analysis of Comprehensive Annual Financial Report's (CAFR) of the past looking at internal controls and how we have governed ourselves as administration. He made it clear that he did not mean the Commission, but the administration of the past five or so years. It is apparent that there were things that needed to be addressed, but was not.

He commended the Mayor and the Commission for adopting the budget which began the road to recovery in stopping the bleeding practices that lead to the current position. It is essential to begin by correcting the problems and going forward, and then allow yourself to address the past or things that were found and now are due obligations to the City. As we continued to move forward in the budget, it was apparent that there were instances that we triggered what could be a financial emergency according to state law. He said that through numerous meetings it was pointed out that there was an impending financial crisis that needed to be addressed in short order.

He further said the CAFR Report started to show a decline from the last five years that there was a problem. Today management is closer to better understanding the challenges that are faced. He mentioned that he provided a financial report to the Commission on Tuesday and it outlined

some of challenges that the City was facing. There were many instances where management staff and the auditor were able to identify internal controls, policy and procedure, and accountability issues throughout the entire organization. He said that policy and procedures have to be put in place correctly to insure that this situation does not happen again. Internal controls are a big part of the problem.

He further stated that it has been said that he likes to cry wolf and exaggerate but he has no purpose in doing so. Information from the past was not revealed before and in him doing so it looks as though he is making it up. Some of the information that he has seen in the past may have been misconstrued and that could have been the reason for the breakdown. Decision making is only as good as the data that is received.

Commissioner Kelley questioned some of the highlights that were made in regards to internal controls and obligations which have been past due for more than one year. He thinks that the numbers calculated are estimated since all of the debts have not been identified. He wants assurance from the manager that the numbers are correct to the best of his knowledge.

City Manager Shiver stated that the information provided comes from a financial attachment number 10 which is all outstanding checks. It is a general synopsis from the Finance Department, so it is a good number knowing that it will change as we receive invoices daily, we receive revenue daily, it is fluid, it will change.

Commissioner Kelley asked if the information presented is the same information that will be a part of any transmission.

City Manager Shiver answered yes.

Commissioner Kelley asked if this document will be a part of the information that is being sent to the state.

City Manager Shiver said that the law enforcement trust fund is causing angst as well and has to be transmitted also.

Commissioner Kelley says that he got the information that was sent as well and wants it sent to the state because they are waiting for the information. The three million one hundred thousand (\$3,100,000.00) from the county and the mayor's numbers are included in the transmittal.

City Manager Shiver said "Yes" the three million one hundred thousand dollars (\$3,100,000.00) is included in the package that is being sent to Tallahassee along with the mayor's for recovery.

Commissioner Kelley said it is very important to the Mayor and City Commission that the bus circulator keeps running. He wants the City Attorney to work on the language to propose a resolution at the appropriate time. We do not want to see our citizens lose the service whether we owe or not.

Commissioner Kelley addressed the ongoing squabble between the City Commission and the City Manager and said that he is repeating what he said the other night. There is no way that we will get through the financial recovery process if the Commission and the manager are not on the same page. He wants a date set for the package to be sent to staff, vendors, the state and whoever else needs know. If Mr. Shiver is going to be here then it needs to be decided so that we can all move forward. He addressed the vendors that are calling every day. Staff is complaining about not having office supplies. Small businesses are not getting paid; all of these things need to be included in the package.

Mayor Taylor reassured Commissioner Kelley that she understands what he is saying about making sure all of the information is in the package. She also wants to make clear that according to the charter, all of the information should be presented to the Commission so that they can understand what is going on. She said that the manager has not made an appointment with the mayor regarding anything. She receives e-mail, Facebook, etc..., but no sit down. The manager has to report to the commission regarding everything that is being put out to the public, media, and anyone else. Any City Manager must respect the Commission.

Commissioner Kelley said to Mayor Taylor that if the manager does not come to her that she needs to call him and not wait for him to make a move. He said that after this discussion he would like to have some action items on the surtax issue and whatever is being sent to the governor's office for a tentative date.

