

CITY OF OPA-LOCKA

SPECIAL COMMISSION MEETING MINUTES

**Thursday, November 12, 2020
5:30 PM**

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the Special Commission Meeting to order at 5:30 p.m. on Thursday, November 12, 2020 in the Auditorium at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Sherelean Bass, Commissioner Alvin Burke, Vice Mayor Chris Davis and Mayor Matthew A. Pigatt. Also in attendance were: City Manager John E. Pate, City Attorney Burnadette Norris-Weeks and City Clerk Joanna Flores. Commissioner Joseph L. Kelley was not in attendance.

3. INVOCATION:

The Invocation was delivered by Commissioner Sherelean Bass.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. PUBLIC INPUT:

Clerk Flores announced the protocols for public participation at commission meetings.

She further advised that there were no public comments submitted in advance of the meeting.

6. RESOLUTION:

A) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DECLARING EMERGENCY REGULATIONS RELATED TO CERTAIN PUBLIC MEETINGS DURING THE COVID-19 STATE OF EMERGENCY; AUTHORIZING THE CITY MANAGER TO ARRANGE FOR PUBLIC MEETINGS BY USE OF COMMUNICATION MEDIA TECHNOLOGY AND ADVISORY BOARD ATTENDANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. *Sponsored by City Attorney*

The above resolution was ready by City Attorney Norris-Weeks.

It was moved by Vice Mayor Davis, seconded by Commissioner Bass to pass the resolution.

City Attorney Norris-Weeks explained that this agenda item is being brought because the Governor's Executive Order which pertained to being able to hold meetings by virtual technology has expired and as a result, the Commission is now in a position like so many other cities to continue to do this in the areas it can which would be advisory board meetings. Also, with respect to public participation she believes that legally the commission is within its grounds to be able to do that. The City Attorney's Office has drafted this resolution to be tailored in a way that will support the law. She advised that there is a Florida Attorney General's opinion which suggests that commissioners have to meet in public and in person with at least the majority of the commission attending. When a majority is not there, basically under the old Attorney General's ruling that goes way back, a valid purpose is necessary for not attending; it may be a sickness or something that is extraordinary in nature and that's what the municipalities have been abiding by for many years. Now with the Governor's order expiring, there are certain home rule powers that cities have to be able to operate the way that will allow for public participation and we believe a pandemic of this nature would fall under those emergency provisions that would allow for health, safety, and welfare of citizens. This would allow for those persons to participate the same way they have been through media communication/technology such as teleconferencing or videoconferencing or some other manner. In addition to that, we believe that because the Commission is the last resort in terms of hearing all items that advisory boards would fall under that extraordinary type of an exclusion that would allow for those advisory boards, staff and so forth to be able to appear virtually.

She reiterated that this has been crafted so that as a commission they would have to appear in person because that is the law. She said that some cities are interpreting this to also extend to Commission so this resolution is being done in a way so that if they find out that 50 – 60% of the cities are meeting virtually, then this would allow for the Commission to easily change this and be able to then go back and meet virtually.

Mayor Pigatt thanked the City Attorney for drafting this legislation to protect the Commission, residents and public. He said he is hoping the Governor will provide some leeway to municipalities especially considering the situation of elder statesmen and women in this community that still have to do their public duty and serve, but still want to be safe during this time. This is the highest rates of COVID throughout the nation and it's getting worse in the State of Florida and to be operating as if that is not the case, it's just not right.

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

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Absent
Commissioner Bass	Yes
Mayor Pigatt	Yes

7. FIRST READING ORDINANCES / PUBLIC HEARINGS:

A) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE ANNUAL ADOPTED GENERAL, PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL BUDGETS AND EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATIONS AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above ordinance was read by City Attorney Norris Weeks.

Mayor Pigatt opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Burke, seconded by Vice Mayor Davis to pass the ordinance on first reading.

Robert Anathan, Budget Administrator for the City of Opa-locka came forward at the request of the City Manager and stated that at the end of the fiscal year which ended September 30, 2020, the city has sixty days to make any final budget amendments for the fiscal year. He further provided an overview/breakdown of the budget amendments which were included as a part of the agenda packet provided to the Commission.

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

Commissioner Kelley	Absent
Vice Mayor Davis	Yes
Commissioner Bass	Yes
Commissioner Burke	Yes
Mayor Pigatt	Yes

B) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE ANNUAL ADOPTED GENERAL, PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL BUDGETS AND EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATIONS AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND

REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above ordinance was ready by City Attorney Norris Weeks.

Mayor Pigatt opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Bass, seconded by Vice Mayor Davis to pass the ordinance on first reading.

