

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
DECEMBER 6, 2011

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Present: Mayor John P. "Jack" Seiler,
Commissioners Bruce G. Roberts, Charlotte E. Rodstrom, Bobby
B. DuBose and Romney Rogers

Also Present:	City Manager	Lee R. Feldman
	City Auditor	John Herbst
	City Clerk	Jonda K. Joseph
	City Attorney	Harry A. Stewart
	Sergeant At Arms	Sergeant Bill Schultz

**I-A – Community Development Block Grant Application – Public Service Program
Criteria – Discussion with Members of Community Services Advisory Board**

The City Manager noted that some performance measures have been identified that could be included in future contracts. Secondly, the broader policy issue is how will the City award Community Development Block Grants (CDBG) for startup agencies and would there be a specified period of time the agency would be eligible to receive funding. The Board recommends positively weighting the scoring criteria in favor of the startup agencies as well as imposing a four-year time limit on eligibility to receive such funding. Mayor Seiler explained there has been a general concern that startup agencies continue to be funded without knowing how they are performing while established agencies with a track record are left out of the process. Vice Mayor DuBose explained sometimes large agencies monopolize all of the funding while a startup agency may be targeting a need that is not being addressed. Donald Karney, Chairman of the Community Services Advisory Board (Board), explained there was concern about agencies relying on the City for funding year after year. Mayor Seiler was concerned about other funding resources for startups. Vice Mayor DuBose explained that agencies need funding from a source to leverage and match other funding. He went on to comment that some of the large agencies may not be as efficient. There are two sides to this coin. Wendy Gonsher, member of the Board, pointed out there should be a distinction between startup agencies and agencies applying for new funding. Agencies applying for the first time are not necessarily a startup. The Board is trying to prevent major or small agencies coming to the City for funding year after year. The funding becomes an entitlement rather than a competitive grant. A second goal of the Board was to build capacity, that is, new agencies providing different kinds of services. There is only a ten point differential for new funding to give a little boost for new ideas. The four-year limit was to address entitlement thinking. Commissioner Rogers asked about considering extra credit for non-governmental sources of revenue. Ms. Gonsher agreed. Richard Whipple, member of the Board, indicated that the application asks whether the agency has matching funds. The goal is for agencies to become self-sufficient. He believed that smaller agencies are often capable of doing as much per dollar as large agencies. The Board's goal to build capacity. Mayor Seiler questioned how many agencies have ceased to exist after the City has stopped funding. He was concerned about sustainability. Mr. Whipple suggested for a true picture staff look further back that the past few years when the economy has not been good. In response to Mayor Seiler, Ms. Gonsher indicated that there are not very many agencies that receive first-time funding that are also startup. Commissioner Roberts emphasized the need for outcome measurements. If there is a program that is effective and efficient, he would not want to cut off funding after a period of time, although he also wanted to have funding for new programs. Vice Mayor DuBose

felt that should be specific direction from the Commission. Ms. Gonsher indicated that the funding cycle does not coincide with when the Board looks at performance. It does not allow for end of project review of data. Commissioner Rodstrom felt it could be accomplished in some way.

Mayor Seiler questioned if the community suffers in the transition to a new agency after a four-year period. Ms. Gonsher indicated that she would agree if all of the needs were being met through the funding. However, there are always unmet needs. Vice Mayor DuBose indicated that the agencies do not go away. It is a way to encourage self-sufficiency. Also, they may target another need. He was also concerned about overlap. For instance, one case manager could be used for multiple agencies, but each agency wants their own case manager. Mr. Gonsher elaborated upon the difficulties with monitoring and complying with federal standards with respect to part-time positions.