Mayor Taylor asked Commissioner Kelley if he is proposing on the surtax and the attorney can do the language.

Commissioner Kelley said "Yes" and also to make sure that we pay the fifteen thousand dollars (\$15,000.00) per month for the circulator so that it stays functional. The article might have been the reason the surtax funds were suspended as opposed to having documented information. We can sit with the attorney and the clerk regarding the surtax, but the bus circulator must continue running.

City Manager Shiver said in the document that was sent from Mr. Shakur, the Executive Director, he indicated that he wanted the staff to talk to Nestor Toledo to work out a proposed document. He said staff has already begun talks to bring back a document for the commission to review. There will be no interruption of service during that period of negotiations.

Commissioner Kelley said that he is at the point now where he wants to know everything that is going on. He wants a resolution because he does not get a call saying that the bus circulator has stopped.

7. ACTION ITEMS:

1) CITT (Surtax Funding/Bus Circulator)

RESOLUTION:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO REACH AN AGREEMENT WITH MIAMI DADE COUNTY ON THE CONTINUATION OF THE FUNDING OF THE BUS CIRCULAR PROGRAM FUNDED BY THE CITT PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by Commissioner Kelley

The above resolution was read by title by Attorney Brown.

It was moved by Commissioner Kelley and seconded by Commissioner Santiago to pass the resolution.

Vice Mayor Holmes voiced his concerns about the discussion that is going back and forth amongst The Commission. He said he sees and feels the problem. The dais will not be able to get anything done until they solve the problem between them and the manager. They are not working well with all of the bad feelings going on. He is tired of the arguments, and tired of the City being slammed up against the wall. "I want the City to move in the right direction and the way it is supposed to move".

On last week he asked someone a question, "What should I do in a situation where you have the dais and the manager not getting along?" The response was "get rid of the mayor". He let the person know that he had no authority to get rid of the mayor. He told the person that they were all put there by the citizens of this community. But he can support to get rid of the manager if the time comes. "Mr. Manager, I'm telling you now, you need to get with the mayor and get with us and let us know what you are doing to resolve this type of situation we are in". He said the City Manager also has to balance his budget every month. He also said, a couple of months ago he was told that the budget is good and the bills are being paid. Now a few months later it's unbelievable. We need to do the right thing, know when to hold them and know when to fold them.

Commissioner Santiago said he's been sitting here for twenty (20) minutes listening and agrees with Vice Mayor Holmes that they cannot remove each other from office.

Mayor Taylor told Commissioner Santiago to allow them to get the action item out of the way first and then she will come back to him.

CITIZENS' INPUT:

Former Commissioner Dorothy Johnson asked if the item could be read again.

City Attorney Brown re-read the item.

Former commissioner Dorothy Johnson said that she read the grant and the grantee has a right to hold the funds for the bus circular. She recommends that there is a plan B in case the money is not released on time that the circular continues to operate.

City Attorney Brown said that the recommendation can be put into the body of the resolution.

Mayor Taylor asked the manager if the fifteen thousand dollars (\$15,000.00) that was due will make us current.

City Manager Shiver stated that the money comes out by direct pay so there should be no gap with payment. There is no danger at this time in losing pay. The circular has not stopped and there is no default currently. There was an audit done by Kathy Jackson, Director of Audit, through the PTP, through the normal process. A lot of the issues that were reviewed came through the CAFR Reports which indicated a carry forward balance. The balances could not be verified. At this point he is trying to give them assurance that this will be handled as soon as possible.

Mayor Taylor asked if the CAFR Report was only 2014 to which the City Manager Shiver replied that they were from multiple years.

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

Vice Mayor Holmes	Yes
Commissioner Kelley	Yes
Commissioner Pinder	Not Present
Commissioner Santiago	Yes
Mayor Taylor	Yes

2) Information to be sent to the Governor's Office.

Commissioner Kelley reiterated that while he does not oppose sending anything, he still wants the information to be accurate. Between City Manager Shiver's and Mayor Taylor's plan, it might have two different outcomes in terms of the numbers. He does not have a problem with what the manager is submitting.