Robert Anathan, Budget Administrator for the City of Opa-locka came forward at the request of the City Manager to introduce the above item. He informed the Commission that the primary purpose for this budget amendment is to fund a couple of projects intended for last fiscal year but for whatever reason were not funded. He provided the breakdown of the budget amendments, a copy of which was included as a part of the agenda packet provided to the Commission.

Vice Mayor Davis asked for clarification as it related to the Red Light Camera and Cares Act Funding for the community program?

Mr. Anathan stated that that addresses moving forward and not past due red light camera fees. He said that the receipts that come in are composed in two parts: one is the portion due to the city and the other is the state portion of it and for every dollar that comes in, there is an expenditure going out to the state. The city is proposing removing receipts that the city has been calling revenue, removing the payouts to the state, again for current year, so it's dollar for dollar with no impact on the bottom line.

In terms of the Cares Act, Mr. Anathan said that he was told by the interim Finance Director that the administrative fee was going to be a much larger number but the key thing to keep in mind is that it will be 100% reimbursable.

City Manager Pate explained that the city is expanding the program so the administrative fee budgeted was \$50,000, however, as of today's meeting that will go up to \$150,000. The city is doing rental and mortgage assistance as well as a grocery program to cut through the money in an expedient fashion.

He further provided details on the city's Cares Act rental/mortgage assistance and grocery gift card programs.

Vice Mayor Davis requested that the city work with apartment complexes throughout the city to make sure the information is getting out.

City Manager Pate said that the City Manager's Office is working with Finance and Community Development to coordinate the program and he is sure that there won't be a problem in making those communications.

Mayor Pigatt gave kudos to Vice Mayor Davis for securing the \$2.1 Million Dollars for the community. Since the start of COVID-19, Vice Mayor Davis has pushed for the rental

assistance program and when the money came down he was able to work with the City Manager to submit that application to make sure it was successful. He further thanked the City Manager and staff for coordinating the program and making sure the Opa-locka community receive the assistance that they desperately need during this time.

Mayor Pigatt suggested that the city hand out flyers at schools, apartment complexes, stores, etc. to get the word out on the Cares Act assistance programs.

Manager Pate assured the Commission that the Public Relations firm is working on a marketing plan.

As it relates to the budget amendment on the Red Light Camera, Mayor Pigatt said he was extremely happy to see that modification because basically this indicates that the city will not hold on to any state funds which they have in the past which lead to being in debt.

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

Commissioner Bass	Yes
Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Absent
Mayor Pigatt	Yes

8. DISCUSSION ITEMS:

A) City of Opa-locka FY 2018-2019 Annual Financial Audit Report

Mayor Pigatt explained that he asked that this item be placed on the agenda for discussion due to the recent letter notification from the Joint Legislative Auditing Committee (JLAC) informing the city that they are at risk of being delinquent on the audits and that the city needed to submit a timeline by December 7, 2020. Due to the importance of this item, he wanted the Commission to discuss this due to the city's current financial status.

He said he would like the Commission to get updates from the City Manager and his staff as it relates to the status of submitting the outstanding audit so that everyone is very clear and to ensure the city does not lose any funding for this upcoming year. He requested that the City Manager provide an update on the status of the audit, provide details on the letter received from JLAC and how the city plans to address this matter.

City Manager Pate thanked the Mayor for placing this item on the agenda and explained that he does provide updates as best as he possibly can to the Commission in regards to the audit. He explained that the correspondence received from JLAC is a standard correspondence that is sent to all cities once a date passes and their audits are not submitted based on State Statute. The city has been in detailed discussions with the JLAC coordinator as well as the Governor's designee in regards to the city's financial recovery plan and status relating to submitting the audits. Based on the

conversation that staff has had with JLAC, JLAC has agreed to an extension of March 15, 2021 to submit this current audit. This is based on a work plan that was introduced and submitted to himself and shared with the JLAC coordinator. As everybody is aware, JLAC committee appointments have not been fully made and JLAC is actually not scheduled to meet until January or February timeframe. JLAC staff as always wants to ensure that the cities have their appropriate responses submitted before the committee meets so that they can provide a status update. Typically, the JLAC Committee does accept all staff recommendations that are made through their coordinators. In saying that, he thinks the city is in excellent position compared to the past, as far as preparation for the audit, back reconciliations being done and actual preparatory work. The only issue that he sees is with the asset audit, which he received communication today in regards to doing an emergency expenditure to bring on a firm to do the city's asset inventory. He said he had not reviewed it, but he will be making a decision by midweek next week of what firm the city will go with and to make sure the information is appropriately provided to the Commission so that they are aware. The asset inventory is considered a part of the city's financial emergency so the emergency expenditure will most likely be authorized and approved. The asset inventory management is the final piece to having a fully clean audit and he believes that is the goal of the Commission, to not have audits that are not fully in compliance.