Mayor Seiler asked what would the Board recommend to assure the City is expanding the pool of providers and assuring they are efficient. Mr. Whipple noted his experience of twenty-two years in this field and commented on the quality of the current program. Chairman Karney also commented on the quality of the system and that there are no violations cited by the U.S. Department of Housing and Community Development. Commissioner Rogers supported outcome measurements and reiterated his idea of additional points for securing non-governmental funding. Commissioner Roberts thought agencies should continue to receive funding if they meet or exceed set benchmarks. The point scoring system could also function simultaneously. Ms. Gonsher explained it is a balancing between encouraging and scaring off other agencies. Commissioner Roberts thought with benchmarks and outcome measures there would be objective criteria. Based on his observation of the thought given to the process by the Board together with their experience in this field,

Mayor Seiler was inclined to have staff provide some measurements and not tinker with the current system. He wanted to know how many agencies that received funding were out of business shortly after the funding was discontinued. Commissioner Rogers agreed. He felt provided it is clear in the beginning that there is a life cycle to the funding, it is an incentive to be self-sufficient. However, he reiterated his desire for there to be extra points assigned to agencies that have non-governmental funding. The Board members agreed to work this into the process and provide a recommendation to the Commission. Mayor Seiler asked the Board to provide their thoughts on any other measurements as well as outcomes that should be tracked.

Mayor Seiler opened the floor for public comment.

Bradley Katz, member of the HIV Planning Council, urged the Commission support HOPWA.

Karen Creary, member of the HIV Planning Council, supported the Community Services Advisory Board and expressed her appreciation for giving HOPWA a voice. She pointed out that Broward County is number one in new infections of this disease.

Mr. Whipple noted the Board appreciates the upcoming ordinance change, moving cultural and tourism interests to the Economic Development Advisory Board and adding HOPWA to their functions as it is more related to their other functions.

There was no one else wishing to speak.

City Commission Reports**Flood Zone Reassessment; Insurance**

In response to Commissioner Roberts' meeting with Galt Ocean Mile residents, the City Manager reported on his involvement on this topic and intention to meet with the flood insurance program. He will be providing information to the Commission. Commissioner Roberts indicated some addresses have been put into a flood zone. This change could require each condominium unit owner to purchase flood insurance in addition to that purchased by the condominium association.

Transportation Studies; Metropolitan Planning Organization and Florida East Coast Railroad

Commissioner Roberts indicated that he has asked the group that is representing many of the transportation agencies locally and throughout the state to make a presentation at a conference meeting after the first of next year. He elaborated upon upcoming studies being commissioned by the Metropolitan Planning Organization (MPO) and Florida East Coast Railroad (FEC). With respect to the FEC, he mentioned that City staff had proposed several stations within the corporate limits, but only two are being discussed now. Mayor Seiler believed the thinking was to get started with Fort Lauderdale, Miami and West Palm Beach, and then add stations. Commissioner Roberts indicated that if the Florida Department of Transportation (FDOT) operates it, but if it is another agency, the proposal is more lengthy. There are competing interests and as such, he wanted the Commission to hear a full presentation. Commissioner Rodstrom agreed it would be helpful for the full Commission to be apprised. The City Manager advised the presentation is scheduled for February 7, 2012. Commissioner Roberts noted there are also community workshops contemplated.

E911 Call Taking and Dispatch Services

Commissioner Roberts provided a verbal status report on the Broward County Consolidation Communications Committee and upcoming meetings.

Recent Flooding; Dillard Park, 23 Avenue

Vice Mayor DuBose noted that a residence on 23 Avenue had water come into their home during the recent flooding that occurred. The City Manager advised that area plans will be presented within sixty days. Vice Mayor DuBose felt some areas are more problematic than others. A lot of elderly people live on 23 Avenue.

Melrose Park, Sanitary Sewer Connections

In response to Vice Mayor DuBose's inquiry about the status of looking into Melrose Park (complaints about what was agreed upon with the annexation with respect to sanitary sewer connections), the City Manager advised that he has inquired to Broward County and will report on it when a response is received.

School Resource Officers

In response to Vice Mayor DuBose, the City Manager advised that the approach used by Pembroke Pines and discussed at the League of Cities with respect to school resource officers would need to be discussed in a closed door as it is a contractual matter.

