

**MINUTES
CITY COMMISSION WORKSHOP
HAINES CITY, FLORIDA**

January 18, 2018

6:00 PM

Commission Chambers

1. CALL TO ORDER

At 6:02 p.m. Mayor H.L. Roy Tyler called the City Commission Workshop to order in the City Commission Chambers located in City Hall, at 620 E. Main Street, Haines City, Florida.

Mayor H.L. Roy Tyler, Vice Mayor Morris West, Commissioner Don Mason, Commissioner Anne Huffman, and Commissioner Horace West were in attendance.

Also in attendance were the following staff members: City Manager Deric Feacher, City Attorney Fred Reilly, and City Clerk Linda Bourgeois.

2. WORKSHOP ITEMS

2.1. CITY ATTORNEY MEMORANDUM

Staff Contact: Fred Reilly, City Attorney

City Attorney Reilly said the intent of the workshop item was to explain the relevant legal standards related to communications by the City Attorney with members of the City Commission. He went on to summarize the memorandum he had prepared.

The City Attorney was not prohibited by the City Charter or Florida law from providing informational briefings and advice to members of the City Commission.

1. The City Charter does not contain either an affirmative obligation or an express prohibition about the manner in which the City Attorney communicates with the City Commission.

2. If the City Commission wishes to establish a policy about how the City Attorney communicates with individual City Commission members, it can do so. No such policy currently exists.

3. The Florida Supreme Court has held, it is not a violation of the Sunshine Law for a staff member to provide informational briefings and advice to individual board members of a government entity.

He said he considered whether it would be appropriate to request an opinion from the Florida Attorney General on the issue. Based on the following two points which were stated in the Frequently Asked Questions section of the Florida Attorney General's website, he did not feel that a request for an opinion was necessary or appropriate because they typically do not render an opinion on local law only of statutory or statewide concern. Most local opinions would be referred back to the City Attorney. He concluded by saying that if the City Commission would like for him to operate under a more formalized policy, he would construct a draft and bring it back for their consideration.

Commissioner Mason said he did not have any questions or any issues. He said he felt the city attorney's communication was appropriate.

Vice Mayor West also stated he did not have any issues as long as the communication was in line with the City's Charter he was fine with it.

Commissioner Huffman thanked the City Attorney and said she was looking for information to be communicated in the manner such as the resolution that was on the agenda for tonight's meeting. She went on to share how the issue came about. Essentially, she requested to be informed and did not want to be excluded from receiving any information. She concluded by sharing that she had no ulterior motive when requesting an evaluation on the city attorney, and said it was strictly for professional constructive feedback.

Commissioner West said the city attorney does a good job at keeping all five City Commissioners informed. He pointed out that the City Attorney's position was contractual in nature.

A discussion ensued about clarifying the form of communication being in writing and it was determined the delivery method was not of the issue, only that the information was being provided to everyone.

City Attorney Reilly shared some of the topics he deals with are somewhat sensitive in nature and he is consistent in relaying the information to all five City Commissioners. He said it is important that each one of you hear the same story.

Commissioner Huffman again thanked the City Attorney, and there was not any further discussion.

RESULT: DISCUSSED

2.2. DISCUSSION OF SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PROJECTS

Staff Contact: Linda Fisher, Interim Utilities Director

City Manager Feacher explained the Southwest Florida Water Management District projects (Rapid Infiltration Basin and Ground Storage Tank) that were initiated in 2016 and said the reason this was brought forward was because the firm, Reiss Engineering, Inc., was not selected as a recent continuing service contractor. He went on to explain the company was selected through a Request for Proposal process and city staff has recommended that they stay on the project.

City Commission discussion surrounded whether or not the firm was a sole source, the percentage of funding required by the city being 25%, and if the projects were budgeted. The firm was not a sole source provider and the projects have been budgeted out of the Utilities Fund. There was no further discussion.

2.3. RUN-OFF ELECTION PROCESS DISCUSSION

City Clerk Bourgeois presented on a conflict with the election run-off date of May 1, 2018. She shared that the Supervisor of Elections office had a special election for District 39 scheduled on the same day. The automated equipment will not be available for city use. There were two options provided for consideration:

1. The city could partner with the equipment manufacturer to use their voting machines and have their staff help facilitate in the election. ESS Vote, Inc. quoted the city an estimate of \$20,000.
2. The city could host a manual count election without the use of machines. City Clerk Bourgeois proposed having two tally teams that would count the ballots and then switch to verify the results prior to announcing the unofficial results.

A discussion ensued about the run-off election potentially being moved to another day and City Clerk Bourgeois explained the ordinance establishing the election dates was specific to the run-off election being held 28 days immediately following the regular election. In addition, the ordinance would have to be changed, there may be issues with the installation date of the successful candidate, and it would have to have the Supervisor of Elections approval.

It was agreed the run-off election date would remain as scheduled for May 1, 2018, the City Clerk would notify the public that the run-off election would be a manual hand count, and the city would find a reputable auditing firm to conduct the total so as to preserve the integrity of the election.

City Clerk Bourgeois said she would notify the City Commission of the budgetary impact once the quotes were obtained.

3. AGENDA REVIEW

The City Commission discussed the following items on the agenda.

The compost facility roof repair was discussed. The City Commission wanted to know if the entire cost of repairs would be covered by insurance.

City Manager Feacher said the amount the insurance company would pay is unknown at this time, and the repair costs would be submitted for reimbursement. He explained the city would pay the difference out of the repair and maintenance utilities line item.

A discussion ensued about the wind load rating of the roof being one of the main reasons the city went with that particular firm, the strap holding the roof having damage from ammonia, the insurance deductible being 2% for hurricane damage, and the need to have it repaired before further damage could occur.

There was no further discussion on the compost facility.

Commissioner Mason said he was going to recuse himself on items 6.A, 6.B, and 7.A. because he owned a ten acre parcel of land in the Tarpon Bay subdivision.

A request was made to have the Polk Regional Water Cooperative present to the City Commission on an upcoming agenda.

Vice Mayor West requested permission to attend a water school in the beginning of March. A consensus was given for him to attend.

Commissioner Huffman expressed interest in transportation and said in the future she may be interested in serving on the Transportation Planning Organization.

Parks and Recreation Director Terrell Griffin introduced himself and thanked the City Commission for the opportunity to serve the citizens of Haines City.

Commissioner Mason asked about the code compliance workshop to discuss providing courtesy notices to the residents, and it was shared the discussion item was scheduled for the February 1, 2018 meeting.

4. ADJOURNMENT

At 6:55 p.m., the City Commission Workshop was adjourned.

APPROVED: _____

BY: _____

ATTEST:

Linda Bourgeois
City Clerk