He further stated that one thing that the Governor's designee did share with the city was that regardless of the status of this upcoming audit, the state would like to see 3 – 5 clean audits prior to releasing the city from a financial emergency. So in saying that and making that clarification, because we get this audit done by March 15, the city is still 3 – 5 years out from being removed from financial emergency. Getting the asset audit done may get the city out of financial emergency one year earlier because we would have a clean audit a year earlier and that's what the city is striving for.

Gerri Lazarre, Financial Consultant for the City of Opa-locka came forward and stated that the City Manager provided in depth discussion about the discussions the city had with JLAC in regards to the letter. The letter basically stated that the city had until December 7, 2020 to submit its audit and if it cannot be done by December 7, to please provide some type of timeline. The city thought it was best to communicate with JLAC staff to get an idea and to provide them with some view points as to why the city could not meet the December 7, 2020 deadline because they realized that was impossible for the city at its current state. The city communicated with them that by the time the city could finalized the books and records to get them in a state to be prepared to be audited, to select a new audit firm and go through the audit that the December 7 timeline would be too aggressive and instead they discussed a more realistic timeline. It was decided that the city would get the audit done by February 26, 2021 and that will provide an additional 15 days to have a workshop, take it to resolution and have time to submit it to the state which would then push it to about March 15. JLAC was in agreement and they stated that they were really just wanting the city to communicate its position and to make sure that if they cannot meet that deadline or if anything happens in between that the city is constantly communicating. JLAC also shared that it would be important for the city to communicate to them the progress of the city since the last JLAC meeting. Last year in October, the city flew up to Tallahassee and gave a report of the status of

where the city was and they said it would be to the city's advantage to submit some type of progress letter that kind of stated what the city has done over the last year in terms of completing the 2018 audit, perhaps mentioning the completion of the five year recovery plan, and two successful years of going through budgets that was actually completed ahead of time. This would be an opportunity for the city to share its progress and this should probably be done on a routine basis.

Ms. Lazarre shared that the city has had two clean audits, it's just two clean audits with a modification which is the audit inventory of assets.

City Manager Pate said it is prudent and he will be making a formal request to meet before JLAC at their next regularly meeting. It is very important that the city preemptively do a presentation and preemptively go up there instead of being summoned to Tallahassee. He said that the city is making positive progress as it relates to the audits and financial emergency status.

B) Orientation for Newly Elected Officials

Mayor Pigatt stated that it has been a passion of his to make sure that those who serve on this dais have the best education possible. He said he wanted to take some time to make sure the Commission talks about what they would want to see in the orientation and hear the plan from the City Manager, City Attorney and City Clerk to make sure the newly elected officials are prepared for the job as soon as they are sworn in.

City Manager Pate stated that as a City Manager one of the biggest luxuries he has is always talking to the Commission and being accountable to the Commission. One of his key roles is to run the day to day operations of the city, the City Manager roles is to train the newly elected officials. This is the City Manager's role to make sure the newly elected officials are briefed and know the operational status of the city. He said he appreciates the Mayor bringing this agenda item forward, the thought process first is to do a generalized update from the City Manager's Office and then schedule workshops in December depending on Commission availability. Following the orientation sessions, he would like to go into strategic planning mode, preferably after the briefings from the City Manager's office have concluded.

He continued by saying that his biggest emphases as everybody is aware on the dais is the form of government which is a Council-Manager form of government. The City Manager runs the day-to-day operations of the city and the Commission provides the City Manager with day-to-day insight in regards to the direction they want to see staff and the city go. The City Manager's Office then implements those plans appropriately as long as they are legal and proper.

Mayor Pigatt said that since the swearing in ceremony is November 19, 2020 and the first meeting after is December 9, 2020, he is hoping that those series of meetings can take place between those dates which is almost a three week timeframe.

He stated that this orientation is important because one of the things that's coming up is the State of the City Address where he has to report to the people what the city has

done over the past year and what are the goals for the upcoming year. He wants to make sure that at the State of the City Address they are very clear and the people understand the reports from the departments. These workshops not only would give these newly elected officials an understanding of what has been done for each department and what goals have been achieved over the past year, it lets the public know those things in detail. Following that orientation and proposed legislation making this an annual requirement to where they review the accomplishments as a city and plan out the goals for the upcoming year.

He further said that he is excited about the newly elected officials coming on board to bring a new vision to the city.

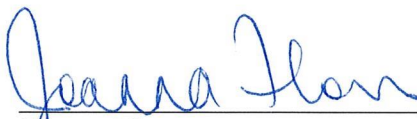
9. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Bass, seconded by Vice Mayor Davis to adjourn the meeting at 7:05 p.m.



Matthew A. Pigatt
Mayor

ATTEST:



Joanna Flores
City Clerk