

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
UTILITY SPECIAL DISTRICT MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
THURSDAY, MAY 19, 2016 AT 5:00 P.M.**

**CALL TO ORDER**

**CHAIR PRO TEM DAVIS:** ...meeting to order.

**ROLL CALL**

**INVOCATION**

**CHAIR PRO TEM DAVIS:** Roll call, Madam Clerk.

**DISTRICT CLERK ANTHONY:** Chairperson Dawn Pardo? [Pause]. Chair Pro Tem Terence Davis?

**CHAIR PRO TEM DAVIS:** Here.

**DISTRICT CLERK ANTHONY:** Board Member KaShamba Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Present.

**DISTRICT CLERK ANTHONY:** Board Member Tonya Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Here.

**DISTRICT CLERK ANTHONY:** Deputy City Manager Danny Jones?

**DEPUTY CITY MANAGER JONES:** Here.

**DISTRICT CLERK ANTHONY:** Assistant Executive Director Giles Rhoads?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Here.

**DISTRICT CLERK ANTHONY:** District Clerk Claudene Anthony is present. District Attorney Pamala Ryan?

**DISTRICT ATTORNEY RYAN:** Present.

**DISTRICT CLERK ANTHONY:** Distant Finance Director Randy Sherman.

**FINANCE DIRECTOR SHERMAN:** Here.

**CHAIR PRO TEM DAVIS:** That's it? Thank you.

**PLEDGE OF ALLEGIANCE**

**CHAIR PRO TEM DAVIS:** Next, we have the Pledge of Allegiance. Let's all stand and we will ask Ms. Councilwoman Johnson to lead us in the pledge.

**BOARD MEMBER DAVIS JOHNSON:** You doing a moment of silence?

**CHAIR PRO TEM DAVIS:** Let's do a moment of silence first.

[Moment of silence]

**BOARD MEMBER DAVIS JOHNSON:** I pledge allegiance...

**ALL:** ...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.

**AGENDA Approval**

**CHAIR PRO TEM DAVIS:** At this time, I would like to receive a motion from the Board to approve the Agenda?

**BOARD MEMBER MILLER-ANDERSON:** Um, are we gonna do the... I'm sorry, go ahead, I'm looking at something else. Go ahead.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER MILLER-ANDERSON:** Sorry about that.

**CHAIR PRO TEM DAVIS:** We have no Consent.

**BOARD MEMBER DAVIS JOHNSON:** So, so moved.

**BOARD MEMBER MILLER-ANDERSON:** Second.

**CHAIR PRO TEM DAVIS:** Madam Clerk.

**DISTRICT CLERK ANTHONY:** Board Member Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Present. [Chuckle]. I'm sorry. Yes.

**DISTRICT CLERK ANTHONY:** Board Member Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DISTRICT CLERK ANTHONY:** Chair Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**DISTRICT CLERK ANTHONY:** Unanimous vote.

**ADDITIONS, DELETIONS, SUBSTITUTIONS**

**CHAIR PRO TEM DAVIS:** Any additions, deletions or substitutions from the, from the Board?

**BOARD MEMBER MILLER-ANDERSON:** Yes. I want to pull.., I mean, I wanna delete 4 and 5, um, because of two reasons. I did put those on there. The two reasons are, one, the documents that are needed to support the information is not available and it was not put on the Novus by the City Manager's office in time for the public, as well as City Council, to all review it. So, I will pull that off. And also, I do want to make sure that we have a full Board when we discuss that.

**CHAIR PRO TEM DAVIS:** Delete Items 4 and 5.

**BOARD MEMBER MILLER-ANDERSON:** Yes.

**CHAIR PRO TEM DAVIS:** Councilwoman Johnson, you have any questions...

**BOARD MEMBER DAVIS JOHNSON:** No.

**CHAIR PRO TEM DAVIS:** ...or concerns?

**BOARD MEMBER DAVIS JOHNSON:** Um [pause]. No. We'll deal with it when we get to, uh [inaudible whispering]. We approve the Agenda.

**DISTRICT ATTORNEY RYAN:** You already approved it.

**CHAIR PRO TEM DAVIS:** Oh. They got this out of order, whoever printed this form.

**DISTRICT ATTORNEY RYAN:** I know. But didn't we already approve it?

**BOARD MEMBER DAVIS JOHNSON:** We should of...

**CHAIR PRO TEM DAVIS:** Yeah.

**BOARD MEMBER DAVIS JOHNSON:** ...pulled whatever before.

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** Well....

**CHAIR PRO TEM DAVIS:** Well, we can just table those Items once you get to that position.

**BOARD MEMBER MILLER-ANDERSON:** Pull and additions and deletions?

**CHAIR PRO TEM DAVIS:** You can just table 'em, table 'em later.

**BOARD MEMBER MILLER-ANDERSON:** Hmm?

**CHAIR PRO TEM DAVIS:** You can just table those Items if you choose to when we get to that time. Okay. Any...

**BOARD MEMBER MILLER-ANDERSON:** Well, let me ask. Madam Chair, sir. So, is the order that is printed here not correct?

**CHAIR PRO TEM DAVIS:** Not correct.

**DISTRICT ATTORNEY RYAN:** No. I think that's just the title, Agenda Approval, is the title.

**BOARD MEMBER MILLER-ANDERSON:** Okay. And the adoption of the Agenda is the, the part down there is what you're talking about?

**CHAIR PRO TEM DAVIS:** Oh...

**DISTRICT ATTORNEY RYAN:** Correct.

**CHAIR PRO TEM DAVIS:** This...

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**CHAIR PRO TEM DAVIS:** This small print is throwing me off. Okay.

**DISTRICT ATTORNEY RYAN:** Additions, deletions and substitutions should be done before the adoption of the Agenda.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm. Well, that's, that was why I was stopping initially but...

**CHAIR PRO TEM DAVIS:** Okay. So, we can just table those Items later on.

**BOARD MEMBER MILLER-ANDERSON:** That's fine. That's fine. I'll get to it when we get there.

**CHAIR PRO TEM DAVIS:** Mr. Jones, you had some comments?

**DEPUTY CITY MANAGER JONES:** No. I have no comments other than we will seek to get the additional backup information. We've made some additional search requests...

**CHAIR PRO TEM DAVIS:** Okay.

**DEPUTY CITY MANAGER JONES:** ...this afternoon that we hadn't made previously but we are seeking the information for backup.

