



Village of El Portal
Admin and Finance Committee Meeting
Date: 1/21/2020
Meeting Start: 6:33 PM
Meeting End: 8:12 PM
Meeting Length: 1:39:50

Vice Mayor Nickerson: All right guys. For the Village of El Portal, this a committee meeting. This is the Administration and Finance Committee Meeting. I'm calling it to order at 6:33 PM. We're going to do a moment of silent meditation followed by Pledge of Allegiance.

All: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Vice Mayor Nickerson: Madam Clerk, may I please have roll call?

City Clerk Jacobi: Roll call. Chairperson, Nickerson?

Vice Mayor Nickerson: Here.

City Clerk Jacobi: Vice-Chair Roman?

Councilwoman Roman: Here.

City Clerk Jacobi: Member Urbom. Also present for the record: Yenise Jacobi, Village Clerk, Christia Alou, Village Manager and Village Attorney, Norman Powell.

Vice Mayor Nickerson: Thank you very much Madam Clerk. I appreciate it. I assume everybody had a chance to look at the agenda. There are seven items on the agenda. If you guys are approving that, can I have the approval of the agenda. Motion to approve the agenda?

Councilwoman Roman: A motion to approve.

Councilman Urbom: I'll second.

Vice Mayor Nickerson: All on favor say, "Aye."

Councilman Urbom: Aye.

Councilwoman Roman: Aye.

Vice Mayor Nickerson: Thank you very much. Has anybody had a chance to look at the minutes? I remember the last committee meetings that most of them were tabled into the next committee meeting. Has anybody had a chance to look? If so, do I have a motion or do you guys want to table into the next committee meeting also?

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Councilman Urbom: I have not had a chance to do a review.

Vice Mayor Nickerson: Okay, not a problem. We'll table those into the next committee meeting. Thank you very much. Next is good and welfare. If anybody has something to come up and say about this committee? Anything at all? You guys can come up and talk about that now. There will be another chance for you guys to come up and do that at the end of the committee meeting. You guys might get ideas later on and then you can come up and do that. Now, this is the Administration and Finance Committee. We're going to move on to the agenda items. The first agenda item is the legal services RFP. I'm going to ask the wonderful, Madam Manager to brief us and then we'll take it from there.

Village Manager Alou: Thank you, Chairperson Nickerson.

Vice Mayor Nickerson: Thank you.

Village Manager Alou: Last fall, the council directed me to put together an RFP to find legal services to address the interim status of our present interim village attorney. He has been the interim for I think almost two years. It is high time to move on to the permanent status. An RFP was devised and put together for you all to review. It came to this committee and I was asked to just hold off until we came to this committee meeting here in January to find out who wanted to do more with it or if you had some additions and subtractions, whatever your-- It's at your discretion. If you have anything to add or you want me to take out, please do and I'll take your direction.

Vice Mayor Nickerson: Thank you very much, madam manager. Yes, this was a discussion that we had you guys, as the manager just told us. I don't know if everybody here remembered that. No, because I remember the mayor speaking on it as well. The mayor was on this committee at that time and we decided to have that RFP be created and then to bring it back to this council.

To then see if we wanted to have any additions or deletions or anything like that before we took it to- or before we decided if we were going to take it to the full council, what we were going to do about that. This is for legal services. Before I go any further, because this is about legal services, I will ask the attorney if he has anything that he wants to say or anything that he wants to add? I give everybody a chance to--

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City Attorney Powell: No, I'm fine. According to the latest ethics commission ruling. I cannot have any participation whatsoever in either the discussion or review of this.

Vice Mayor Nickerson: Okay, thank you very much. I appreciate it. That being said, as far as RFP process goes-- Well, before I even get to that, that being said, I'm going to open it up for the rest of the committee members. If Councilperson Urbom or Councilperson Roman has anything that they would like to add or any questions or anything like that, I would love for you guys to speak.

Councilwoman Roman: My questions or my comments are on the contact person for the RFP, being then that this position reports directly to the council and not the village manager. I'm wondering if the RFP-- There are some inconsistencies with the RFP at the beginning. It says that the office of the village of the clerk will solicit and collect, and then it has the contact person as Christie as the Village Manager. I just think that those are some items that we need to discuss.

Vice Mayor Nickerson: For the contact person, you would like the whole council to be the contact?

Councilwoman Roman: No. I would imagine that the chair of this committee would be the contact.

Vice Mayor Nickerson: Yes, Madam Manager.

Village Manager Alou: I understand that this position does not report to the Village Manager. The RFP is usually run through the Village Manager in terms of when they have follow-up questions or if there needs to be an amendment made to the RFP, the Village Manager typically handles that. That's how I run the other RFPs. I am certainly open to allowing a member of the council, of the committee to be the point persons. Also, the same with other jurisdictions, the clerk is usually the one who solicits, puts it out to the community in that way. That's why she is listed as well.

Vice Mayor Nickerson: Yes, thank you.

Village Manager Alou: It's about the process not the content.

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Vice Mayor Nickerson: That's what I was going to say because-- I understand what you're saying there, Councilperson Roman, but for every RFP that we ever do, the manager is the point person. There's nothing that says that for the RFP that pertains to legal services that it will be different than any other RFP. That's the only confusion I'm having.

Councilwoman Roman: How have we done it in the past?

Vice Mayor Nickerson: We've had it to where the point person has been the manager, whoever the Village Manager was at that time. Whenever we had situations that came to the clerk or any all our past attorneys, the RFP process, the point person was the Village Manager. Then as her or him was a point person, the final say, of course, comes back through the committee and then to the council if it passes through the committee. As far as the point person, the point person's always the manager. That's why we're here now to say-- just like you were saying, "We feel like this should be changed or that should be changed or whatever should be changed," and we decide that here while we're here.

Councilman Urbom: Would it be okay--

Vice Mayor Nickerson: Yes?

Councilman Urbom: Sorry, mayor. Would it be reasonable to think that respondents would contact the manager but the manager would be forwarding the respondents' resume what have you-

Vice Mayor Nickerson: To the entire committee.

Councilman Urbom: -to the committee?

Vice Mayor Nickerson: Yes.

Councilman Urbom: That way, would that be reasonable and prudent?

Vice Mayor Nickerson: Yes, that's the way it should be. That's the reason why I wouldn't be a point person because all of those things have to come into either the manager or the clerk because I can't forward it to you guys. You know what I'm saying? That's just the process. It's a process thing. Like you said, it's not person contact. Yes.

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Village Manager Alou: Also, once the RFP is closed on the closing day, then all of the applications are then sent to you all as a committee and you all make decisions from that point on. I'm out of the process at that point until it comes to administration at the back end. If you then need to make the announcement or whatever, you do. It's just for the purpose of collecting the applications, it's not for selection, it's not for managing the applicants. That way, it's just to answer questions, to issue amendments if necessary, to respond in that way. It's not the selection.

Vice Mayor Nickerson: Yes, the committee and council always make the final decisions when it comes to that.

Councilwoman Roman: That I know.

Vice Mayor Nickerson: Is there anything else that stands out that--?

Councilwoman Roman: Who's the attorney that we're planning on using for-? Because we do need to have an attorney review a final contract or a contract? Once the RFP goes out and we look at the candidates we interview, et cetera, and we decide that we're moving forward, the next step would be that we're going to enter a contract.

Vice Mayor Nickerson: Yes, to enter a contract.

Councilwoman Roman: We need to define who that attorney is going to be.

Village Manager Alou: May I make a suggestion?

Vice Mayor Nickerson: Yes, Madam Manager.

Village Manager Alou: We do have an employment attorney working with us on some other employment matters. I would suggest we utilize their service or we can also use the Florida League of Cities. We have a legal service through them as well who can also assist us with contract negotiations and contract development for employment.

Councilwoman Roman: What would the cost differences be?

Village Manager Alou: For the Florida League of Cities, it would probably be free. For the external entity, it would probably with a fee. I would probably explore Florida league first and then from there I'll make any recommendations. As you all know, the council itself has

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oversight over legal. I would make those recommendations about differences and services for that to you.

Vice Mayor Nickerson: Thank you, Madam Manager. I was going to say, in the past, when it came down to negotiating any contracts that we had, it would come back to a committee, we would decide who we were going to use as far as outside council for that.

Councilwoman Roman: If we're discussing this, I think at this point in time, we should-- It's definitely a big point financially also so that we're prepared. Who negotiated his interim attorney's original contract?

Vice Mayor Nickerson: Well, this is what I was going to say because I was going to ask a question also for the manager's contract, who negotiated that one?

Village Manager Alou: Joe Geller and council person Roman.

Vice Mayor Nickerson: And council person Roman, okay.

Councilwoman Roman: It was the Chair of the Admin and Finance Committee.