Local Vendor Preference

In response to Vice Mayor DuBose, the City Manager advised that staff's recommended changes have been provided to the City Attorney's Office. The City Attorney indicated that his office has commented on some of the distance requirements. It is not yet certain whether it will be local preference or deal with distances from the project. If it is the latter, it will not include architects and engineers, for example, only construction contracts. The City Manager advised that in the purchasing code redraft, the question is raised whether there can be local preference for consultant's competition negotiation act (CCNA) items. The City Attorney explained that there are two issues: purchasing and CCNA. His office is closer on completing their work on the purchasing redraft than the CCNA. He estimated probably the next meeting.

Recent Flooding; River Oaks, Edgewood and Chula Vista

Commissioner Rogers referred to areas in District IV affected by the recent flooding: River Oaks, Edgewood and Chula Vista. He noted there are low interest loans available for properties that has experienced a flood disaster. He asked that this information to be publicized. He wanted to meet with staff on the level of service for District IV areas.

Revolution Live; Noise

Commissioner Rogers referred to complaints received concerning Revolution Live and noise this past weekend and asked that there be more scrutiny on such events.

Local Vendor Preference

Commissioner Rogers emphasized the need to address local vendor preference.

Internet Cafes; Gambling

In response to Commissioner Rogers, the City Manager indicated that the City has two internet cafes. Mayor Seiler believed there will be a concerted effort by the Florida Legislature to address this topic. Commissioner Rogers suggested a moratorium could be imposed similar to how pain clinics were addressed. The City Attorney explained that a problem must be identified. Mayor Seiler believed it has been a problem in rural areas. However, because of the amount of gaming already present in Broward, he did not think the impact is the same. He did not think there is an identifiable, documented problem in the city. The City Manager discussed his experience with imposing a moratorium in Palm Bay. The basis for a moratorium is gambling addiction. Internet sweepstakes cafes are basically gambling. However, in Broward there are other gambling opportunities. Commissioner Roberts thought the City's lobbyist could monitor it. The City Attorney noted that in the past three years, there have been applications for change of use to an internet cafe. The staff determined that their games were gambling and denied the applications.

Mayor Seiler asked the City Manager verify if there have been any complaints and request a report from the City's lobbyist. He asked this item be scheduled on the December 20 conference meeting.

Commissioner Rogers asked if the League has taken a position on gambling. Commissioner Roberts commented that many hoteliers in the city are opposed. Commissioner Rogers pointed out the problems that could result. He wanted the Commission to take a formal position in opposition. Commissioner Rodstrom requested a summary of the bill that has been filed in the legislature. Mayor Seiler requested this item be scheduled on the January 5 conference agenda.

January City Commission Meetings; Rescheduling

Mayor Seiler indicated that the January 3 City Commission meeting is going to be rescheduled to January 5 due to the holiday. In response to Commissioner Roberts, Mayor Seiler advised that he has a medical conflict with changing the January 17 meeting because of the Martin Luther King, Jr. holiday.

Hardy Park; Southside School

Commissioner Rogers requested a status report on work at Hardy Park because there is some question as to the master plan that is being followed. He noted that a status report is already forthcoming from staff on Southside School. In response to Mayor Seiler, the City Auditor elaborated upon the challenges with his office conducting an audit on the Southside School and their contemplation of an RFP for such an audit. Mayor Seiler raised the idea of a preliminary audit to decide whether to proceed with an RFP for a full audit. The City Auditor indicated another thought was to wait for the project to be completed and conduct a close-out audit or a progress audit similar to what was done with the fire station bond program. Mayor Seiler commented on how this Commission inherited this project. He went on to note there is a misunderstanding that work was done for Nova Southeastern University, however, nothing was done for Nova until an agreement was reached with Nova. He wanted to know how much was spent on this project, why and who was directing it. If something can be recovered, he would like to do so. If it was done as a result of internal decisions, then that fact is known. If it was done as a result of external decisions, he wanted to know the City's legal recourse. Vice Mayor DuBose and Commissioner Rogers did not want to expend more money for an external audit. Commissioner Rogers agreed with the Auditor about focusing on getting the project completed and then look at the process. One sure matter is the need for a project manager which is something that could be addressed in the future. With respect to construction audits, the City Auditor explained the more meaningful question to pose for each change order is whether the rationale was reasonable and was there some other undue influence. However, he is not an engineer. Mayor Seiler noted that when this Commission was seated, it was told that the project was wrapping up and there was need to expend a remaining \$200,000. Two and a half years has not passed, it is not finished and a lot more money has been expended. He wanted a total amount expended to date and who were the recipients. Commissioner Rodstrom was surprised that Broward County or the School Board has not sought an audit on it because they were partners at one time. She believed the previous administration was pushing this project along probably for a set group of people. The City Auditor agreed to put current projects on hold and focus on this.