**CHAIR PRO TEM DAVIS:** Okay. Alright. Thank you.

### **DISCLOSURES BY BOARD OF DIRECTORS**

**CHAIR PRO TEM DAVIS:** Any disclosures by the Board?

**BOARD MEMBER MILLER-ANDERSON:** Yes. I did meet with BFA as well as Mr. Michael Brown regarding the Items that are listed.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** I spoke with Mr. Michael Brown and also a representative from BFA.

**CHAIR PRO TEM DAVIS:** And, I can also stay consistent that I spoke with Mr. Attorney Brown and a representative from BFA as well.

### **ADOPTION OF AGENDA**

**CHAIR PRO TEM DAVIS:** Next, we don't have any Consent at this time. So...

**BOARD MEMBER MILLER-ANDERSON:** The minutes. We have the minutes.

**CHAIR PRO TEM DAVIS:** So I make a motion to approve the minutes.

**BOARD MEMBER MILLER-ANDERSON:** So move.

**BOARD MEMBER DAVIS JOHNSON:** Second.

**CHAIR PRO TEM DAVIS:** Madam Clerk?

**DISTRICT CLERK ANTHONY:** Board Member Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yes.

**DISTRICT CLERK ANTHONY:** Board Member Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DISTRICT CLERK ANTHONY:** Cahir Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**DISTRICT CLERK ANTHONY:** Unanimous vote.

**CHAIR PRO TEM DAVIS:** Next, we go to Item No. 2.

**DISTRICT CLERK ANTHONY:** 2. "DISCUSSION AND VOTE TO RETAIN THE PROFESSIONAL SERVICES OF ATTORNEY MICHAEL BROWN TO INVESTIGATE THE CONCEALMENT OF REGULATORY VIOLATIONS SINCE 2009. ATTORNEY BROWN REPORTS DIRECTLY TO USD BOARD, AND SHALL BE RETAINED BY USD ATTORNEY RYAN FOR SERVICES NOT TO EXCEED \$24,999 EFFECTIVE IMMEDIATELY UPON THE MAJORITY VOTE" As requested by Board Member Miller-Anderson on 5/10/16.

**BOARD MEMBER MILLER-ANDERSON:** So move.

**BOARD MEMBER DAVIS JOHNSON:** Second.

**BOARD MEMBER MILLER-ANDERSON:** I have a question.

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER MILLER-ANDERSON:** May.., I'm not sure if this is for the Clerk or Ms. Ryan, why, why was that listed there as requested by Board Member Miller-Anderson when others asked for.., when we ask for things, I've never seen the person who requested it get put on there like that. What was different this time?

[Inaudible background comments]

**DISTRICT ATTORNEY RYAN:** Ms. Miller-Anderson, when you sent the email directly to Mr. Jones and to me...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** The email said to put it on the Agenda verbatim.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DISTRICT ATTORNEY RYAN:** And so, because it was not the way we would've put it on...

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DISTRICT ATTORNEY RYAN:** ...we wanted to make sure that your colleagues, and everyone else, knew that this was your language and not our language.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Is there something improper about the language?

**DISTRICT ATTORNEY RYAN:** Well, um, a couple of things. One, Mr. Brown wrote a letter which I provided to City Council which has him, not only reporting directly to the Board but he has you signing the letter so...

**BOARD MEMBER MILLER-ANDERSON:** You who?

**DISTRICT ATTORNEY RYAN:** The City Council.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DISTRICT ATTORNEY RYAN:** If you look at it, it has every Councilperson because he wanted, I'm assuming he wanted to make sure that he's reporting to you...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...and is not being retained by me. Also, I wanted him to, Mr. Brown, to discuss the amount because he and I, frankly, we, we, we had an email. It could be less than \$25,000, it could be more than \$25,000.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** So, I didn't know, I wanted us to have a discussion about that if.., to see if the Council wanted to leave that open for, um, just to see how the, how it's going should he come back to the Council, um, to ask for more money or do we just wanna leave it open-ended. So...

**BOARD MEMBER MILLER-ANDERSON:** This...

**DISTRICT ATTORNEY RYAN:** ...I thought it would be better to have that discussion at the Board meeting and so, um, that, that will be my only issue with the, with the way it's worded.

**BOARD MEMBER MILLER-ANDERSON:** So the wording of "not to exceed \$24,999" is, would be the issue...

**DISTRICT ATTORNEY RYAN:** Right.

**BOARD MEMBER MILLER-ANDERSON:** ...we have...

**DISTRICT ATTORNEY RYAN:** That's something...

**BOARD MEMBER MILLER-ANDERSON:** ...with that part?

**DISTRICT ATTORNEY RYAN:** ...that you all should discuss. And also, I'm not sure what., and we need to, you know, it says "being retained by" um, me but I think you probably, if he's gonna report directly to you, then...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...you know., maybe the bill should come to the Council. I know that, you know, some of the attorneys just have the bills come and you approve the, the, the bills.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** So, I didn't know exactly how you wanted to deal with this so we thought it would be best to just, you know, you said put it on exactly how you had it...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...so that's why we did it that way and I wanted to have a dialogue with the Council instead of trying to, to fit into this when the, the Board made a different decision...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...to put this on. I mean, his, his contract was coming on this Agenda no matter what.

**BOARD MEMBER MILLER-ANDERSON:** Right. Right.

**DISTRICT ATTORNEY RYAN:** Because the, the Board had already directed it but...

**BOARD MEMBER MILLER-ANDERSON:** Right.

**DISTRICT ATTORNEY RYAN:** ...once we got the, the email and no one else said anything about it...

**BOARD MEMBER MILLER-ANDERSON:** Right. Right.

**DISTRICT ATTORNEY RYAN:** ...we just put it on the way you asked.

**CHAIR PRO TEM DAVIS:** Okay. Next, Councilwoman Johnson, [Inaudible].

**BOARD MEMBER DAVIS JOHNSON:** Okay. So, the conversation that we had that brought this about were the issues that we were having in our Utilities District. The

direction, and I believe that it.., I know that I started or began the conversation with regards the retainage and we had a conversation that dealt directly with procuring this under the City Manager's authority. So there was never any intent to exceed the authority of the City Manager which was the \$25,000, which was spoken to us and we were advised, advised of that fact.