Vice Mayor Nickerson: The chair was involved.

Councilwoman Roman: Correct.

Vice Mayor Nickerson: Whenever you deal with the contract, the chair is always involved. You're absolutely correct as you saying that we do need outside legal council to be involved in that. As for as the RFP itself, are there any other things that stand out as far as that?

Councilwoman Roman: To be quite honest, it's pretty lengthy.

Vice Mayor Nickerson: You want more time?

Councilwoman Roman: I want more time to take a look at it because I just briefly looked at with all the other PNZ stuff. I think we had it before but my apologize.

Village Manager Alou: I provided it back in September.

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Councilwoman Roman: No, I know that. I just completely forgot about that. I don't know if you guys reviewed it in detail.

Councilman Urbom: No.

Councilwoman Roman: You can raise questions.

Councilman Urbom: I think we could understand that we are in agreement in terms of where we're going with issuing RFP. I think that by next committee meeting, we'll have time to review this in detail. I don't know that we're necessarily in a state of urgency right now. Again, just out of prudence to be going through this process. I don't see it as an urgent matter. I think we're okay till the next committee meeting where we really have a chance to digest some of the details so that we're as prepared as possible when we take it to an attorney.

Councilwoman Roman: Well, we certainly should check the availability of our interim attorney and ensure that he's okay with the timeline because we can't assume.

Vice Mayor Nickerson: That's what I was going to say. You just took the words out of my mouth. Like I always say, I always try to let everybody have a say. Before I get to the attorney, are we clear that besides the other things you guys are going to look and then come back into the committee meeting. Which means that at the next committee meeting, everybody is going to have their notes in detail of their questions and their comments.

Then, we go from there and make the decisions as far as RFP. All right? Is everybody good with that? They have their notes and everything in their comments ready for the next committee meeting? All right, that's perfect. While they're doing that, we'll also start to put out the fillers or inquire about when it does come down to the contract which, if it's Florida League of Cities and so we'll start to look at that also.

Village Manager Alou: Absolutely. I will clarify that to you. May I add to, during the process of your own review, you are free to call me if you have any questions.

Vice Mayor Nickerson: I was going to state that also because I saved it for the time. Already we're coming back to another committee meeting so that means that if the next committee meeting, people are like, "Okay, what about this?" Or, "I have a question about this." That knocks it to the next committee meeting. You see what I'm saying? If you do have questions between now and next committee meeting, if you can, please reach out to the manager because

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the manager can probably go through those things with you and fix those things so that when we come back, it saves us a lot of time with that. Thank you guys very, very much. Mr. Attorney, how are you doing?

City Attorney Powel: I'm doing great.

Vice Mayor Nickerson: That timeline that we're doing and what you just heard about us coming back, you're like, "I have no--"

City Attorney Powel: Whatever your pleasure is.

Vice Mayor Nickerson: I appreciate it. I just wanted you to have your voice. Madam clerk, before we go any further, is there anything you would like to add?

City Clerk Jacobi: No, nothing here.

Vice Mayor Nickerson: Council person Roman, anything else you would like to add?

Councilwoman Roman: Okay, so just to clarify, the next steps is that the manager is going to determine what the costs are if we're hiring an attorney or we're going through Florida League of Cities, what that process would be. The committee is going to come back with questions or contact the manager with any questions ahead of time and then come back with a list of items or approval for the next committee meeting.

Vice Mayor Nickerson: Yes.

Councilwoman Roman: Okay.

Vice Mayor Nickerson: Those items will be related to the RFP as a whole, because of deletions, additions and things like that, but to the RFP as a whole. Council person Urbom, anything you want to say?

Councilman Urbom: I'm good.

Vice Mayor Nickerson: All right. Thank you very much. Madam manger, anything you would like to say? Okay, thank you very much. Thank you guys. We're going to move on to the next agenda item which is G2. This would be the building permit fee increase recommendation. Village manager, if you would take that.

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Village Manager Alou: Thank you. I'm sorry, I needed to pass this out to you all. I've been working with our new building clerk in CAP government extensively over the last few months. They have made--

City Clerk Jacobi: Is it enough?

Village Manager Alou: There's two pages for you. Thank you. I'm sorry. We are the lowest price building permitting in the county. I did provide a supplemental to the agenda- a cost comparative to Biscayne Park. The document that's being passed out now also shows North Bay Village and Miami Shores permitting cost. The El Portal permitting cost is a recommendation made by CAP government. CAP also represents Biscayne Park and other municipalities.

They also do their building permitting but they've made these recommendations. I think this is imperative for us to sustain the building department. We have to increase the fees. We are missing opportunity. I do recommend that we look at these fees. I know that this is mostly for the sake of discussion and for your review because this will have to go before our community as well as we're raising fees.

I do want you to understand, I think on that first page it shows the list. The current fees are extremely low. You can go through them. There are like 26 different items listed here. Some things we're charging zero. We don't charge for it or its \$100. Whereas, other municipalities are starting at \$125 up to \$200. There are some missed opportunities for us. I really think that we should review.

As you know, we have a lot of things coming before us, a lot of renovations and new bills and what have you coming before us. This village could really utilize these extra funds. We are behind the curve and there hasn't been change in decades from what I understand. CAP government recommended these, the El Portal permit cost column. I think those are reasonable.

They would put us in line with other municipalities and would assist us tremendously in that department and helping our general fund. I ask if you have any recommendations or thoughts on this to please share them with me. I do recognize we need to do this publicly as well and have the input from the community and their buy-in as well. I think it's a good time for us to talk about it since we're in January.

Vice Mayor Nickerson: Firstly, thank you.

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Village Manager Alou: You're welcome.

Vice Mayor Nickerson: Thank you for trying to always update our village in the most proper way as possible. All right, so there's a lot here. First of all, as you said, if we would end up doing this, we would also have to let the residents know and get their input. Not input but we have to let them know and let them For them to have a say in this. I would also want to hear the mayor's voice. This is not about you going out and purchasing something to where it has to come back to the committee or it has to go to the full council, but at the same time, you guys know how I am, I feel like I should go to the full council before we would actually make that final decision. I understand also that we're going over this right now. I see that councilperson Urbom is taking notes, I see that councilperson Roman is going over, taking notes. I'm going to open it up to you guys in a second, but my suggestion would be again with the same thing as we were just-- I think I finished discussing is that we allow everybody on the committee to have time to look at this. If you guys feel like you need that time--

Councilwoman Roman: May I for a minute.

Vice Mayor Nickerson: For one second. If you guys feel like you need that time and then we come back to the committee. You guys might have different suggestions about, "Oh, well this shouldn't be this price, this should be this price." I'll give you guys until the next committee meeting. We come back to the committee. If we feel like we agree on the prices, I think we should then pass it to the full council because I would like to hear the mayor's voice on this also, and then from there at the full council meeting we say, "Yes, this is great. Go ahead, let's implement these new prices." Councilperson Roman.

Councilwoman Roman: If I'm not mistaking, we looked at this at some point during my terms. I don't know if they were changed, I can't remember and I don't remember that was-- it might have been Rossman, during the time of Rossman that we did-- I'm 60% that we did increase some fees. Yes. That's number one. We should look at that because that really wasn't that long ago. I've only been on the dyers for three years. It was right?

City Clerk Jacobi: It was through PNZ.

Councilwoman Roman: Okay.

Village Manager Alou: They were raised.

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City Clerk Jacobi: There were fees that were increased. She's right.

Councilwoman Roman: Can you--

City Clerk Jacobi: There were fees that were increased and that was actually done through PNZ. That Plusurbia came up because they said we were the lowest.

Village Manager Alou: Right. They were building current fees.

Vice Mayor Nickerson: I was just going to say though the fees that were changed though, if I remember it was two or three.

City Clerk Jacobi: It was a few. You have to compare it. We have to go back to that. Yes, there were a few. There were some residents that were a little upset with some of the fee changes. Now I remember. She's correct.

Councilwoman Roman: Right. There were some changes, so that's number one. Before we even entertain this, I'd like to first-- I would recommend that we look at what we did not long ago and then certainly there is room-- I always used to say there is room for us to be competitive and comparable, not competitive, with other cities. I'm a little confused because I see different numbers on the sheets. Is the word document the current fees?

Village Manager Alou: Yes.

Councilwoman Roman: Then are the DXL, these are the proposed-?

Village Manager Alou: The proposed fees.

Councilwoman Roman: Okay, so these are proposed. Okay, this CAP was the one that gave you the recommendations.

Village Manager Alou: Yes.

Councilwoman Roman: Okay. All right. If we could just share- we would look into that first and yes.

Vice Mayor Nickerson: Sure. Councilperson Urbom.