Recent Flooding

Commissioner Rodstrom noted that the deadline for low interest loan applications relating to the recent flooding is January. She will forward application information to the City Manager and asked that it be made available online.

A-1-A North Beach Interim Uses (Regular Meeting Agenda Item O-02)

Commissioner Rodstrom wanted to protect neighboring residents from outside noise in the legislation coming forward at the regular meeting on December 6, 2011 so that it is clear to the developer upfront that this will not be permitted. She referred to Section 5 of the Unified Land Development Regulations relating to noise. The problem has been with enforcement and not so much that there were not regulations in place.

Proclamations and Related Events

In response to Commissioner Rodstrom, Mayor Seiler explained the process used for proclamations and clarified the particular event.

Flooding

Mayor Seiler emphasized the need to look long-term at the issue of flooding and rising water. Perhaps, it could be investigated by the Sustainability Advisory Board. The City Manager provided some technical information concerning elevation and flood insurance in response to question about requiring new construction to be at a higher elevation. Vice Mayor DuBose felt the recent incident has identified vulnerable areas in the city. Perhaps staff's assessment could provide a starting point. Assistant City Manager Torriente advised that the regional action plan for the four county area will be released this week by the Southeast Florida Regional Climate Change Compact. There are a series of recommendations on building code, zoning and so forth. She explained that there will be a thirty-day comment period and then each county will be considering adopting it either in its entirety or parts of it. Mayor Seiler asked that this item be scheduled on the January 5, 2012 conference. Mr. Torriente added that Albert Carbon, Director of Public Works, has also participated in the built environment group. Prior to January 5, Vice Mayor DuBose requested the Commission be briefed on this topic.

South Middle River Park Opening

The City Manager responded to Mayor Seiler's question about issues delaying opening of South Middle River Park.

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest.

I-B – Structural Innovation and the Community Investment Plan

The City Manager advised that this presentation has to do with staff's work on performance measurement and process improvement and how it will feed into the capital improvement program. He confirmed for Commissioner Rodstrom that Community

Investment Plan is a new term of Capital Improvement Plan. She wanted to make sure people are made aware of the new terminology and philosophy.