Whatever the procurement policy is and whatever the reporting and direction of billing that is in place, although he may provide reports directly to us, I don't think that we should be circumventing the process. We need to make sure that we follow whatever that is. You know, we've got to.., we have got to make sure that we walk that fine line. We don't need to deviate. If he is to bill and the bill goes directly to the Finance Director, then that's the way that it needs to go or if it comes to you and then you process it through to the Finance Director, then that's the way that it should be done. I've not seen, on any contract, where I've signed individually. It is usually the Mayor and City Manager. And I know we're talking about City side but whatever the process is, we must maintain it and hold tight to it.

The provisions of the language, what he's.., what we've asked him to do should fall along the lines of what we asked, which was a review...

**CHAIR PRO TEM DAVIS:** Mhmm.

**BOARD MEMBER DAVIS JOHNSON:** ...at the price that was stated, not to exceed that amount.

**CHAIR PRO TEM DAVIS:** Right.

**BOARD MEMBER DAVIS JOHNSON:** And, to follow the process. So, I, I need to make sure that this Board does that.

**BOARD MEMBER MILLER-ANDERSON:** And, I mean, I'm certainly...

**CHAIR PRO TEM DAVIS:** Hold on. Is...

**BOARD MEMBER MILLER-ANDERSON:** ...in line with that.

**CHAIR PRO TEM DAVIS:** Did you wanna respond? Attorney Ryan?

**DISTRICT ATTORNEY RYAN:** No. I mean that's...

**CHAIR PRO TEM DAVIS:** It's...

**BOARD MEMBER DAVIS JOHNSON:** No response needed.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** That's fine.

**BOARD MEMBER MILLER-ANDERSON:** No. There's no response needed.

**BOARD MEMBER DAVIS JOHNSON:** [Inaudible].

**CHAIR PRO TEM DAVIS:** No. She just got this look on her face.

**DISTRICT ATTORNEY RYAN:** As I said, we just follow directive.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm. But that...

**CHAIR PRO TEM DAVIS:** Hold on.

**BOARD MEMBER MILLER-ANDERSON:** Chair.

**CHAIR PRO TEM DAVIS:** Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** And the reason I'm speaking to this point is because my name is there and that is why it's stated not to exceed \$24,999 because that's we talked about., what Ms. Davis Johnson just spoke about. So, there is never any intention to circumvent anything that we already have in place. So what I do need though, is for you to tell us what is the correct thing we need to do...

**DISTRICT ATTORNEY RYAN:** No.

**BOARD MEMBER MILLER-ANDERSON:** ...so that we...

**DISTRICT ATTORNEY RYAN:** Well...

**BOARD MEMBER MILLER-ANDERSON:** ...stay in line with what we're supposed to do. Nobody's trying to do anything...

**DISTRICT ATTORNEY RYAN:** Well, Mr. Brown is here but it's unusual for me to have an attorney write directly to the Board. However, I think it was the nature of what he was doing, it's the investigative portion that he wants to be able to call you all freely. I., and he can speak for himself. But I think he wants to be able to contact you all freely. He wants to be retained by the Board.

**CHAIR PRO TEM DAVIS:** So...

**DISTRICT ATTORNEY RYAN:** Um, usually, when attorneys are retained, they work through me and, you know, I have conference calls with them and...

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DISTRICT ATTORNEY RYAN:** ...we talk about strategy. But I felt like, I., I, I think Mr. Brown as well, we took from the Board...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** ...that you all wanted direct contact. And so, that's why I didn't change anything...

**BOARD MEMBER MILLER-ANDERSON:** Chair?

**DISTRICT ATTORNEY RYAN:** I presented this to you as he wrote it so that you could give me direction as to how you wanna handle it.

**CHAIR PRO TEM DAVIS:** Be'.., before...

**BOARD MEMBER MILLER-ANDERSON:** Chair?

**CHAIR PRO TEM DAVIS:** Hold on. Just one minute. Before we go any further, I will like to hear the intent of the language that you have in here, Attorney Brown, before...

**BOARD MEMBER MILLER-ANDERSON:** Ca'.., can I please...

**BOARD MEMBER DAVIS JOHNSON:** Yeah.

**BOARD MEMBER MILLER-ANDERSON:** ...answer her, please?

**CHAIR PRO TEM DAVIS:** Okay. Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** Okay. I think because of the nature of this situation where individuals such as yourself and others, were a part of knowing this for a while and did not tell us. And I think from that point, that is why I, and I'm only speaking for myself, feel that we need to be given the report. Does he need to call us and... No. I mean, that's not.., I'm not trying to get that deep into it but I do want to make sure that we have direct reports sent to us. I don't want it filtered because I need to hear it from that person, not coming from the people who were a part of the concealment, as far as I'm concerned.

**DISTRICT ATTORNEY RYAN:** Well, I have to beg to differ with that characterization but...

**BOARD MEMBER MILLER-ANDERSON:** Okay. You knew since January though, right? And we didn't find out 'til April so that's what I'm, that's the stuff I'm talking about. That is why I don't want to have that, that filter. For me.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** You done, Councilwoman Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yes, I am. Thank you.

**CHAIR PRO TEM DAVIS:** Okay. Councilwoman Johnson, you have the floor, please.

**BOARD MEMBER DAVIS JOHNSON:** And I understand, Councilwoman Miller-Anderson, your position but our process, and this is, although this is unique, we still... A consultant doesn't get to come in and tell us how we're going to do business. The consultant comes in and does what we ask of that consultant to do within the confines of our process. So, if he, if he contracts under legal, then he would need to provide a, a copy of the report to legal but we also get that report. I don't think that there is, or there should not be, any attempt to, um, filter out or to make any revisions to any reports and I, and I'm not suggesting...

**BOARD MEMBER MILLER-ANDERSON:** No. Yeah.

**BOARD MEMBER DAVIS JOHNSON:** ...that's what you're saying.

**BOARD MEMBER MILLER-ANDERSON:** That's not what I'm saying.

**BOARD MEMBER DAVIS JOHNSON:** That's not what I'm saying. I'm simply saying that our process for retaining any legal assistance or subcontracting has always come through our legal department and I don't believe that we should be changing that, we just ask Mr. Brown to submit reports, Attorney Brown, to submit reports dir'..., directly to us but, with that being said, those reports can still be sent to the City Attorney and the City Manager's office and the Executive Director of the Utilities District.