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Councilperson Urbom: Just quick comments here because we'll digest it later. This is wonderful to see honestly. This is great to be able to just see it right in front of you what it is we're dealing with. I like that there is some zero items in the current where they're no longer zero over here. That's great. Then my real comment goes to really the first item in terms of minimum fee for all permits. I won't get into the details of every item but I just want to talk about that as we think about where we're headed with this as we meet next time.

Currently it's a \$100 is a minimum fee for all permits, proposed raised to \$200. That sounds very logical and I'm probably, possibly on board with that. I just really want to remind specifically this committee, but the council overall that if we're paying attention to what's happening in Miami-Dade County, we are absolutely targeted by people looking to get in while the getting is good which would inform us that perhaps do want to really raise some of these because we know what's coming, right.

Conversely though, I personally I'm reluctant to raise that minimum fee for all of the residents who currently live here, who are trying to get basic kind of things done, that they would be thinking twice about doing it properly simply because we've doubled that minimum fee requirement. Overall, glancing at this I definitely think we're on the right track and greatly appreciate the work that went into this. I know it was time consuming. It had to have been.

In addition to that though, you're going to hear me say this a lot in almost every committee that I'm on, I want us to value this village more than anybody else coming from anywhere else will do. I think if we can go ahead from that point of what we have here and what we're trying to preserve, especially when it comes to issues like this I will bring this up in terms of class diversity. Communities that have more class diversity are healthier communities than communities that are only with one demographic socioeconomically, right.

This is going to be front and center for every municipality in Miami-Dade County for the foreseeable future I would think. For us again because we do consider ourselves to be so special, I certainly think we are, I just want us to value ourselves more so than even anyone else coming in. To me the minimum fee being doubled is a little bit of a concern that we're not considering our long term residents who are here now. I'll just say that. Overall, I'm excited about where this is and it looks good.

Vice Mayor Nickerson: Councilperson Roman.

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Councilwoman Roman: I agree. I think that that is one of the ones that stood out, the \$200, that increase. I would have to look at it in more detail and compare it, but again I'm not opposed to making changes. I just want to take a look at what we did in the past recently, in the recent past and ensure that we're not over, yes.

Village Manager Alou: Okay. I will follow up and find out what was passed during Mr. Rossman's tenure, and then any suggestions you have-- these are just my recommendations. Clearly this is ultimately up to council and just for you to digest. This is our first look. I'm just putting this on your radar and please feel free to make any suggestions you feel necessary.

Councilwoman Roman: Thank you.

Vice Mayor Nickerson: Thank you, Madam manager. Councilperson Urbom, anything else? Madam manager, anything else? Councilperson Roman? No. Mr. Attorney?

City Attorney Powell: Yes, just a suggestion. In chapter 5 of the code, there's an appendix that has all of the fees there currently. Maybe it's a good idea for everyone to take a look at that in comparison with what you're presented with because it breaks down everything in detail. Any changes obviously that maybe recommended for the future, that's where the revision would occur in the code. Everything is there right now. Yes, I figured that but I just wanted to dump it all out.

Vice Mayor Nickerson: Thank you very much Mr. Attorney, I appreciate it.

Councilwoman Roman: I don't even know when that was updated.

City Clerk Jacobi: It's updated on the website but this is all legal.

City Attorney Powell: It gives you another [unintelligible 00:28:55].

Vice Mayor Nickerson: Madam Clerk, anything else.

City Clerk Jacobi: No, thank you.

Vice Mayor Nickerson: All right. With this we're going to take this back, we're going to make our notes, we're going to come to the next committee meeting with any comments or any questions. You can also contact the manager in the meantime. What we are going to do is we're going to look back at when the previous manager was here, and if they were raised and how

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they were raised. Which ones were raised and how much they were raised and we'll come back with that also. I also want to see that maybe when they were raised with Rossman-- I remember we raised some things but I remember it wasn't 15 things. It wasn't like that.

Councilwoman Roman: There was a few.

Vice Mayor Nickerson: Yes, but it wasn't like this. It wasn't like a list of this. These are 26 recommendations. It wasn't like this.

City Clerk Jacobi: It was more detailed.

Vice Mayor Nickerson: Yes, this is more detailed. That's what I want to see. Even the things that were raised, I want to see how they still compare. I remember when we were doing things when Rossman was here, we had been so far behind, as a village, in so many things. Thanks to the mayor and thanks to individuals like Councilperson Roman, we were playing like ketchup. We still might be a little bit behind. I want to see those numbers and see how that all works out.

Councilwoman Roman: If the manager could please send this, maybe, the changes that were made so that we can have those as we review-

Village Manager Alou: Absolutely.

Councilwoman Roman: -and compare with this.

Vice Mayor Nickerson: That would be perfect.

Village Manager Alou: Absolutely. I'll get back to you as soon as I get that this week.

Councilwoman Roman: Okay. Thank you.

Vice Mayor Nickerson: Thank you very much. Anything else or anything?

Councilwoman Roman: No.

Vice Mayor Nickerson: Any last thing? Okay. All right. Moving on, the next agenda item will be the discussion of manager's pay raise, G3. I put this on the agenda item just because you guys-- I want to start to bring this up because I wanted-- First of all you guys know how I

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believe that the work environment should always be as positive as possible. I also believe that morale is very important. I also believe that individuals should also be treated fairly in the workplace when they're employed by you. I wanted to just look at this to start a conversation because the manager has been working for us since-- When did you officially-- I have the contract here.

Village Manager Alou: At the end of August 2017 but I became permanent manager March 2018.

Vice Mayor Nickerson: Yes. August 2017 and she became permanent in March 2018. I have your contract here. Since then not only has she not received a raise but there's also questions that will be coming down the pipe also that I have personally. It's just about things like backing the insurance questions, like about the type of insurance we have compared to other options that might be out there.

Adding individuals like children and things like that, with different types of insurances. For right now I wanted to first start to have a discussion about possibility of future raise for the manager. I just want to get the committee's input on what do you guys think about her job, how long she's been here? This not even have been brought up.

We've talked about in the past raises also for other individuals that work for us that they go a long time without it getting brought up. Then it gets brought up and we're like, "Man, that person hasn't had a raise in years and years." I just don't want to get back into that type of situation again so I want to be more proactive as far as putting on everybody else's radar. Councilperson Urbom?

Councilman Urbom: I have been hourly or even tip-earner for most of my life but I do believe in 3% annual raise at least to keep in place with inflation, in theory. I'll say without knowing any further details I, across the board, do support that on an annual basis for anybody because of the reality of inflation. For have a great for behind it but that 3% really does make a difference.

Beyond that, I would be wanting to have FEMA finalized and other financials within the village solidified, clear to know exactly where we stand in terms of anything beyond that. Certainly I'm definitely open to looking at some raise and then to take a second look at- because I had not seen actually the benefits package, things like these whatever that might be. I'm definitely open to reviewing it absolutely.

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Vice Mayor Nickerson: Councilperson Roman.

Councilwoman Roman: I actually agree with much of what Urbom had to say. I think the time that I've been on this Council, for me, it's been very important to have some standards and some procedures. Unfortunately, this Council when it comes to holding those standards and procedures for our staff, the staff that reports to us, we have not been consistent or very good at it.

I would like to see that there's annual for the staff that reports to the Council. That includes the Village Manager and the Clerk, the two positions. Obviously, the attorney position that's different and that's a contracted position. I worked on the contract for the manager. It states that there will be an annual review which, I think, is definitely very important for open communication so that the parties know exactly where they stand. We can set goals and move forward with those goals.

We could also take a look at and have discussions about additional raises that go beyond the 3%. If we don't have those reviews then we don't have those opportunities. With her coming up with another anniversary, I would think that that should be a part of the procedure that we go through the process of some type of review just to- a conversation but something that goes in writing. Then from there, absolutely the 3% would be my recommendation.

Vice Mayor Nickerson: Go ahead, Councilperson Urbom.

Councilman Urbom: It seems I agree wholeheartedly with Councilperson Roman. I think it's important both for our staff as well as for the Council, it's a mutually beneficial activity to get to those reviews and frequently I've seen all kinds of different businesses where reviews aren't taking place and best-case scenario is you're losing morale, but worst-case scenario is you're losing other people. Yes.

Vice Mayor Nickerson: Yes. You lose the people. Let me just say this. Thank you, Councilperson Roman. Thank you, Councilperon Urbom. From where we stand right now, it would be that, first of all we would have, because your anniversary's coming up when? In March?

Village Manager Alou: In March.

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Vice Mayor Nickerson: Okay, which is almost perfect because we're right there. We have committee meeting coming up.

Councilwoman Roman: Okay, but we're discussing this and our clerk just had an anniversary and there was no increase. There was an increase prior to that which was to bring her up to speed because we had not given her an increase-

Vice Mayor Nickerson: In a long time.