Amy Knowles, Assistant To The City Manager, reviewed slides provided as Exhibit 3 to Commission Agenda Report 11-1864 and attached to these minutes. She also presented a video relating to process improvement. During a brief discussion that followed the video, the City Manager pointed out that this would be rebuilding how the organization does business. Ms. Knowles explained for Commissioner Rodstrom why the strategic plan is targeted to be presented to the Commission this summer in connection with the budget. Commissioner Roberts noted at some point the Commission should participate with respect to priorities. The City Manager indicated that he will be requesting a Commission retreat with respect to strategic planning in the April time frame. In response to Vice Mayor DuBose, Assistant City Manager Susanne Torriente advised that the directors and City Manager's Office would meet every quarter for half a day first to kick off the fiscal year and then to check staff's progress and realign as needed. Vice Mayor DuBose was concerned about time away from tasks. Commissioner Roberts thought this is something that is used in all industries across the country to assess. Vice Mayor DuBose was concerned about the frequency of retreats. Commissioner Rogers agreed with Vice Mayor DuBose as to the best use of time. He felt meetings should have a defined purpose. Commissioner Roberts did not think it is a lot of time for what is trying to be accomplished. Vice Mayor DuBose was not certain this is the correct approach and thought it could potentially be wasteful. He wanted more detail. Commissioner Rodstrom viewed this as a total retraining of the entire organization. Ms. Torriente commented that perhaps retreat is the wrong term. The idea is to be strategic. Vice Mayor DuBose felt today webinars are used where the same objective can be achieved without pulling that level of staff away from the residents. The City Manager commented one of his first organization observations was that departments do not communicate with each other. It is not about training. It will be discussion about what is happening in the City, trends and issues, and making sure there is communication, so that everyone can start functioning on the same page. It is necessary to get together periodically to assess how well they are doing. In order to be effective, he felt it is necessary to do this periodically. Vice Mayor DuBose felt there are more efficient ways to accomplish this. Commissioner Rodstrom thought it would be helpful for the Commission to be informed of the philosophy staff is buying into. Commissioner Rogers commented on the challenges facing management with employees retiring under the Retirement Bonus Incentive and new hires. He did not know how that translates into meetings with the top staff four times a year. He was concerned about the best use of time. Mayor Seiler pointed out this topic did not have to be presented to the Commission in order for the City Manager to hold meetings with staff. As directed by the Commission, the City Manager is restructuring the organization and scaling back staff. If he needs sixteen hours with his staff to energize, focus and redirect them, he did not think it is the Commission's role to get involved in it. He would only have an objection if it was out of the area and a budget impact. Vice Mayor DuBose felt there is a cost associated with this. He did not think it is an efficient approach. Mayor Seiler felt the Commission should give the City Manager the benefit of the doubt. He appreciated the plan that was presented. He commented that government spends a lot of time being busy with tasks and not focused on the ball. If this makes Fort Lauderdale better, he supports it.

Moving forward with review of the slides pertaining to the Community Investment Plan, Ms. Torriente noted that this information was presented to the Budget Advisory Board a couple weeks ago. This is a reinvention of the capital improvement plan. It is married to

the budget process. Items will be budgeted in operating or capital as appropriate. This matter will be presented to the Commission in the January/February time frame so the Commission can set the stage. Projects will then be reviewed and rated as they are submitted. The Commission will review the plan annually. The City Manager added that currently the Capital Improvement Program (CIP) is based on first in, first out and not necessarily reflecting priorities. It will be critical that the Commission assign weights to the ten categories shown on Slide 18. Commissioner Rogers felt the age of a project is worth considering. Mayor Seiler disagreed, but believed each commissioner should speak to projects in his or her district. Ms. Torriente indicated that staff would return in May with the results of the decision matrix process. At that point the historical perspective could weigh in. The information is presented again with the budget with a vote in September. This matter would come to the Commission four times during the year. The City Manager explained that the hope is that when recommendations are presented in July, there will be consensus and the projects can be put into the final budget document. Ms. Torriente indicated that the idea is a multi-year funding approach. Vice Mayor DuBose thought that multi-year funding is good in years where there is funding. He elaborated upon challenges in years when there is not funding and a project. The City Manager indicated that the five-year plan that will be presented will be based reasonably predicted available funds. For example, a new police building would not be in the plan. Vice Mayor DuBose pointed out that priorities change when new commissions are seated. The City Manager indicated that future commissions cannot be bound. Also, projects should be broken into components of design and construction. It would be a policy decision to fund design without construction funds in order to be shovel-ready. Each project would be reexamined and re-scored every year.

Ms. Torriente continued review of the slide presentation. Mayor Seiler requested the Decision Matrix determination be scheduled for January and February to give the Commission more time.

I-C – Sustainability Action Plan – 2011 Update

Matt Zirkelbach, vice president of Carbon Solutions America, reviewed slides provided as Exhibit 2 to Commission Agenda Report 11-1773 and attached to these minutes. He noted the plan contains eighteen goals, thirty objectives and a hundred and one actions. The advisory committee contributed to this document. There are thirty-two initiatives proposed by the advisory committee incorporated into the plan.