I just want us to make sure that we're in line with what has to happen...

**BOARD MEMBER MILLER-ANDERSON:** I'm...

**BOARD MEMBER DAVIS JOHNSON:** ...while getting what we need.

**BOARD MEMBER MILLER-ANDERSON:** I'm right there with you. But, Chair, one other thing. I...

**CHAIR PRO TEM DAVIS:** Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** We're not asking Mr. Brown for his attorney services. I'm not, if I'm not mistaken, it's more of him providing an investigative type search of the organization. He just happens to be an attorney. So I don't, I don't..., maybe we can listen to him and then he can provide us...

**CHAIR PRO TEM DAVIS:** That's what I was trying to do...

**BOARD MEMBER MILLER-ANDERSON:** ...whatever information...

**CHAIR PRO TEM DAVIS:** ...before...

**BOARD MEMBER MILLER-ANDERSON:** ...on what he's gonna do.

**BOARD MEMBER DAVIS JOHNSON:** But hold on. I just need to clarify this because we did say that we wanted Attorney Brown to confer with Attorney Ryan in order to get this done. I know that that was my directive.

**CHAIR PRO TEM DAVIS:** No.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**CHAIR PRO TEM DAVIS:** The directive was to hire Attorney Brown, Attorney Brown's law firm. But, the conversation was to report to the Board. Now, not skipping the process how we do our billing and things of that sort, the whole focus was for us to get out our own report. But he still has to filter everything through our process. Like, like stated before. So, I think we are consistent with that. But the Board wants some inf'.., official information that hasn't been not, that's not been modified or, or maybe potentially bias. That's all.

But, Attorney Brown, would you please come to the floor, our microphone and state your name and everything so we can understand exactly where we are.

**MR. M. BROWN:** Good evening, Mr. Chair and Board Members, Ms. Ryan, Mr. Jones. First of all, I wanna point out that I was asked to do this by this Board. I didn't come here soliciting this. In fact, it was.., it came upon me by a'.., the Board Members asking me to do it. Number one. Number two, the proposal that we sent dated May, uh...

**DISTRICT ATTORNEY RYAN:** 3<sup>rd</sup>.

**MR. M. BROWN:** 3<sup>rd</sup>. Thank you. 2016. The reason why it was addressed in the manner of addressing it to the Mayor and the Board Members was, as a result of the meeting that I attended where this matter was discussed, when both the Board and Ms. Ryan, if I recall, indicated that the Board had the ability to retain a person like myself, if it so decided to so. It wasn't written this way to avoid or to go through or to.., by the administrative profess because obviously you're a Board and usually.., I sat up there a time before. There's always a process that you go through even if the Board, if the reports go directly to the Board Members. So, the way it was written, uh, on May 3<sup>rd</sup>, if you recall, you.., it was.., you've, you've seen a draft of it. Ms. Ryan, I sent it to Ms. Ryan and I never got any response or any information from anyone suggesting that the manner in which it was written or drafted was improper or incorrect cause, had someone told me, 'Hey, you oughta take it and switch it this way. We...,' that, that's not an issue. Um, the, the main thing that I want to point out is, and remind you all... And

again, it's your decision as to whether you want to retain me or someone else to do this. My understanding from your discussion is that you wanted someone to do a report because there were many different documents and, and conflicting dates, as I've heard you all discuss and you wanted a report that you could rely upon and say, 'Okay. This was done by an independent person who looked just at the facts, put the facts in a report and said, 'Here's what we found.'" And if you notice, the most important thing, is, uh, on this, is that, throughout this proposal it speaks about the Chief Administrator or the person with the ability to do so, whether it's on the City side...

**DISTRICT ATTORNEY RYAN:** Correct.

**MR. M. BROWN:** ...or the District side, to ensure that if you want a valid, efficient report, to ensure that, one, documents are made available, and two, that they instruct any individuals that, if you all retain me to do this investigation for the report, that they must instruct the employees to give me full access to the records and the documents.

Now, that's important for several obvious reasons but it's also important regarding the, the cost because I..., if, if the documents are made available, if you all retain me and if the documents are made available, the folks are made available and the information is made available, then it could, it, it, could be a process that costs less than \$24,999. But to me, the important thing, and this is a, um, very significant for me, the most important thing in the proposal, if you all elect to select..., elect to retain me is, that you must make sure that all documents and information is made available because otherwise, you know, we're wasting time and you're wasting time and you're wasting the City's money because those documents are not there.

So, what I would focus on is to say that, I guess one thing that's very important for me, is that if you want me to do an efficient report, if you wanna retain me first of all cause it's your decision, I would ask that you, what's critical is that you make sure on the City and on the District side, that all inf'..., that you direct all employees, that the person with the ability to do so, direct all employees to make the documents and the information available and, if necessary, if there's an individual that I'm, say, 'Hey, I need to talk to this person.' Make that person available for me or someone from my firm to interview 'em as a part of putting this report together. That's what I would see my role is and that's the way I could do it efficiently and I think, from a practical standpoint, that will have a significant impact on the cost. My concern is, if you don't do that and then you're expecting a report from me but we need a, what, the documents aren't made available or people, or there's something that blocks the information from coming to me that will allow me to complete the report, I don't wanna be a person who you retain and I come back and say I wasn't able to get it completed and I spent all this time because the information wasn't made available. So that's what critical to me, that's why the letter was addressed this way. Had someone told me to do it in a different manner, we would've redone our letter. I have not received one comment from anyone about this proposal from the first time I sent it the night that it was provided to everyone.

**CHAIR PRO TEM DAVIS:** Anyone have any questions for Attorney Brown?

**BOARD MEMBER DAVIS JOHNSON:** I don't think that, um, the..., there is no concern for me other than the fact that we made the stipulation that the contract would not exceed the Manager's authority. Additionally, I don't see any hindrance because Staff understands the seriousness of this issue so I don't foresee any hindrance in information being made available to you. Most of it is available already so there should be...

**UNK:** Inaudible.

**BOARD MEMBER DAVIS JOHNSON:** ...no lapse in information being provided to you. We, we would expect that Staff would be cooperative, I would expect nothing less than cooperation through this process because of the seriousness of this matter...