Councilwoman Roman: -in a very long time. Here we are, we're going to fall into the same if we're not consistent. I have been on this committee for three years, going on four, and we've not been consistent. I've been asking for that.

Vice Mayor Nickerson: Basically what we're saying is that March is your anniversary coming up and for your anniversary coming up in March we want to, not only do review for the manager, correct?

Councilwoman Roman: Yes.

Vice Mayor Nickerson: We also want to, before that happens, before next committee meeting we want to, as Councilperson Urbom suggested so that everybody is up to date on not only your contract but your benefits package. Councilperson Urbom, would you like to have that before we go into discussion about how much the raise should be and things like that? Do you want to see the benefits package and go through her contract?

Councilman Urbom: I suppose, ultimately, yes. I think if it should be possible to accomplish very quickly so that ahead of March committee be more prepared to-- In theory, we'll have essentially conducted some manner of review between now and the March committee meeting, is that correct?

Vice Mayor Nickerson: Think about it for the reviews. For annual reviews, I remember that Councilperson Roman that we had- remind me if I'm incorrect but we have for different individuals- we had a couple different type of review templates. I remember we had the one for Joel Geller, that was one template and then we had a different type of template.

There was one review template that we had where you had to like write out. It was questions and you had spaces underneath the questions where we wrote out exactly how we felt. There

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was another type of template where it was boxed and it was checks, we had to like check. Then there was like a couple of questions at the very very end. My question is, is there a particular- because we still have those templates.

Councilwoman Roman: If I'm not mistaking, when I was the chair of this committee I sent out the templates. I wrote out what the procedures should be. I can certainly look to see if we have those, the clerk should have them. One thing that's also- we're talking about this and we're talking about giving reviews, one thing that's still pending is the clerk's job description. It's the only job description that is not complete. It's been discussed, it's been sent for review for the committee and nothing's been finalized.

Vice Mayor Nickerson: What we'll do for the clerk, since the clerk is-- if it's okay with you CouncilPerson Roman. What we'll do in that in that particular case, we will bring that up at the next committee meeting, okay?

Councilwoman Roman: She just had her annual-

Vice Mayor Nickerson: I know.

Councilwoman Roman: -in November, I believe it was.

Vice Mayor Nickerson: Yes, she just had her annual.

Councilwoman Roman: We want to be consistent, we also want to respect the fact that one of our employees just had an anniversary and we're going to be moving forward with one that hasn't had the anniversary yet first before moving forward.

Vice Mayor Nickerson: As you just stated, we don't even have the job description completed for the clerk. I want to tackle that next committee meeting. It makes no sense for me to give a review to somebody, if I have to have a better understanding about exactly what we're going to be reviewing on. I want to tackle that first. I want time to discuss that so we're going to do that first.

As far as we're clear before we go to the next agenda item. For the next committee meeting, what we're going to do is, we're going to have everybody received the manager's contract. Not only the manager's contract, everybody received the manager's benefits package which is part

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of it. We will come back here and at that particular time, we will have ideas about what we feel about the raise and how we go forward on that.

Before we get to that Council Person Roman, if you will, could you email the clerk those two templates, just so she can have them right there in front of her. Since we've used both templates in the past, in order to save time on this, so we don't have to come back here and decide what template, we'll have the clerk email us both templates and whatever template you feel is the one you want to use we'll have it that way. We'll bring those reviews back here and we'll go over the reviews at the next community meeting.

Councilwoman Roman: Pardon me chair, but I do believe that we should be consistent in terms of the template that we use. We shouldn't have two different templates depending on who likes which one.

Vice Mayor Nickerson: The reason why I said that was because I remember using both templates and I remember that on both templates, the majority of the questions, the information is exactly the same, it's just laid out in a different way.

Councilwoman Roman: Okay, the template that was put together was taken from those two templates and it was combined, so that all the information is on there. I will send that over to the clerk and I'll have you guys look at it. I'll have her send it to you guys so that you can look at it, but that should be sufficient. It makes no sense to use two different templates, and then you're going to be going back to square one when we've been at this for three years.

Vice Mayor Nickerson: The problem is that, if we have the one template where both templates are into one template, that's perfectly fine. All I know is I remember using one template for one review and using a different template for another review.

Councilwoman Roman: There are different for the clerk, the clerk has one template and manager has one template, if that's for--

Vice Mayor Nickerson: That wasn't because we have one that we used for-- [crosstalk]

Councilwoman Roman: Because there are two different positions, so the way that they're reviewed are two different ways.

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Vice Mayor Nickerson: We have one used for the attorney, Joe Geller. We had a different template for Joe Geller, I remember it.

Councilwoman Roman: Correct because he's an attorney. That was an attorney that was focused on what the attorney does.

Vice Mayor Nickerson: That's not correct because it was a general template that we used for the attorney. If we have we use that one template that we have and email her that one template, we'll use that one template.

Councilwoman Roman: I'll email the clerk what I have.

Vice Mayor Nickerson: Okay, thank you very much, I appreciate it. Councilperson Urbom.

Anders Urbom: I'm looking at meeting code here and *Chapter One* of the *Charter, Article Three* the village manager has three essentially, a little section. Section 3.01, the village manager quick definition. 3.02, appointment removal compensation. In there and then 3.03 is powers and duties. In terms of job description, it's there in the Charter for the manager. Then 3.02, here appointment removal and compensation, one paragraph, essentially signs that, it is entirely up to the council to manufacture our own review process.

It essentially, says the same for the clerk. If we're going to add job description for the clerk, could be-- the attorney certainly would correct me if I'm wrong here, but it looks like we'd be just adding another subsection below the clerk and in *Article Three* of the administrative part of the Charter. I think at least, in terms of the code, again the attorney would correct me if I'm wrong, but it does seem that we have fairly clear free license to reinvent the wheel, if we get to that point where we need to. It certainly sounds like we have the framework of what we already need.

Vice Mayor Nickerson: Thank you very much Councilperson Urbom. Councilperson Roman?

Councilwoman Roman: No.

Vice Mayor Nickerson: Mr. Attorney?

Nathan Powell: No, for now.

Vice Mayor Nickerson: Madam clerk,

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City Clerk Jacobi: No.

Vice Mayor Nickerson: Madam manager, yes.

Village Manager Alou: Yes, I do. I appreciate everyone's concerns and issues regarding the evaluation. This time last year, I requested a pay increase per my contract, that does state in *Section Four*, that for the first year, I was to be considered for an increase of 5% for the first full year of employment. When I raised this issue last year, we were going through some financial turmoil and it was dismissed as we need to address those issues first.

I understand our financial state, in fact, our interim CFO is here to discuss that further, further in the agenda, but I here we are, coming up on my second anniversary that would call for an increase of 3%. I don't want to be lost in the fray. I know councilperson Roman did give me a review. I don't recall seeing anybody else's review last year because we've started the process but then it was shut down because of our financial situation.

I pray that you will look at it and really I don't want it to be lost in a situation with someone else. I'm a manager, I'm different from a clerk I would like to be considered as you all have. My prescription, my contract, my template, whatever you need. I ask that you just consider that this is year two and I would like a raise. Thank you.

Vice Mayor Nickerson: Thank you very much madam manager. Anybody else, any last words? Thank you very much. Moving on to the next agenda item, enterprise leasing fleet discussion. Enterprise, cars. [laughs]

Councilwoman Roman: [laughs] Thank you-

Vice Mayor Nickerson: Thank you madam manager.

Village Manager Alou: -Chairman Nickerson. You all got a document, we met with enterprise leasing to discuss fleet management. As you all know we have a graveyard over here on the right side of the building on the east side of the building for old and beat-up cars. Some donated, some our own. We did have the benefit and blessing of buying five police vehicles back in 2017, but those cars are starting to come on-- They're becoming older and the cars that we have already are old. We've been spending up a lot of money on repairs and it has gotten to a point where I feel like we have to do something fast.

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We are going through our allotment of 15,000 for maintenance and we're only in January. We have to get through the rest of the fiscal year with some very old vehicles. The take-home car issue is not the issue here, it's more of just older vehicles needing constant repair. I've gotten a number of emails from our Lieutenant Mendez who is actually the fleet manager and also from Chief Magnusson.

They understand our financial situation and that we have not budgeted for these things. However, they have been trying to just work with what we have. We've repaired electrical, mechanical, air-condition, brakes, emergency equipment, fuel vapors, overheating, host of other things. As you know, the code enforcement vehicle has pretty much died. We were looking into leasing, I talked to enterprise about that as well.

I was trying to find a cheaper fix for a shorter timeframe, but I don't think this is something we can hold off on. We've done repairs. I've just spent almost \$6,000 in repairs this month in cars, I think that can hold us over for a few more months, but we still have these things coming up.