In response to Commissioner Roberts, Todd Hiteshew, Public Works, indicated that he is the staff liaison to the Sustainability Advisory Board and confirmed that the board has been well integrated into the process and involved throughout.

I-D – Seagrass Mitigation – Atlantic Intracoastal Waterway Dredging Projects – Las Olas Marina, Aquatic Complex, Bahia Mar Yachting Center

Albert Carbon, Director of Public Works, advised in March of 2011, Florida Inland Navigation District (FIND) allocated funding at a 65 percent. There will be a task order on the December 20 meeting for URS Corporation to continue with the design/preliminary permitting. FIND awarded \$255,000 for design and preparing for permit submittal. It is anticipated that about \$160,000 additional funding will be needed and FIND has indicated they will continue to participate at 65 percent. There are two grants associated with the projects: one for Las Olas and Aquatic Complex and another for Bahia Mar. In March of 2011, the total cost was anticipated at \$4.2 million of which

\$3.1 million would be associated with the actual dredging. More cost associated with the seagrass mitigation has been discovered; it has increased from the \$1.2 million estimate to \$2 million to \$3 million depending on whether it is 1/1 or 1/1 ½. He displayed slides showing the seagrass density. In October, 2012, FIND's dredging will be lowering the bottom elevation from approximately twelve to seventeen feet. The City is looking to do the same. He noted that compensatory mitigation of 9.09 acres (Bahia Mar) shown as Reference D on Table 3, Exhibit 1 to the Commission Agenda Report, is no longer needed. A copy of Table 3 is attached to these minutes. This was mitigation already performed and it was initially thought that it would need to be enhanced. This results in elimination of References J, K, N, O, P and Q. The cost estimate is conservative. Staff will be working to get the mitigation area more compact. FIND's dredging bid process recently came in at \$58 per cubic yard for a project in the Dania Beach area; \$60 per cubic yard was used in this project estimate.

In response to Commissioner Rogers, Gary Nemeth, vice president of URS Corporation, advised that reference to in-kind is mitigation through replacement of seagrass with more seagrass. He went on to also explain out of kind. In response to Mayor Seiler, Mr. Carbon listed the regulatory agencies, both federal and state, are all involved in accepted the proposal. Mr. Nemeth explained there will be a mitigation planning process. By the end of the next phase, the type of mitigation, where it will occur and associated costs will be known. They will first look for in-kind sites. They will also continue to work with FIND to lock in their 65 percent participation commitment. The question could be posed to Bahia Mar of whether it would be willing to participate in the cost. In response to Mayor Seiler, Mr. Nemeth indicated that original estimate included 1.2 acres of seagrass mitigation. Survey results from September of this year indicate a total of 4.2 acres. In response to Commissioner Rogers, Mr. Nemeth and his associates noted their experience in mitigation. Mr. Nemeth elaborated upon recent meetings with all of the regulatory agencies including FIND and their participation as well as the timeline for securing permits. He confirmed for Commissioner Rogers that they will be looking for an area that would no longer be dredged and elaborated upon the particulars of that mitigation site search. Ten to twelve sites have been identified for consideration.

In response to Commissioner Rogers, the City Attorney advised that Bahia Mar would be obligated to participate in mitigation and dredging if it involves their property, however, their lease does not fall within the boundaries of this project.

I-E – Broward County Code of Ethics

The City Attorney advised with Commission concurrence, an ordinance will be presented on December 20 that will repeal the City's code of ethics and substitute the code adopted by Broward County. He drew attention to Exhibit 1 to Commission Agenda Report 11-1807 that summarizes the County code of ethics. The purpose of repealing the City's code is to avoid confusion as to which applies and which would be more strict. The County's code has a much more strenuous enforcement plan than that of the City. The training and education program is contemplated for April. In response to Mayor Seiler, the City Attorney indicated there is no requirement that the training be a single eight-hour block, only that there be eight hours within the year. The program must be approved by his office.