**CHAIR PRO TEM DAVIS:** Mhmm.

**BOARD MEMBER DAVIS JOHNSON:** ...and the mere fact that we need information and we need to fully understand. So, I don't believe, while they may be concerns of yours, they're not concerns of mine because I believe that we have a Staff that is capable to provide the information. And, with that being said, I would say to Staff now to make sure that you are responsive and responsible in the information that is required should we finally decided to take on your services.

Now, I see that you gave us a reduced fee... And, and the bottom line for me is to stay within the guideline of the fee, we understand that it will take some time but the bottom line is, that's the manner in which we wanted to contract and so, therefore, that, that has to be honored and so Staff needs to cooperate and you need to make sure that you are cooperative with them as well in your request for information. This needs to be a professional exchange and I'm not expecting anything less. So, we will make sure that the process, pending the decision of this full Board, that the standard process is followed and, and that's how we would move along.

**MR. M. BROWN:** To be clear, I have not spoken to one Staff member about this issue and I don't have any reason to believe that Staff would not be cooperative. I just put that in there because when Ms. Ryan asked me to prepare a scope of services, you know, I, I was thinking, 'Okay. What is the most efficient way for this to happen and occur,' and, of course, it occurred to me that, 'Hey, the whole issue is about access to information, access to the individuals that are necessary.' So no, there..., if, if I left you with the impression that I thought that Staff was not gonna cooperate, that was not my intent.

**BOARD MEMBER DAVIS JOHNSON:** No.

**MR. M. BROWN:** Alright.

**BOARD MEMBER DAVIS JOHNSON:** Point taken. Thank you.

**DEPUTY CITY MANAGER JONES:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes, sir.

**DEPUTY CITY MANAGER JONES:** In anticipation of Mr. Brown coming on Board, I met with all the department directors on May 5<sup>th</sup>.

**CHAIR PRO TEM DAVIS:** Okay.

**DEPUTY CITY MANAGER JONES:** And provided them direction that we would fully cooperate...

**UNK:** Of course...

**DEPUTY CITY MANAGER JONES:** ...with the investigation and we met with key members of the Utility District Staff as well...

**CHAIR PRO TEM DAVIS:** Okay.

**DEPUTY CITY MANAGER JONES:** ...on May 5<sup>th</sup>, in anticipation of Mr. Brown coming on Board.

**CHAIR PRO TEM DAVIS:** Thank you, Mr. Jones.

**DEPUTY CITY MANAGER JONES:** We'll formalize that in a formal memorandum to employees as well.

**CHAIR PRO TEM DAVIS:** Okay. Councilwoman Anderson, you have anything you wanna add to this before I go to the public?

**BOARD MEMBER MILLER-ANDERSON:** Yes. I just want to ask Madam Attorney. So, with this contract that we have before us, is, is there any modifications that need to made to it to make it follow the correct process and...

**DISTRICT ATTORNEY RYAN:** Well, what I will do...

**BOARD MEMBER MILLER-ANDERSON:** ...requirements that we...

**DISTRICT ATTORNEY RYAN:** Mhmm.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DISTRICT ATTORNEY RYAN:** What I will do now, after the Board approves the, um, his retention, I will send Mr. Brown a cover letter that says that, you've been retained by the Utility District Board and I will put the maximum rate in it, as approved by the Utility District Board. You know, my plan was to be his primary contact along with Mr. Perry

who's working with Utility District to make sure that all the, the paperwork is together, at one location, already copied, ready to go. There will.., you know, you will not have any issues with Staff and that's, as Mr. Jones stated, that's already been relayed to everyone. So, I'll put that in the letter as well that you be.., and given the, the phone numbers and stuff. And, um, but, I will have him.., normally, normally, invoices are sent to me to review and then if the Board wants a copy of 'em, I'm happy... I didn't know if you wanted the bills to go directly to you. But I will then send them down to be processed through, through finance which is...

**CHAIR PRO TEM DAVIS:** Correct.

**DISTRICT ATTORNEY RYAN:** ...the normal course.

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** Right.

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** And then we would just be provided...

**DISTRICT ATTORNEY RYAN:** And...

**BOARD MEMBER MILLER-ANDERSON:** ...with copies of the report.

**DISTRICT ATTORNEY RYAN:** Um, is finance here? We didn't discuss a...

**CHAIR PRO TEM DAVIS:** Mr. Sherman?

**DISTRICT ATTORNEY RYAN:** ...the line item.

**CHAIR PRO TEM DAVIS:** Is he here, Mr. Sherman?

**BOARD MEMBER MILLER-ANDERSON:** Yeah.

**DISTRICT ATTORNEY RYAN:** Mr. Sherman, are we taking this out of contingency?

**FINANCE DIRECTOR SHERMAN:** Yes.

**DISTRICT ATTORNEY RYAN:** Okay.

**FINANCE DIRECTOR SHERMAN:** We'll have to bring a Resolution back.

**DISTRICT ATTORNEY RYAN:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Chair? Really quickly.

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** Is there a standard contract document that you would prepare to go along with...

**DISTRICT ATTORNEY RYAN:** I...

**BOARD MEMBER DAVIS JOHNSON:** ...the cover letter?

**DISTRICT ATTORNEY RYAN:** You know, I usually have a standards for all of the attorneys. So, I wasn't sure how the Board wanted to do it so I didn't put any of my normal procedures in place.

[Inaudible whispering]

**DISTRICT ATTORNEY RYAN:** But, I'm happy to give him exactly what I give everyone else and, if he wants to modify it, like, if we do copies, how much..., if you have to make the copies, how much we... It, it's, you know, very detailed. But I'm happy to put that along but, as I said, I wasn't sure how you all wanted to handle this or if my office would be included at all. So, I just wanted to..., we put it on as you requested. Mr. Brown knew that I was putting it on..., um, putting his letter into the Agenda package.

So, we will follow our normal process for, for his retention and I will copy you with the correspondence so that you are in the loop on everything that we do.

**BOARD MEMBER MILLER-ANDERSON:** Okay. And that, that's all...

**DISTRICT ATTORNEY RYAN:** And that will be done...

**BOARD MEMBER MILLER-ANDERSON:** ...that I ask.

**DISTRICT ATTORNEY RYAN:** ...tomorrow.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. M. BROWN:** May I address, address... I'm a civil lawyer. I'm, I'm not a prosecutor and I've never been a prosecutor. And so, I want people to understand that when I was asked to do this, what I envision my role is to review documents, get the facts, put a report together and deliver that report to the Board. Just the facts. And, and so, that's why I put the language in there about the avail'..., the availability of documents cause certainly, in, in almost 30 years as a lawyer, I'm used to looking at facts, reviewing them and then putting together reports. So, I, I wanna be clear on that because whatever is there is there and that's what I view my role as in this matter, not unlike, you know, roles that you see that are played out in the Tom Brady situation...