City Manager Shiver told Mayor Taylor that he would like to discuss in detail blending her plan to create one whole accurate package. "More meetings and discussions will be needed during this time which will result in a recovery plan that we all can be proud of", he said.

Mayor Taylor said that while she agrees with City Manager Shiver, one of the challenges that they have is that they just met with Commissioner Jordan to discuss the current state and the City still has to make a payment by January and she is requesting that they move the due date until September. She said she understands the manager's haste, but she wants the dais to be able to go over every document and give the approval for submitting.

City Manager Shiver informed the mayor that there is nothing set in stone to be submitted yet. He also said that he did send her an e-mail prior to this meeting to prepare to go over these same issues that she is telling him to hold off on before sending the package out. Once the package is sent, then the City can interact with the state to ensure a resolve.

CITIZENS' INPUT:

Former Commissioner Dorothy Johnson said we need to turn the me into a we. She said that she has heard Vice Mayor Holmes say, "Let the manager run the City". She said that the City is just in a bad spot but we can do it collectively as a family to bring the City back on track. She told Mayor Taylor that when she goes to meet with the county, she is the spokesperson for the commission; but the manager is face of the City. She said the situation is becoming a joke and a burden.

Commissioner Kelley asked precisely what is being sent from the manager.

City Manager Shiver told Commissioner Kelley that it is basically an informative letter.

Commissioner Kelley said that while he agrees with the manager, he wants him to change the wording from the manager telling the governor it is "his" intent to it being "the Commission's" intent.

Commissioner Santiago wants to make sure that the information includes the revenue that the City is bringing in monthly. It should not just show all of the debt.

Vice Mayor Holmes expounded on the comment made from Dorothy Johnson about letting the manager run the city. While he stands by his words, he wants it to be known that the manager still has to take the lead from the commission.

City Manager Shiver clearly explained to the Commission that the documents in front of them is precisely what is going to Tallahassee, and the wording will also be changed to reflect the commission's intent.

Mayor Taylor wanted to confirm that the documents will also go to Ms. Miguel and Marvin Doyle, Chief Auditor.

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AUTHORIZING THE CITY MANAGER TO FORWARD FINANCIAL INFORMATION TO THE GOVERNOR'S OFFICE PERTAINING TO THE CITY'S CURRENT FINANCIAL CONDITION; PROVIDING FOR INCORPORATION OF RECITALS; PROVING FOR AN EFFECTIVE DATE. Sponsored by The City Commission

The above resolution was read by City Attorney Brown.

It was moved by Commissioner Kelley and seconded by Vice Mayor Holmes to pass the resolution.

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

Commissioner Kelley	Yes
Commissioner Pinder	Not Present
Commissioner Santiago	Yes
Vice Mayor Holmes	Yes
Mayor Taylor	Yes

3) Set tentative date to send financial recovery Plan to Governor's Office

Commissioner Kelley said that he wanted the Commission to set a date for sending the information as quickly as possible. He asked the mayor when part 2 of her plan would be presented to the commission so that all of the information can be reviewed at once. He said that he is unsure if the rest of the commission has anything that they would like to include, but all of the information needs to be included in one package and submitted at one time. While he understands that the mayor is in charge of the ship, someone has to do the day to day. The question becomes is the manager the person or not. He said that he was hoping for December 31st but wants the date around January 15th or sooner if the package is complete. He wants everything to be in conjunction.

Commissioner Santiago stated that he wants everything done as one.

Mayor Taylor said she wants to have a workshop regarding her plan B and the manager's recovery plan.

Vice Mayor Holmes says that he is tired of all of these meetings where everyone is going back and forth and nothing is set as far as the complete plan regarding the finances.

Mayor Taylor wants to poll the commission for the date for workshop to discuss the information.

Commissioner Kelley requested that all of the information is presented at the workshop.

Commissioner Santiago said that he wants to get the information before Thanksgiving and receive the paperwork by next week, before the workshop so that he can go over it.

Mayor Taylor said that the workshop will be held on the 30th or the 31st.