I understand like an enterprise would be on the short term, yes, it looks hefty because that's \$22,000, but we allotted 15,000 for maintenance. I'm looking to the future and not having cars breaking down and unusable when we have officers who need their vehicles that we consider doing the fleet management. That we roll in new vehicles, maintain the 2017 vehicles.

By the way, I got this paperwork here. The Ford Tauruses warranties will end May 2020. That five years went quickly or that four-year warranty went very fast. We want to keep the 2017s, but buy new vehicle or at least new vehicles from Enterprise. They've given us the breakdown of the pricing it will come out to be about 22,000 a year.

If you add those vehicles that were requested, what we could do is utilize the 2017s for reserve and part-timers while the full time and more senior staff get the newer vehicles. Enterprise's program is that as cars are retired every three years, because they handle all of the maintenance, the repairs, everything that's all built into the cost, we don't have to do a thing except wash it, they buy back the parts or sell the vehicle as a used car. Then we utilize those funds to get the next vehicle.

It's a rotation that many other jurisdictions are utilizing. It's Biscayne park-- I'm sorry, I have a list here of all of the jurisdictions that are using this. It seems to be a good program, and I ask that you look at it, consider it, Sweetwater's using it and a myriad of others.

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I just don't have all the list on me right now, but we have to do something with the fleet and the graveyard of vehicles is not the way to go. We've had five cars donated to us that we cannot use, but they're sitting over there just taking up space. We could sell them to a junkyard for \$250 each, but I think we'd get a better price if we do the enterprise program. They will do equity analysis for us for those vehicles.

They have done a draft of it that would give us some money back, that would be helpful to utilize if we use the program, that we could use that to buy vehicles through them. I ask that you just look at it, think about this because we're going to be coming up on a time where we need to do something. I do need to get that code enforcement vehicle replaced.

Vice Mayor Nickerson: Councilman Urbom.

Councilman Urbom: All right, Madam manager, the list that you sent us for comparison, I do see a four-door vehicle in there as I looked at it earlier today. To me, it just seemed like obviously the one in the middle there, the truck seems like a no-brainer. My question now is beyond public works, the immediate need of that truck, code enforcement, the immediate need of that car, are there any other vehicles that are prohibiting any other officers or staff to function properly or what other critical situations are being with vehicles?

Village Manager Alou: Officer Lopez has a-- I don't have the year of this vehicle. He has a Ford Crown Victoria that is quite old and a little beat up or a lot beat up. That's one that we've had repaired a few times. He's become a full-time officer. Because we have like one, two, three, four, five, we have one, two three. We have four old vehicles being used by full-timers that are take-home vehicles.

Those four are in our sites. Any vehicle that's 2014 and older needs to be rolled out of service, but right now, we aren't in a position to do that, but I ask that we consider when we're budgeting for next year especially, that instead of utilizing the 15,000 for just keeping up with repairs which we've almost gone through already, that we maybe reallocate some funds so that we can maybe do a program.

Councilman Urbom: As I'm looking at the one that looks like the no brainer in terms of the work truck. It's a 2020, so my concern at that point becomes what penalties are we facing when we turn that vehicle back in and it's no longer looking like a 20-- You know what I'm saying? Like it's going to use for public works, but the truck is going to get used and we can't--

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Village Manager Alou: If I may? The program for all of the vehicles through enterprises that they are retired after three years. There is no penalty then they sell it as a used vehicle, but we would then have to go back into the program, but we utilize the funds they pay--

Councilman Urbom: This is a three-year lease?

Village Manager Alou: Yes, it's a three-year lease and we just keep doing three-year lease.

Councilman Urbom: In terms of penalties of things like mileage and damage though?

Village Manager Alou: Well, damage, that would be something we have to look into, but mileage is not--

Councilman Urbom: Right, for public works and [unintelligible 00:57:22]. Again, on a shiny new truck already, every single thing is going to stand out. I worked in the car business twice and I would just have the concern of what's going to happen when we turn a vehicle in, in terms of surprises, but on the face of it, looks like-[crosstalk]

Village Manager Alou: We can certainly discuss that more with Enterprise. They would maintain it and so they would handle all repairs as part of the package, but we'll ask about is there a penalty if it's brought back and below standard condition or what have you. I'll get more information about that and share it with you all.

Vice Mayor Nickerson: Councilperson Roman.

Councilwoman Roman: The total number of vehicles that we need is four?

Village Manager Alou: No, we need more than that. Four is what is being utilized, old vehicles being utilized by full time employees.

Councilwoman Roman: How many vehicles are you looking to put into this program ideally?

Village Manager Alou: We need to start with at least eight. Eight for police and then we need the two for the administration.

Councilwoman Roman: What's your timeframe?

Village Manager Alou: When we're able to do it financially, but--

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Councilwoman Roman: Ideally what would you like?

Village Manager Alou: I would like if we could stagger it in, I would like to meet with Enterprise more and see how we can-- Because if we can do it in stages, that would be a little more palatable. I would like to do four initially and then the next for later and I'll see if they're able to do that with us.

Councilwoman Roman: When you say four initially, are you looking at four initially during this budget season, are you looking at four for the next budget? That's what I'm looking at.

Village Manager Alou: Yes. I don't know yet. It depends on what I can find in our budget for that because we have some other expenses. I would like to do four in this budget, but if we aren't able to, then it would have to be next budget year.

Councilwoman Roman: I see monthly payments here, but do you know the total for those eight or those four per month?

Village Manager Alou: Yes. Well, it's on the list, and it depends on what we choose. These are just some round ideas. I asked them just to give me a car, a truck, a police car. I think there's a Charger on here or Durango, the Sierra truck, the Sedan, there's a Charger. He gave me some different ideas. We can get even more detailed than that. I just wanted you all to have a round about an idea, but the lease payments are in the first line of yellow and those are the monthly payments, so we added those up and multiplied them and it came out to be I think if we did the cheapest which would be 288 a month per vehicle or-- I'm sorry. If we did the truck, then it'll be 288 a month and I multiply that by eight or what have you, and then we would have the price, but it depends on what we choose, that's why I don't know exactly because not all of the vehicles are going to be the same.

Councilwoman Roman: 288 is what number? Because I don't see that number here.

Village Manager Alou: Do you have the closed in walkaway lease quote document? Do you have this document?

Councilwoman Roman: I probably didn't print that one.

Village Manager Alou: Okay, I can hand it to you, but it gives a breakdown. Also, it has to be equipped so if the prices are a little less or a little more if it has to have like the police bar

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as opposed to the public works or the code enforcement car wouldn't have to have those things on. This is not an all-encompassing breakdown, but I'm just giving you an idea about where we're going to start and how it's going to be, but it will be a little bit more depending on what the vehicle will be.

Councilwoman Roman: I think for me, I like to see the numbers and what you're proposing and then we need to figure out where's that going to come from? Is it going to be this budget season? Are we going to budget it for next year or what we're going to do. This doesn't really tell me much. I like to see totals.

Village Manager Alou: Okay.

Vice Mayor Nickerson: Madam manager, when it comes to the police cars we do this process, do they equip the police cars or do we get it from them? We lease from them and then we take it to where we get them equipped.

Village Manager Alou: They would equip them.

Vice Mayor Nickerson: They would equip them?

Village Manager Alou: Yes.

Vice Mayor Nickerson: Okay, is it fully equipped like they do all the decals and everything.

Village Manager Alou: Yes.

Vice Mayor Nickerson: Okay.

Village Manager Alou: Yes.

Vice Mayor Nickerson: All right, thank you. Councilperson Urbom? Anything else you want to say?

Councilwoman Roman: The only last thing I have is that I like for I think I expressed it during the last council meeting. I think the public works and the code enforcement vehicles are definitely a priority because those vehicles are basically non-functional and we want to make sure that we keep the morale of our employees and we do have some great staff at this moment

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and we're hiring new, so we don't want to hire a new person into a job that he can't perform because he doesn't have a vehicle.

I would say that that I like to see that as a priority as soon as possible and then the totals of what it will look like, how many vehicles. If we did four, what would that look like if we did eight? What would that look like? I really don't care what type of vehicle it is. I just like to see the numbers.

Vice Mayor Nickerson: I definitely want to see just with the police cars, with the fully equipped just the end price of each thing whether it's a Charger or whatever, I just want to see the end price as far as fully-equipped because I don't know how much extra it is to equip because it takes a lot to equip a police car with everything on it and decals and everything. I definitely just want to see that.

Village Manager Alou: Yes, if you look at the vehicle comparison chart that I gave you, they do say patrol unit and they give you some sizes and what have you and the total monthly payment \$655.62 a month. Lease terms 60 months. If they hold it for five years, the equity at the end of the term would be a 9,000. They break it down like that. It just depends on the vehicle.