[Chuckle]

**MR. M. BROWN:** ...or, you know, different situation where you have someone look at the facts and put the information together. And I, I see it as a, if you select me, a very important role. Obviously, it deals with our water supply but if you don't select me, I..., it's your decision and, you know, I'll be fine with that as well.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Brown.

**CHAIR PRO TEM DAVIS:** Thank you.

**MR. M. BROWN:** Alright?

**CHAIR PRO TEM DAVIS:** Before this Board make any decision or further discussion, I'm gonna hear from the public. Ms. Sheppard. Ms. Sheppard, you put Item No. 1. This is 2. Did you wanna speak on this particular Item?

**MS. M. SHEPPARD:** Uh, yes.

**CHAIR PRO TEM DAVIS:** Okay. Come on up. And then we have Bonnie Larson next.

**MS. M. SHEPPARD:** Margaret Sheppard, Riviera Beach. This was a very good suggestion Pro Tem Chair Davis. I guess we're all a kinda little paranoid. I know I am, I can only speak for me. Just getting down out of the plane and someone talking about the water, it sent me into a spill I've never been in before. But I do feel a little comfortable with Michael Brown. I think he's a great lawyer, I've seen him in action, speaks well. I think he knows the law and it, it's nothing against you, Ms. Ryan because you're running a two man show...

**DISTRICT ATTORNEY RYAN:** [Chuckle].

**MS. M. SHEPPARD:** With a wonderful lawyer and a excellent secretary. I mean, I think you guys have your hands full. I do. So, to relax and kinda give Mr. Brown the authority to make us feel good on paper...

**CHAIR PRO TEM DAVIS:** Mhmm.

**MS. M. SHEPPARD:** I would feel a lot more comfortable because people have come to this mic and sat there and they told a, I wouldn't say lies, I, I mean, I really don't know. I, you know, I don't wanna go there anymore. But I do wanna feel comfortable when I give that dog some water, it's good water. I have no clue. I don't know cl'..., no clue but I wanna say that this City has been put into a paranoia and then when people say, 'Oh, it's good water.' I heard the, the Mayor drink the water and this gentleman drink the water. I remember my uncle went to Mexico and there was signs that say, 'Do not drink the water.' He drunk the water. And for 14 days, he was in the hospital.

So, some people immune system is so different.

So, with Mr. Brown putting this in writing, you know, you could take it to the bank that this lawyer did his expertize. And I just have that feeling that Mr. Brown is gonna do that. And, you know, we've been giving money away and we're sitting here thinking, 'Oh, you're gonna... I don't know, we're gonna take this money,' or, 'he's gonna overbill us.' I think we need to calm down a little bit and let's get the facts because he might have to come back for an extension. This has been going on for a long time. So give him the opportunity, give us the opportunity to live here, to work here and, most of all, be a part of either drinking the water, bathe in the water, whatever you do, give us that opportunity. And I think you could do it by allowing Mr. Brown to go forward.

Thank you.

**CHAIR PRO TEM DAVIS:** Thank you, Ms. Sheppard. Next, we have Ms. Larson and then Ms. Kisner.

**MS. B. LARSON:** Good evening. Bonnie Larson.

**CHAIR PRO TEM DAVIS:** Good evening.

**MS. B. LARSON:** Another thing that's not on the web tonight is Mr. Brown's proposed contract. I read it somewhere, it's circulating somewhere. I read part of it and Ms...

**UNK:** Inaudible.

**MS. B. LARSON:** ...Miller-Anderson...

**CHAIR PRO TEM DAVIS:** Inaudible.

**MS. B. LARSON:** ...you said that, um, Mr. Brown is not coming here as an attorney but it says right here in the letter, 'As special legal counsel to the Riviera Beach Water Department.' And the le'.., the, the contract that I read, I only read a little piece of it but it said in there that the 'Brown Company would be the lead counsel for the Water Utility Department.' It sounded like they're gonna be.., you're hiring them to be the attorney for the Utility Department. It didn't sound like just this one little project. And hasn't Ms. Ryan.., haven't you been the, um, attorney for... Yeah. You've been the attorney for the Utility Department the whole time. That, what I read, sounded like we're hiring Mr. Brown's firm to be the attorney for the Utility Department and it said the 'lead attorney.' That caught my eye right away because, even if we hired some other attorney for an issue later on, the Brown firm would be the lead attorney. So therefore, we'd have to have two attorneys. And we've never needed this.

I really don't understand the concept of what we're trying to do here. What are tr'.., what, what is our expectation at the end of this research? Ms. Miller-Anderson, you did a phenomenal job. You had, like, from 2008, all the dates, the times or whatever. It doesn't matter, we got fines... You've got all the documents. So I don't know why there

needs to be a big investigation about that. Now, the fines that we've already paid, that's over and done with. We can't do anything about that. We need to figure out what happened now. Somebody submitted a bill, somebody signed a check, somebody fraudulently wrote on there what it was for, for special engineering, which it was not. That's fraud. That's what we need to find out, who did that. What, what are you going to do at the end of this investigation? You can't fire everybody in the Utility Department because, think about it, the underlings, they didn't have anything to do with it. If they blow the whistle on their boss, they're gonna get fired. Are they gonna be willing to do that? Probably not.

So let's focus on what really needs to be done. Who wrote that check, who signed it, who committed fraud by doing that? Um, the charge from Mr. Brown, \$300 an hour, will bill the District monthly. Now, tonight we're talking about, it could more than \$25,000. Is it 25 because that's at the point in which it has to go out to bid? I don't know.

Um, boy, I gotta cut this down here. Um, oh, okay. Let me do the most important one here. It says, um, the last paragraph, or next to last, "Finally, a few words about the ethics of our profession. We are required to preserve the confidence and secrets of our clients.' This needs to be transparent. And, in the beginning of it, it says that the public found out about it. That's how the pub'..., that's how we find out about things, is through the public. Thank goodness for the public. We don't need any more secrets with our client. And this is gonna be a little tricky with, um, Mr. Brown because...

