

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES

SPECIAL COMMISSION MEETING

TUESDAY, November 24, 2015

11:20 A.M.

Sherbondy Village Auditorium

**215 President Barack Obama Avenue (Perviz) Avenue
Opa-locka, FL 33054**

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 11:20a.m. on Tuesday, November 24, 2015 at the Sherbondy Village Auditorium, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Mayor Myra L. Taylor, Vice Mayor Timothy Holmes, Commissioner Terence Pinder, and Commissioner Luis Santiago. Also in attendance were: City Manager Roy Stephen Shiver, Jr., City Attorney Vincent T. Brown, and City Clerk Joanna Flores. Commissioner Joseph L. Kelley 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. CITIZENS’ INPUT: Agenda Items Only

John Riley, 2963 NW 135 Street, said that he comes before the Commission with a sad heart. He had informed them that someone would be hurt if nothing was done about the ongoing situation of violence that is happening. Someone was killed since the last meeting. The City Commission has an obligation to the entire City which includes the residents. He said that the Police Department is no better because they are not doing anything to stop the violence. The Commission needs to do better because the buck stops with them.

George Howard, United States Association of CDC said that the City manager’s contract is null and void and illegal under the City Charter. According to the language written by City Attorney Vincent Brown and approved by Mr. Brown, the manager can only be fired if he is charged with a crime. He said that under the language if Mr. Shiver was negligent or used drugs, or violate the charter that he could never be terminated and that is ridiculous. The Charter gives the dais the

right to terminate the manager if he does not do his job. The contract is illegal because it is in conflict with the charter. He said that after the dais fires the manager they should ask themselves why City Attorney Brown would have signed off on a document with language that would violate the City Charter.

Former Commissioner Dorothy Johnson, 13724 NW 22 Place, started off by requesting additional time to address the Commission. She said that her heart is heavy because the Commission needs to hold themselves accountable for what is going on with the finances. The City has gone in another direction since 2010; and had gone through five (5) managers. Getting rid of the manager is not the answer, it is accountability for finances. She said the City does not need an inquiry, but a forensic audit. The dais needs to go to Miami Dade County and request technical support just like in 2003. Getting rid of the manager is not the answer, the problem lies in each and every one on the City Commission.

Natasha Erving, 670 Dunad Avenue, said that the words of the community does not matter because last commission meeting the residents asked that the City Manager be allowed to do his job without interference. She said the dais is being sneaky and chose to conduct the special meeting while everyone was at work and would not be able to voice their opinions on the matter. The residents believe in what the manager is trying to do and the personal issues do not belong. This should be handled like a business. The manager has not been able to do what he has to do in only three (3) months. She said that it may be time for the Commission to be replaced. There was a march last month and the residents vowed to take back the City; and maybe taking back the City needs to start with the dais. She asked that they leave the manager alone and allow him to do his job.

A Hispanic lady came to the podium and requested a translator. Delia Kennedy, Grant Administrator joined her at the podium to translate. She said that she is worried about the state of the City and is afraid to leave home and have had to send her children away because they were attacked in the City. She said she is discriminated against when she goes elsewhere and tells people she is from Opa-locka. She said that she was attacked with a pistol. A friend of hers was shot in the neck the other night. In her twenty years as a resident it has never been as bad as it is now. The young people are a big part of the problem. If something is not done about the situation, the residents are prepared to move away.

Chris Roberts, 1820 Rutland Street, said that the trouble that she is seeing now is not new. The City Manager is being blamed for everything that is going on and it's not right. She said that nobody respects each other on the dais. Respect was lost years ago and it has to be restored.

Katherine Sandoval, 1235 Dunad Avenue, addressed several issues in the City, and told the manager that she is asking him to make the community better by doing his job.

Brian Dennis, 3135 NW 134th Street, said there is nothing personal in the manager's contract; and that is based on the charter. He referenced section B and C in the contract regarding City Manager Shiver's duties. The contract references the law from The Charter. He said that when there is game playing because of employees who are in cahoots with Commissioners and getting raises. That is not fair to the employees that are being laid off. The Charter and the union state

that the manager is in charge of the day to day operations of the City. There has been five City Manager's in the last few years being terminated with over three hundred thousand dollars in payouts (\$300,000.00). This City Manager would be the sixth. The job of the City comes first. Resident comes first. Employees come first. He said that one or two year employees should not have priority over veteran employees.

Mayor Taylor thanked everyone that had given their comments and statements during citizens input.

6. RESOLUTION:

(a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TERMINATING THE EMPLOYMENT AGREEMENT WITH ROY STEVEN SHIVER; PROVING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Mayor Taylor.*

The above resolution was read by City Attorney Brown.

Mayor Taylor passed the gavel over to Vice Mayor Holmes because she sponsored this resolution and the next two.