Vice Mayor DuBose commented that the ordinance already applies to some members of the Commission merely by their participation on certain County boards. The City Attorney advised that the ordinance is not effective for municipally elected officials until

January 2, 2012, but he confirmed if a municipal official is serving on a County advisory board, it applies now in part. An ordinance will be submitted for advisory boards. Currently there is a prohibition against lobbying during one's term and two years thereafter. However, this prohibition does not seem to apply to elected officials. There is some confusion about this. There is a prohibition against accepting a gift from a County lobbyist or a vendor/contractor with the County. A vendor is defined as a natural or potential supplier of goods and services. The best course of action is not to accept a gift from anyone. Vice Mayor DuBose pointed out there could be a conflict with accepting a dinner invitation of a friend. In response to Commissioner Rodstrom, the City Attorney indicated that the City's ordinance will specify a City lobbyist but County lobbyists would apply to elected officials who serve on a County advisory board.

Mayor Seiler asked if a county commissioner would be prohibited from lobbying any other county in the state and pointed out they have no control over another county. If a municipal elected official may not lobby in another municipality, the same logic should be applied to county officials lobbying in another county, although he did not see any reason not to permit such activity. Commissioner Rodstrom believed she would be permitted to lobby the County on behalf of a homeowner association provided that she is not hired to do so. Mayor Seiler wanted his question clarified. A general discussion followed on the logic of various scenarios. The City Attorney indicated that thus far, there are two hundred County Attorney opinions. In response to Mayor Seiler's, the City Attorney indicated the idea of a municipal elected official lobbying in a neighboring city similar to a county officials lobbying in another county was raised in the debate of the ordinance and the decision was made to go in the direction that they went. He noted there is some ambiguity in the definitions; it was his opinion that exceptions to the lobbyist would also be exceptions to the lobbying activity. As to an exception of an elected official in their official capacity, it does not necessarily have to be that a commission took a position and assigned a commissioner to speak on behalf of the commission; it could be a commissioner speaking on something that would have influence in his or her district. Those cases would not be acting as a lobbyist.

Mayor Seiler was concerned about gifts he accepts from other countries in connection with Sister Cities. The City Manager pointed out that he would not be taking possession of it, but rather conveying it to the City. The City Attorney explained he would be accepting on behalf of the City; it is not a gift. The City Manager noted in the case of an item engraved with the Mayor's name, it would be a gift to him. Mayor Seiler requested the City Attorney check whether this has been addressed in the issued opinions. Vice Mayor DuBose understood elected officials are advised to seek and rely upon the City Attorney's advice.

In response to Commissioner Rogers, the City Attorney advised that the County code of ethics allows elected officials to raise funds for a third-party, but requires that the activity be logged and reported. The City's current code prohibits such activity, but it will be repealed so that there is one code of ethics to follow. The City Manager advised that the Commission is obligated to log in anyone who has lobbied them in the course of a day. Staff is developing a software application that the Commission may have on its cellular phone. The application will be tied to a data base with the current registry of City lobbyists. Staff will try to market the application to other cities.

In response to Commissioner Rodstrom's question about campaign activities, the City Attorney advised that elected officials are prohibited from raising funds for other people. He confirmed for Mayor Seiler that if he serves on a committee for a gubernatorial

candidate, his name could appear on an invitation provided the invitation list is logged in and reported. He indicated that most of the reporting requirements are to be on forms that have yet to be created.

Mayor Seiler did not object to a gift ban or disclosure requirements, but rather with the confusion and lack of clarity. There are inconsistencies.

I-F – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

No discussion.

III-A – Communications to City Commission and Minutes Circulated for Period ending December 1, 2011

Not addressed.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-02.

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 5:13 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 447.605 concerning collective bargaining.

EXECUTIVE CLOSED DOOR SESSION ENDED AT 5:30 P.M.

IV – City Manager Reports

None.

There being no other matters to come before the City Commission, the meeting was adjourned at 5:30 p.m.