[Beep]

**MS. B. LARSON:** ...Ms. Ryan knew about it in January. So, you know, she's..., gonna have to be one of the names that was listed. Think about a f'..., a, um,...

**CHAIR PRO TEM DAVIS:** Ms. Larson, if you any other questions, I'll be sure to sit down and talk with you after the meeting and Mr..., Attorney Brown's there..., here still so...

**MS. B. LARSON:** Forensic accountant. Think about it. This is exactly what they do. They go in, they found out who did what and that's the end of it. Their stuff holds up in court. Forensic accountant, thank about that. This is \$25,000, the next issue is \$25,000. All coming out of the Utility Department.

**CHAIR PRO TEM DAVIS:** Okay.

**MS. B. LARSON:** Think about it, forensic accounting.

**CHAIR PRO TEM DAVIS:** Thank you, Ms. Larson. Ms. Kisner. Thank you. You have two cards. The second card, is that a public comment card?

**MS. M. KISNER:** Yeah.

**CHAIR PRO TEM DAVIS:** Okay. Alright.

**MS. M. KISNER:** Good evening, Council Members and Chair Pro Tem. Mami Kisner. Again, I will tell you I'm here on behalf of several residents of Riviera Beach. I don't live in Riviera Beach as you know but several residents continue to call me wanting a voice, um, that they can't show up here. Many of them are are inable, they're disabled and they can't come but they want a voice so that is why I'm speaking this evening.

**CHAIR PRO TEM DAVIS:** Yes.

**MS. M. KISNER:** Just to remind some of you on the Board, three other consultants have been hired by the City Manager to find out what was going on in the Utility District. I came before the Council in 2014, and before that, telling you there are issues that are happening in the Utility District. How did I know? At one time I was working with an engineering firm that was let go by the Utility District after they finished their contract and so a lot of those things I heard through that engineering firm. I will tell you that there is still incompetency happening at the Utility District. You can terminate one person, who is the Utility District Director and then you have someone who he hired and the other people that he hired. So, unless you evaluate the competency of the staff and the people who are making those decisions that are affecting the water of the residents of this City, including our children, then you are not doing your job.

Now, I'm not saying that everybody at the Utility District is not competent but they need to be evaluated with their certifications and their competencies. There is a real problem in this Utility District and we've gotta stop sugarcoating it. And stop trying to be, 'Oh well, they're going to support.., they're gonna do the right thing.' Three other consultants have been there and one of them did a survey that all of the Utility District Members could not participate in because they were told by their supervisors that you had to put your name on it. That's not being acceptable and cooperating with a consultant. And it's a fact because I came here and told the City Manager about it. I asked that you would evaluate and survey all of the Members and the Staff, not Members but the Staff of the Utility District. That was not done.

So, don't talk about wasting money with someone who is going to finally, hopefully, do the job and investigate and bring back the correct information to you when you've been signing off for three other ones and we didn't get any reports back. That's not acceptable. I believe that Attorney Brown needs to be able to do his job for the people, and you are elected by the people. And the...

[Beep]

**MS. M. KISNER:** ...people wanna make sure that it is done right and all the other money you've been spending, and not all of you have been up here making these decisions but all the other money that was being spent on these co'.., these, um, consultants was way over \$25,000.

Thank you.

**CHAIR PRO TEM DAVIS:** Alright. That'll be... Was there any other comment cards I may have missed on this Item from the public? Alright. Thank you. Next, um, back to the Board. What is your pleasure, ladies? Would you like to.., Councilwoman?

**BOARD MEMBER MILLER-ANDERSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER MILLER-ANDERSON:** I just wanna clarify and be very clear on the Items that we have before us right now. Ms. Ryan, you're going to get with Mr. Brown and whatever modifications need to be made to the contract, you all will take care of that. Correct?

**DISTRICT ATTORNEY RYAN:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** And so, we're within our legal rights to offer him this contract, correct?

**DISTRICT ATTORNEY RYAN:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Thanks.

**DISTRICT ATTORNEY RYAN:** And you want to.., we will limit it to \$25,000.

**BOARD MEMBER MILLER-ANDERSON:** \$24,999.

**UNK:** [Chuckle].

**DISTRICT ATTORNEY RYAN:** For, um...

**CHAIR PRO TEM DAVIS:** 999?

**BOARD MEMBER MILLER-ANDERSON:** 99.

**DISTRICT ATTORNEY RYAN:** For expenses and legal fees or just legal fees? You just.., totally? And if it needs to be more than that, you wanna come back to the Board.

**CHAIR PRO TEM DAVIS:** That's correct.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**CHAIR PRO TEM DAVIS:** Attorney Brown, you have something you wanna state?

**MR. M. BROWN:** Time frame. Alright? I know that's something that hasn't been discussed tonight.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. M. BROWN:** Uh, is there a time frame that the Board, uh, is expecting or desires the report to be completed and, if so, I need to know and that again goes into the issue of availability of documents. So, if you haven't thought about it, I would ask for you to give me some guidance on that, tonight, if you can.

**CHAIR PRO TEM DAVIS:** Councilwoman Johnson, you have a time frame in mind?

**BOARD MEMBER DAVIS JOHNSON:** Um, I'm thinking...

**CHAIR PRO TEM DAVIS:** I know you stated before you was talking about [inaudible].

**BOARD MEMBER DAVIS JOHNSON:** [Chuckle].

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** That did come up. [Chuckle].

**BOARD MEMBER DAVIS JOHNSON:** I, I'm thinking 60 days. I don't, um, I., because the information should be readily available, I don't see where we need to extend it beyond that. We should be able to go in and get the information that we need and come back with a full report. That would be my recommendation.

**CHAIR PRO TEM DAVIS:** Councilwoman Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yeah. I agree with that amount too.

**CHAIR PRO TEM DAVIS:** So, Madam Attorney...

**DISTRICT ATTORNEY RYAN:** I have...

**CHAIR PRO TEM DAVIS:** ...how's that?

**DISTRICT ATTORNEY RYAN:** Mhmm.

**CHAIR PRO TEM DAVIS:** Alright. Do we have a motion?

**BOARD MEMBER DAVIS JOHNSON:** So moved.

**BOARD MEMBER MILLER-ANDERSON:** Second.

**CHAIR PRO TEM DAVIS:** Madam Clerk.

**DEPUTY CITY CLERK BURGESS:** Board Member Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Board Member Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Chair Pro Tem Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**DEPUTY CITY CLERK BURGESS:** Unanimous vote.