City Manager Shiver wanted clarity by asking Commissioner Santiago if he was asking for the revenues received from October 1st until now, or the revenues received from the date of his hire.

Commissioner Santiago said that he wants a financial report either from the day of City Manager Shiver's hire or October 1st, as long as it is equivalent to two months.

Commissioner Kelley confirmed that the next Commission meeting will be canceled due to the Thanksgiving Holiday. He asked for clarity from City Clerk Flores on when the next meeting would take place coming back from the holiday.

City Clerk Flores responded that the next meeting after Thanksgiving will be on December 3, 2015.

Mayor Taylor asked what the title of today's meeting is.

City Attorney Brown stated that it is a financial recovery meeting.

Mayor Taylor asked can the financial meetings be turned into a workshop.

City Attorney Brown informs her that the meeting can be used to discuss the issues regarding phase II of her recovery plan.

Mayor Taylor asked for a discussion on making the next meeting date for Thursday, December 3rd.

City Attorney Brown advised Mayor Taylor that he would rather meet in a public forum.

Mayor Taylor said that she was not going to vote on it, but only wanted to pass on the information.

Mayor Taylor asked Commissioner Kelley if he is in agreement to turn the meetings into a workshop.

Commissioner Kelley said they can discuss and/or take action depending on what the body of the Commission wants to do at the time.

Mayor Taylor said that often times they will be conducting meetings and certain Commissioners will say that they did not have sufficient time to go over any of the information. She asked the attorney if she could only distribute the document to be discussed at the meeting.

City Attorney Brown explained that if a January date has been set from now, it gives time for meetings in between to review any presented documents. He told her that there is time for review and discussion.

Mayor Taylor requested to set the time and date.

Commissioner Kelley made a motion that January 14th, 2016 is the date that the commission is looking at for submitting the recovery plan to the Governor's office. He is concerned that the dais will still be at the meetings in February and still have not submitted any documents.

It was moved by Commissioner Kelley, seconded by Commissioner Santiago pass the resolution.

Mayor Taylor asked City Attorney Brown to reread the resolution so that Vice Mayor Holmes can have clarity.

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA REQUIRING A SUBMISSION OF A FINANCIAL PLAN TO THE GOVERNOR'S OFFICE BY JANUARY 14TH, 2106 PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by Commissioner Kelley.

The above resolution was read by City Attorney Brown.

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

Commissioner Pinder	Not Present
Commissioner Santiago	Yes
Vice Mayor Holmes	Yes
Commissioner Kelley	Yes
Mayor Taylor	Yes

Mayor Taylor reminded City Manager Shiver about the requested report on the current financial state of the City which should include debts and revenues.

City Manager Shiver asked Mayor Taylor if he could provide input on the current discussion as it is related to the meeting.

Mayor Taylor said yes.

City Manager Shiver went on to explain that he asked his staff to identify the vendors that are owe who need to be paid immediately. Cash flow is a problem and managing that is difficult. There are six criterion set which is public safety, public utilities service, emergency services for Public Works, employee benefits and payroll, Parks and Recreation programs, solid waste and beautification. He is requesting that he be allowed to continue managing vendor payments as receipts come in while using the six criteria as the test.

Mayor Taylor requested that the City Manager outline them and send it to the Commission.

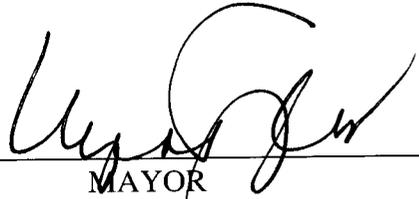
City Manager Shiver said that he had sent it in an e-mail, but will send it again.

Vice Mayor Holmes asked why the meeting was not held at Sherbondy Village so that it can be seen on Channel 77.

Mayor Taylor asked the IT Department if the meeting was streaming live to which they said no, but it can be uploaded after today.

7. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Vice Mayor Holmes, seconded by Commissioner Santiago to adjourn the meeting at 1:48p.m.


MAYOR

ATTEST:


CITY CLERK