The other thing that Enterprise stated to me is that they get the vehicles at wholesale. They're passing that price to us, not the marked up price. It again depends on what we get. The immediate need is the code enforcement car and the public works truck. There was a truck that was made available just this week that we could not afford so we didn't get it. It was \$17,000 because I needed to know more about where we stand financially. I don't want to jump on something that I don't know where that money would come from. The Enterprise fleet management gets cars all the time, so they're always coming in so it just depends on what they have.

I will go back and see what funds we have. We really need to identify that first and then try to work with them in terms of trying to get a little bit less. It doesn't need to be a 2020 Charger for code enforcement, but he needs to give me more options. I will work on that and get that information to you all as well.

Vice Mayor Nickerson: Councilperson Roman, I remember we spoke about possibly renting cars for the code enforcement, because the public works truck is like out-out.

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Village Manager Alou: No, the public works truck still functions. The code enforcement--

Vice Mayor Nickerson: It's the code enforcement cars like out-out?

Village Manager Alou: Yes.

Vice Mayor Nickerson: Okay. We really need to look into renting.

Village Manager Alou: If I may, we are now using one of the donated vehicles. It's not in the best shape. We're having some problems with that too. It's at Goodyear now doing a diagnostic, \$75 dollars to tell us what exactly it's going to cost to get it up to speed. I want to see just what it will cost and if it's something that we can do just to put it on a Band-Aid until we can figure this out with Enterprise about the car, a cheaper car, a process then I'll do that, but I'll know that hopefully this week in terms of them fixing one of the donated cars up enough for us to utilize it in the short term.

Councilwoman Roman: Do they have to be 2020s? Do they have 2019s?

Village Manager Alou: No. They told me they don't do-- It has to be like a 2020 and then they rotate it out.

Councilwoman Roman: For 2021.

Village Manager Alou: Yes.

Vice Mayor Nickerson: Councilperson Urbom, Councilperson Roman, what do you guys think about possibly starting this process with the code enforcement car and seeing how the program does?

Councilwoman Roman: I don't see a problem with them. We just have to figure out where we're going to fund it.

Vice Mayor Nickerson: Where we're going to fund it? Yes?

Councilwoman Roman: Yes. The manager can propose where she's going to get the money from.

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Vice Mayor Nickerson: But if she can started looking today for at least that one vehicle, code enforcement is down and we need it anyway and we're looking into this program.

Councilman Urbom: In theory, it will be the lowest cost vehicle.

Vice Mayor Nickerson: It's what I'm saying.

Councilman Urbom: Because it doesn't need to be equipped like a police car. We just start looking into that and--

Village Manager Alou: Okay, I'll work on that and get information to you this week.

Vice Mayor Nickerson: Thank you.

Village Manager Alou: Thank you.

Vice Mayor Nickerson: Councilperson Urbom, anything else? Councilperson Roman? Mr. Attorney?

City Attorney Powell: No..

Vice Mayor Nickerson: Okay. Madam Clerk and madam manager, anything?

Village Manager Alou: No.

Vice Mayor Nickerson: All right, thank you very much you, guys. Moving on, the next item is the closeout cost for Hurricane Wilma.

Village Manager Alou: Yes, I received a letter from the Florida Division of Emergency Management, this week actually. The letter is dated some time ago, but I got it beginning of January which states that on the front of the page. I did send this document to you all. As you know, we were obligated funds from our Hurricane Irma recovery and from those obligated funds \$165,034.92-- I'm sorry, I misspoke.

During the recovery of Hurricane Wilma, the Village of El Portal, received funds for reimbursement. According to the Federal Government and FDEM, we were overpaid in the amount of 165,034.92. For that, the Village was to pay this money back. I don't know what happened years ago, but we didn't pay the money back, so when we were obligated funds from

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Hurricane Irma recovery, the owed funds were taken from our obligated funds, but there is still a balance owing of \$6,807.02.

I really wanted you all to just be aware of this and to know that this is the closeout of the Wilma debt and it is \$6,800. I understand we need to go through our own process with Hurricane Irma and [unintelligible 01:09:36] an immediate thing that's on our necks, but be aware that this is a big chunk that we will have to pay back. When we discuss some things with our interim CFO, we have to try to identify where we're going to get this money so that we can return it back to FDEM.

Vice Mayor Nickerson: Councilperson Roman.

Councilwoman Roman: Do we have any documentation from previous years from when this happened that states that we owe this money?

Village Manager Alou: I don't have anything from there. I just have the letters that I've received. I was told this was a debt that was owed from, I guess, when was Wilma in 2012? Hurricane Wilma? I don't have any documentation from that. I have been told by our previous CFO that we did owe money, but he didn't have any documents for it, and he didn't paid it. That's Ervin Williams but I never have received or I've never seen anything from those files or from that time.

Councilwoman Roman: The clerk doesn't have any documentation that was received on that?

City Clerk Jacobi: No. From 2012? No. I wasn't even here. No. I don't have anything.

Vice Mayor Nickerson: Wilma was like '07.

Councilman Urbom: Yes. Wilma was a long time ago before any of us was even here.

Village Manager Alou: No further questions.

Councilman Urbom: I have one very significant question and that is, as we are anticipating reimbursement for Irma, is there going to be any expectation of any funds that would need to be held essentially in escrow is what it sounds like to know for any specific period of time that we would not need to return any of the moneys from this FEMA?

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If it happened once before from FEMA from a hurricane, then we certainly need some answers on what to expect when we do receive that reimbursement in terms of if there is a period that FEMA has, for example, back from Wilma. We would want to know if there is any communication that they gave us a heads up that there would be a period of review, what have you that we would need to be hold on to those moneys until it fully clears and then I have the exact same question for any communication coming from FEMA regarding Irma. I guess that would be to either the manager or the clerk or even the attorney, I suppose.

Village Manager Alou: I can only say no, I don't know. I don't know, but we would want to hold moneys in case they want to recapture them. I'm assuming through the rigorous review we're going through that if they release those funds that they are due to us.

Councilman Urbom: I mean, I guess I'm not fully comfortable with just accepting that \$160,000 is left on the table that we either didn't know about it or weren't prepared for, what have you. I mean, it sounds fortunate that they were able to get us down to the 6,000 because of funds that are already coming or at least obligated for us. However, I just don't see that as any kind of a win. It's still \$160,000 that we are not going to be able to utilize in whichever fiscal year this reimbursement does come to us. I'm very cautious now and concerned to know that we are fully informed as to what we could expect in terms of something like this regarding Irma.

Vice Mayor Nickerson: Thank you, Madam manager, for bringing this to our attention and staying up on this.

Councilwoman Roman: Could we ask FEMA to provide us with the documentation that they sent us from 2005 or 2006 regarding this?

Village Manager Alou: I can request it. I will.

Councilman Urbom: Yes. We'd want to try and track down who our liaison was at that time if possible with office. I certainly think it's worth breaking a sweat over getting as many details as possible on this one. Breaking a big sweat.

Vice Mayor Nickerson: Do they specifically say that we erred in a particular-- Do they give the details about if it was our error or if it was-- Madam Mayor, how are you doing? This is our mayor everybody, Mayor Cubillos.

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Mayor Cubillos: I just want to add to that. We were first notified that we owed for Wilma. Wilma was in 2005. David Rosemond was the exiting manager at the time. We were advised literally in the summer of '17 right when our current manager was coming in, then we got hit with Irma. There is a whole slew of an email with all of the backup documentation that you're asking for. It was not a mistake that the Village did at the time.

I want to say the manager at '05, Steve Alexander. I don't think it was Jason Walker because I think Jason Walker started in '07. I started in '08. There is an email that was sent to David Rosemond. I don't know who has David Rosemond's email right now. The former manager. There is an extensive email that it clearly states exactly what happened and why that was owed. They left us alone because everybody got hit with Irma. Then we were kindly reminded again right when all of the craziness ended with Irma that we needed to get this paid, and then they automatically just started taking the money as it got obligated to us.

For Councilperson Urbom, your concern, since '05, we weren't the only city that had to return money. They've changed the entire process of how they operate and their system, not sure if it's better or worse, but they did change it based on what they found after Hurricane Irma because a lot of money was dispersed back then. I don't know if that helps.

Vice Mayor Nickerson: No. Absolutely. Thank you, Madam Mayor. The reason why I asked that was because for the same reason I think Councilperson Urbom your concern, whatever happened back then, I didn't want us to make the same mistake this time. It might be like a little oversight, a little clerical error, or something that might happen that we could look out for this time, but as the mayor said, if they changed the process and there's emails that detail exactly what the problem was. We just need to take a look at that.

Village Manager Alou: I'll try to track down those emails and share that with the committee as well.

Vice Mayor Nickerson: Thank you.