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

Mayor Taylor said that it has been said that she has a personal issue with City Manager Shiver, however she does not know him enough to have a personal issue with him so that is not the case, it is purely job related. City Manager Shiver sent information to Tallahassee first saying that he was duly obligated, but he is first obligated to the Commission according to The Charter. The manager made it seem as if there was a dire need for an oversight committee to come in and take over the City. "The City is not the first City to be in a financial situation, and it will not be the last". The City did not get the opportunity to get a recovery plan to bring the City back in line with finances. The information was sent straight to Tallahassee and then the Commission found out about it.

She stated that if an oversight is placed on the City, administration is gone, the Commission is gone, and the state will run everything. The state sent a letter asking what it was the City wanted them to do. The state wants the City to give them a plan to avoid a takeover. The Charter has been violated on several fronts with this manager and everything that he is putting out there. Both the dais and the manager have taken an oath to follow The Charter and the manager is not doing so. She said that one of her colleagues told her that if something is going to be done, it needs to be done now.

She firmly expressed that she cannot and will not work with the manager. He does not speak to her; even when notice was put out he never once came to her and asked how they could work out whatever the issue is. She repeated that she cannot and will not work with City Manager Shiver.

Commissioner Santiago said that he does not understand why he was told that everything was okay with the budget and then come to find out it is not so. He said that he is ready to vote on the resolution.

Vice Mayor Holmes said that he does not understand all of the people saying that their heart is so sad for the manager when he just came to the City. But when Kelvin Baker was City Manager he brought forty million dollars (\$40,000,000.00) for infrastructure; he brought in over eight million dollars (\$8,000,000.00) for the new City Hall; but nobody came to the meetings and said that their hearts were sad when he left.

He said that City Manager Shiver should have come to the Commission and bring them documents showing what he has been doing to improve the condition and the welfare of the City. He said that he does not recall any of those things being done. He wants to know why everyone's heart is so heavy. The mayor said that she cannot work with the manager and if he has the power to do something about the situation he will do so. He does not want to come to meeting after meeting and there are bad feelings all around.

There being no further discussion, the motion passed by a 3-1 vote.

Vice Mayor Holmes	Yes
Commissioner Kelley	Not Present
Commissioner Pinder	No
Commissioner Santiago	Yes
Mayor Taylor	Yes

(b) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA APPOINTING AN INTERIM CITY MANAGER; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by Mayor Taylor

The above resolution was read by City Attorney Brown.

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

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

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

(c) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING RESOLUTION 15-9059, DELETING ROY STEVEN SHIVER AS SIGNATORY AND ADDING DAVID CHIVERTON (INTERIM CITY

MANAGER); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. Sponsored by Mayor Taylor.

The above resolution was read by City Attorney Brown.

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

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

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

(d) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY COMMISSION (OR THEIR AUTHORIZED PROXIES) TO OPERATE AS A BOARD OF INQUIRY INTO CURRENT AND PROSPECTIVE FISCAL STATUS AND PERSONNEL MATTERS OF THE CITY PURSUANT TO ARTICLE VIII SECTION 2(B) OF THE FLORIDA CONSTITUTION AND ARTICLE II SECTION 2.5(5) OF THE CHARTER OF THE CITY OF OPA-LOCKA; PROVIDING FOR THE APPOINTMENT OF HEARING OFFICER; CONVENING THE BOARD OF INQUIRY _____; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. Sponsored by Commissioner Pinder.

The above resolution was read by City Attorney Brown.

It was moved by Commissioner Pinder and seconded by Commissioner Santiago.

Vice Mayor Holmes asked Commissioner Pinder if the resolution can be held off until after the holidays.

Commissioner said that is fine with him but wants to amend that they vote on it and come back with the particulars at a later date (within fifteen days).

Mayor Taylor agreed with Vice Mayor Holmes.

City Attorney Brown wants to clarify that the only thing that is being brought back at the next meeting is appointing a hearing examiner and the date and time that the board will convene.

There being no further discussion, the motion passed by a 3-1 vote.

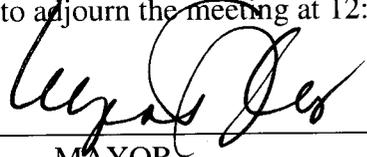
Commissioner Santiago	Yes
Vice Mayor Holmes	No

Commissioner Kelley
Commissioner Pinder
Mayor Taylor

Not Present
Yes
Yes

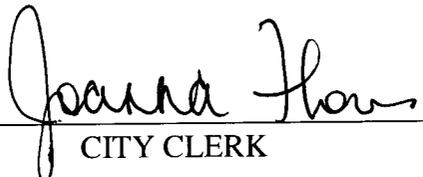
7. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Pinder and seconded by Commissioner Santiago to adjourn the meeting at 12:15p.m.



MAYOR

ATTEST:



CITY CLERK