Village Manager Alou: It's good for you all to know this is something that's going to come up.

Vice Mayor Nickerson: Thank you, Madam Mayor. Appreciate it. Councilperson Urbom? Councilperson Roman? Mr. Attorney? Madam Clerk? Madam manager?

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Village Manager Alou: No.

Vice Mayor Nickerson: Moving right along you guys, the status of the El Portal council vacancy. Madam Clerk, as far as you and your discussions that you've been having with the elections department. Can you just give us some general information? What they've been discussing with you?

City Clerk Jacobi: As far as it goes from the recommendation from the attorney to piggyback on the primaries, we cannot. We've missed that deadline already. They advised me that their state laws that need to be interpreted by the attorney regarding when we can have this election and also deadlines that are needed to be made much harder obviously.

Vice Mayor Nickerson: Mr. Attorney, looks like you want to--

City Attorney Powell: Maybe I can clarify a little more. We've been through this before. You may recall, about years ago, we went through this. Our Charter is pretty specific as to the timetable. It states simply that you can't have the special election no sooner than 30 days after the vacancy or no later than 90 days. If we're looking at the outside 90-day period under our Charter, the special election process would have to be completed by March 18th 2020. That's our Charter obviously.

However, we're still having to deal with the supervisor of elections timetables to comply with the notice requirements for conducting general elections or special elections. What we are at the process of doing now is going back to the supervisors and say, "Look, this is what our Charter says. This is our outside date to conduct the special election process. Tell us whether you can do it or not." Given the advertising guidelines and also given the fact that there's also a primary election coming up in between the time period I just mentioned. Not to mention the cost factor which you may recall the last time we had to do a special election, the first step is just doing that, telling the supervisor what our timetable period is, and then they prepare an agreement which comes back to you all with the proposed resolution to set the qualifying dates and also the special election date and if necessary, a one-off date.

Between now and, I would, say next week we should get that information. I've already prepared a proposed resolution that we can discuss at next week's meeting concerning trying to select those dates if they fit in line with cost and the timetable that the supervisor will provide us.

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Vice Mayor Nickerson: Mr. Attorney, let me ask you a quick question. As far as the timetable according to the 30 days, 90 days, and then the Election Department, if everything is decided by next week, do we still have time to open it up, file the paperwork--

City Attorney Powell: That's exactly what we'll have to discuss. Obviously, the first step is to give the Supervisor of Elections our Charter provisions. Say, "Look, this is what our Charter says." Then the Supervisor will have to come back and tell the Clerk or my office, "Okay, given that parameter, can we advertise, prepare the ballots, get everything prepared within that period of time to conduct the special election?" We won't know that until they tell us.

I guess the obvious question is, if they tell us a date that doesn't coincide with our Charter, what happens at that point? I can tell you right now we'll have to research that because our Charter is not prescriptive, it says shall. We are not able to conduct a special election within our administrative processes, we have to rely upon the Supervisor of Election. I'm sure there's got to be caselaw that I can look at to see what happens if the Supervisor of Election comes back and says, "Let's do this, we can actually conduct your special election given the notice requirements and given what they have to do to get ready for it, if it's outside that time period, we'll have to--

Vice Mayor Nickerson Councilperson Roman? Councilperson Urbom?

Councilman Urbom: When this all happened, my initial thought was whatever could be possible to accommodate a special election should be made simply by prescription of the Charter. It sounds like a monumental task to pull this off by March 18th, are we saying March 18th to count for a possible run off as well?

City Attorney Powell: Yes, everything has to be completed within the 90 days so that would include the special election date. Essentially you're looking at actually a week before or maybe two weeks before that deadline.

Councilman Urbom: This is the date of removal, is that right?

City Attorney Powell: The date of removal was December 19th 2019

Councilman Urbom: It was December 19th. I guess I'm very curious to hear case law it might be, it sounds like so.

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City Attorney Powell: That's correct, but I think the first thing is just let's see what the supervisor says once we give her our Charter requirement. It is the same thing that happened the last time when we dealt with the resignation. Maybe it was in January I think the last time we dealt with it. We'll see what she says.

Councilman Urbom: Then would that come directly from you to the Committee by email?

City Attorney Powell: Actually, it's going to come in the form of a resolution. Hopefully, between now and the end of the week, we'll hear back from them to advise us as to whether or not it's even something that's feasible.

Councilman Urbom: If it is feasible, we are looking at one, if not a series of special committee meetings?

City Attorney Powell: It will only just be--

Councilman Urbom: Just be one.

City Attorney Powell: It will come straight to the Council Meeting. It will be simply a proposed resolution that would say that the Council--

Councilman Urbom: Got you.

City Attorney Powell: With the qualifying date, the special election date, and then the third date for a run off if necessary.

Councilman Urbom: We anticipate having guidance and even resolution by General Council Meeting?

City Attorney Powell: Yes, absolutely.

Councilman Urbom: The last thing as I mentioned just to be complete, that might be the easier part because the flip side of it is that we're actually contracting with the Supervisor to conduct the elections and that comes with, as we've been discussing, a cost.

Councilman Urbom: It comes with a cost.

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City Attorney Powell: I think the last time it was about \$15,000, almost \$17,000 to conduct the special election.

Vice Mayor Nickerson Thank you, Mr. Attorney. We can definitely stay on top to try to get that information by next week, we appreciate that.

City Clerk Jacobi: I will call him for an update tomorrow again, but being that the primary is March 19th, all the resources are being used. March 18th is not looking like it either. That's why they said, "You got to go back to the state law and be interpreted by the attorney," and they also told me that their attorney is available so they can speak amongst them because this is very time sensitive. We might have to look at other options.

Vice Mayor Nickerson Councilperson Roman.

Councilwoman Roman: In the meantime, I think we should start looking at other options and not wait for them to get back to us, just to anticipate what's going to be happening because I think the percentage of it taking place beforehand is very low.

City Attorney Powell: Agreed.

Councilwoman Roman: I think that we need to look at what our other option is.

Vice Mayor Nickerson We'll definitely discuss this at the full Council Meeting.

Councilwoman Roman: And if that other option in any way will allow us to avoid another election this year, I think that's certainly something we need to look at, having the fact that we are going to have an election in November.

Vice Mayor Nickerson Madam Clerk, anything else?

City Clerk Jacobi: I just think you have to go back and look at the Charter and see what it mandates. Just read it again.

City Attorney Powell: Which is what I just did.

City Clerk Jacobi: Yes, but under the Charter, there's different many other sections.

Vice Mayor Nickerson Councilperson Urbom.

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Councilman Urbom: For the Attorney, in terms of alternatives, which body would be dictating what our alternative options would be?

City Attorney Powell: As I said, it starts with the Charter. The Charter mandates the 90 days. I have not gone to the next step of looking at what if the Supervisor says we can't make that date. Obviously, my first call would be to the Governor's General Counsel's office to get some guidance on this.

Councilman Urbom: If the Election Supervisor comes back and says at least from their end, "We can make this date," are we then at that point essentially beholden to pull that off?

City Attorney Powell: Well, according to our Charter, we have to fill the vacancy. As I mentioned before, it's not something that's a recommendation. In our Charter, the section that's applicable, it includes a removal of a councilperson as creating the vacancy. We've looked at generally whether or not the Governor can appoint, he can't, looked at all those other areas. The Governor doesn't make appointments in that regard. To answer your question, if the Supervisor of Elections can advise that it can be done within the time period, we pretty much stop doing it based upon our Charter. I should also note, because it's important to put this on the record, just what recently happened in Broward. If there is exoneration of former Councilman Mathis, he's entitled to a sit back also, so that's also something that we keep in mind.

Vice Mayor Nickerson Thank you, Mr. Attorney. Thank you very much. Councilperson Urbom, anything else? Councilperson Roman? Madam Clerk?

City Clerk Jacobi: No, when I get a response, he's going to send me the dates we're looking at so I can forward it to the supervisor of elections then I can copy all of you.

Vice Mayor Nickerson Thank you.

City Clerk Jacobi: Mr. Attorney, anything else?

Councilman Urbom: I have one final question for the Attorney. In the event that we have a resolution, it sounds like to potentially tweak the Charter to account for this specific--

City Attorney Powell: We can't do that. To tweak the Charter, and I think we tried to tweak it sometime last year, to take this into account and to give the Council the authority to make

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an appointment, but that didn't get out of committee. In order to change the provisions of the Charter, we would simply have to go through the Ordinance process and then prepare the [unintelligible 01:29:24] question and then--

Councilman Urbom: Then the two public meetings.

City Attorney Powell: The electorate would have to vote to change the Charter to go through that.

Councilman Urbom: A whole other election.

City Attorney Powell: Right, that would not be something that you would be able to do.

Councilman Urbom: Okay, I get you. I think I had one more question if I can get it in five seconds here I'll ask it, otherwise I'll move on.

Vice Mayor Nickerson: You're good, take your time.

City Attorney Powell: I'll be here the rest of the night.

Councilman Urbom: I've lost it, I'll come back later. No, forget it.

Vice Mayor Nickerson: Thank you very much, I appreciate it. I do remember that item that came forward, but like you said, if I recall, that item also, if it will pass, it will have to go be voted on. It still wouldn't have been voted on to this point. There still wouldn't have been an election.

City Attorney Powell: I don't remember the time it would have been on the ballot for the last general election.

Vice Mayor Nickerson: No, no, I remember it. If I remember correctly, because I remember I wrote it out in my notes when I was considering it, and that's why I want to talk about it even more because I was like, it wouldn't have been able to make the next election. Thank you for that. Hopefully, by Tuesday's meeting, we'll be able to have a lot of new information to discuss. [chuckles] Thank you very much for that.

Councilperson Roman, anything else?

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Councilwoman Roman: No.

Councilman Urbom: It was a comment that's why I couldn't remember. It wasn't a question, it was a comment. Part of it I think is the timing. December 19th, we essentially lost 30 days simply because of the holiday and the timing. In terms of considering whatever impact or resolution it might have on any future, this situation is simply worse than perhaps it might have otherwise been if for nothing other than the time we're on holiday.

Vice Mayor Nickerson: Thank you, Councilperson Urbom. Councilperson Urbom, anything else?

Councilman Urbom: No.

Vice Mayor Nickerson: Councilperson Roman?

Councilwoman Roman: No.

Vice Mayor Nickerson: Mr. Attorney, anything else you'd like to add on?

City Attorney Powell: No.

Vice Mayor Nickerson: Madam Clerk and Madam Manager?

City Clerk Jacobi: No.

Village Manager Alou: No.

Vice Mayor Nickerson: Thank you very much. I appreciate it.

How's everybody doing? We have a whole bunch of people waiting for the next meeting. We're going to move things on.

So, you guys, for the tracking report, I think last time we had the committee meeting, Councilperson Roman, I have the tracking report I was using. Remember, I think I told you that I was going to bring the tracking report that you were previously using so that we can start to take things off of that, to add it to the tracking report that I was currently using.

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What I'm going to do for the sake of time, the tracking report takes a long time. Because we still need our CFO to go over quickly our budget, if it's okay with the council, with the committee, can we do the tracking report next committee meeting and then we'll do the CFO now and then we can get to the next meetings so all of our visitors who are out there patiently waiting, we appreciate it, so we can get to you guys?

Councilman Urbom: If there require a motion, I make a motion to table this--

Vice Mayor Nickerson: The tracking report to our next meeting?

Councilman Urbom: Correct.

Vice Mayor Nickerson: Do I have a second?

Councilwoman Roman: I'll second.

Vice Mayor Nickerson: Thank you very much. All in favor say, "Aye."

Councilwoman Roman: Aye.

Councilman Urbom: Aye.

Vice Mayor Nickerson: Thank you very much. I appreciate it. Moving on to our CFO. How are you doing?

CFO Wallace: I'm doing well. Thank you for asking. This weather is great. I liked the change.

Vice Mayor Nickerson: Beautiful weather?

CFO Wallace: Yes. Good evening. Chris Wallace, interim CFO for the Village. You have two reports in front of you. One is the fiscal year that ended September 30th, 2019, the fiscal year '19 and the other is for the quarter that ended December 31st, 2019, which is part of fiscal year '20.

I have just some caveats. We've been spending a lot of time trying to close up the books, get things cut up, but it's been, I don't know, I wouldn't say challenge, just a lot of work. We don't think there's going to be too many changes at this time to the 2019 report.

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Each package of the reports are the same. There's a summary and then there is the detail for each line item of your general fund budget. It looks as though at this point in time that probably we'll finish last year with maybe \$60,000 to \$80,000 in that range in the black. It's not a big variance. A couple of year-end entries could wipe that out or could be added to it to make it larger.

I'm not really familiar with your sitting. I haven't really been here since the end of November. We are experienced with many cities and we've tried to pick up as much as we can. You don't have a lot of breadths so it's easy in that regard.

We looked it over, nothing really stands out. You are challenged, of course, with the FEMA money. You're expecting reimbursements last year and to pay off a loan last year. That may not even happen this year so these revenues and expenses wash each other out.

You're in a negative fund equity position on your general fund and that's because of Hurricane Irma. We'll take if you don't get the Hurricane money back, which I would expect you to, as you noted, sometimes that can take a very long time. Things did change. When Hurricane Wilma came around, they would quickly advance your money based upon some initial documentation, but they would still come back and audit you and require documentation. A lot of cities wound up owing quite a bit of money after that and they didn't have it, so FEMA takes it back over time sometimes and that's what's happened to you.

When they take their money back, the state takes their portion back, which is the most recent letter you got. You're are dealing with two agencies. You're a sub-grantee in the State of Florida, the money flows down from the federal government to the state and then to the localities.

The State of Florida tends to match that between 75% and 90% for administrative costs and that's what they're asking back, their share of that money that was related to the federal money.

Because of that, now you've gone the other way like it was during Hurricane Andrew, where you'd get your documentation together, and then they beat your brains out for several months while you try to document it and fight for the reimbursement of the money you had to lay out. Of course, that was a significant amount of money. That really wasn't a bad storm. It started off as a really bad storm, but it did not hit South Florida the way most people had thought it would.

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But debris clean up is expensive and it's time-consuming. You had to use all your money basically to get it cleaned up, which I understand you did in pretty good order. It will take a while. I don't know what to tell you as far as what to expect when you get the money back from FEMA and from the state. Hopefully, you will. I always tell people, "You can't really count on the timing of it." The cashflow is what you're having to deal with and that's why you have the positions that you're in.

It does look like you finished last year in the black. You have budgeted for the current fiscal year a budgetary fund balance to try to build those reserves back up. If you get the money back from FEMA, that will be an overnight build up back pretty much where you were. Slightly reduced, but hopefully, I think your plan to get back in to the game is probably good.

That's the fiscal year '19. Fiscal year '20 looks, I hate to say it, it's kind of dull at this point, but it looks like it's going on well as you had expected. We are trying to catch up for December. You have that as staff reduction. The person who's handling that left, but he's still helping out. We appreciate that help. We are behind, not as much as we were, but we're still a little behind. We'll be getting caught up here in the next couple of weeks.

We do hope to try to get your audit underway maybe by the end of February, a lot sooner than last year, hopefully. We'll know for sure about fiscal year '19 at that point in time. We have not hard-closed out fiscal year '19. I haven't seen anything that we need to post to it, but you never know. As we go through the audit process and closing out our books to get ready for that, it will give you a better idea.

With that, I'll be glad to answer any questions that you may have.

Vice Mayor Nickerson: Thank you, Mr. Wallace. First of all, I appreciate it. Thank you very much. Councilperson Roman?

Councilwoman Roman: No.

Vice Mayor Nickerson: Councilperson Urbom?

Councilman Urbom: The only questions I have would be as we get into the audit.

Vice Mayor Nickerson: [unintelligible 01:38:38] Mr. Attorney, questions or comments?

City Attorney Powell: No.

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**Village of El Portal
Admin and Finance Committee Meeting
Date: 1/21/2020
Meeting Start: 6:33 PM
Meeting End: 8:12 PM
Meeting Length: 1:39:50**

Vice Mayor Nickerson: Madam Clerk, questions or comments?

City Clerk Jacobi: No.

Vice Mayor Nickerson: Madam Manager, questions or comments?

Village Manager Alou: Just thank you for your diligence. I appreciate it, Mr. Wallace. Thanks.

CFO Wallace: Thank you.

Vice Mayor Nickerson: Thank you, Madam Manager, for always keeping everything up to par in this village when changes happen that are unforeseen. You're always on top of it. You always fix things as quickly as is possible. We appreciate you. Thank you very much.

Village Manager Alou: Thank you.

Vice Mayor Nickerson: That being said, ladies and gentlemen, we are at the stage now in the meeting where we are at good and welfare. If anybody wants to come up and talk about anything at all concerning Administration and Finance, this is your time to do so.

All right, I see no movement.

We're going to move on. Do I have a motion to adjourn the Administration and Finance Meeting?

Councilman Urbom: I'll make the motion to adjourn.

Vice Mayor Nickerson: Do I have a second?

Councilwoman Roman: I'll second.

Vice Mayor Nickerson: The Village of El Portal Administration and Finance Committee Meeting for Tuesday, January 21st will be adjourned at 8:12 PM. Thank you guys very much. I appreciate it.

[01:39:50] [END OF AUDIO]

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