**CHAIR PRO TEM DAVIS:** Thank you so much. Next, we have Item No. 3.

**DEPUTY CITY CLERK BURGESS:** 3. "DISCUSSION AND VOTE TO RETAIN THE PROFESSIONAL SERVICES OF ENVIRONMENTAL ENGINEERS-BARNES, FERLAND AND ASSOCIATES (BFA ENVIRONMENTAL) TO BRING ALL REGULATORY VIOLATIONS SINCE 2009 INTO COMPLIANCE, WITH PBCO HEALTH DEPARTMENT, SOUTH FLORIDA WATER MANAGEMENT AND DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND TO REVIEW ALL MATTERS RELATED TO COMPLIANCE WITH ECR ANY OTHER REGULATORY BODY. BFA WILL REPORT DIRECTLY TO USD BOARD, AND SHALL BE RETAINED BY USD CITY MANAGER UNDER EMERGENCY PROCUREMENT TO EXPEDITE SAFETY, HEALTH AND WELFARE FOR ALL WATER AND SEWER CUSTOMERS; EFFECTIVE IMMEDIATELY UPON THE MAJORITY VOTE. As requested by Board Member Miller-Anderson on 5/10/16.

**CHAIR PRO TEM DAVIS:** Alright. We have a motion?

**BOARD MEMBER MILLER-ANDERSON:** So move.

**BOARD MEMBER DAVIS JOHNSON:** Second for discussion.

**CHAIR PRO TEM DAVIS:** Thank you. Councilwoman Tonya Davis Johnson.

**BOARD MEMBER DAVIS JOHNSON:** So, I'm in receipt of, of a correspondence from the Florida Engineer'., Florida Engineering Society questioning the, the, uh, non-compliance of Florida Statute 287.055. And I need to understand...

[Inaudible whispering]

**BOARD MEMBER DAVIS JOHNSON:** I have a copy of it. Does anybody want it?

**DISTRICT ATTORNEY RYAN:** He's giving me his. Okay.

**DEPUTY CITY MANAGER JONES:** [Inaudible].

**BOARD MEMBER DAVIS JOHNSON:** So [pause]...

**DISTRICT ATTORNEY RYAN:** Oh, this is [inaudible].

**DEPUTY CITY MANAGER JONES:** [Inaudible].

**BOARD MEMBER MILLER-ANDERSON:** Is that something we all have or that's yours?

**BOARD MEMBER DAVIS JOHNSON:** What?

**BOARD MEMBER MILLER-ANDERSON:** What you're talking about.

**BOARD MEMBER DAVIS JOHNSON:** Thi'..., I printed this after...

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** ...I saw the memorandum.

**CHAIR PRO TEM DAVIS:** Did you want a copy?

**DISTRICT ATTORNEY RYAN:** Did you give this...

**BOARD MEMBER DAVIS JOHNSON:** I think everybody got that.

**CHAIR PRO TEM DAVIS:** It should, it should be here.

**BOARD MEMBER DAVIS JOHNSON:** I have...

**BOARD MEMBER MILLER-ANDERSON:** What is it we're talking about?

**BOARD MEMBER DAVIS JOHNSON:** What we're talking about is the memorandum that came from the Florida Engineers with regards to the non-compliance of Florida Statute 2877 and that deals with [stammer] CCNA and how contracts should be handled and how they should be noticed. And so, what I want to understand is, number one, what generated the concern. Are we, in moving forward, in this discussion... And I think that before we even go any further we really should understand and hear from Councilwoman Miller-Anderson as it related to the discussion because this was a part of your request but I do believe that we need to take a look at compliance versus non-compliance of that particular Florida statute as we move forward to procure the services and make sure that we are not operating outside of what that should look like and it even mentions, um, it talks about, except in cases of valid public emergencies certified by the agency head, do we have a valid public emer'..., did we certify that this was a

valid public emergency and did., and then, did we notify interested consultants who may have wanted to be considered?

I, my concern is always going to be...

**CHAIR PRO TEM DAVIS:** [Chuckle].

**BOARD MEMBER DAVIS JOHNSON:** ...are we honoring our processes? So, you all may as well get ready for this. This is going to be my mantra. Are we, are we in line with our processes? Are we in compliance with what has to happen when we procure and secure services? So that's gonna be a part of the discussion that we need to have tonight but, more importantly, we need to have, you know, the discussion that brought about this Item to, to the Council because there is, in the statutes, you know, a competitive selection process, there is a [chuckle], a competitive negotiation process. Then there is the definition of emergency and what constituted it and whether or not we did what we needed to do by making the determination that it was a certified valid public emergency. And then I asked for the emergency procurement language and it talks with regards to, uh, notwithstanding any other provision of this Chapter, et cetera, et cetera, there exists a threat to public health welfare or safety. And so, there's language in our., there is language in our emergency procurement section.

So, I just wanted to make sure that we have a trail of complying with process and that we don't go outside in order to procure these services and then be found later to be in violation. So that's a part of the discussion.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** And, I'm ready to listen.

**CHAIR PRO TEM DAVIS:** Alright.

**BOARD MEMBER MILLER-ANDERSON:** Well, thank you.

**CHAIR PRO TEM DAVIS:** Just, just really quick before...

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**CHAIR PRO TEM DAVIS:** ...we move further, one thing I can do, I support you on what you're stating, the discussion and opinion. I've been here for three years now. I've come across the same concern, um, and but I., this is a very unique situation that came before us all.

**BOARD MEMBER DAVIS JOHNSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** And, and, and it must be a sense of urgency. This particular contract, actually they were doing some work with us before and they actually brought

us into compliance. But, the former Utility District director, who we had some major concerns with, decided to take it upon himself to not to bring the contract before this Board for renewal. And.., which is, totally out of what, what he should've been doing. He shoulda made.., this should've been a Board decision. But he took it upon himself to do what he wanted to do and that became a major issue.

That's something that also plays a role with me along with the fact that.., which is the primary role which is the quality of life, that we had someone that was a firm that, that scored, number one, to do some quality of service with the.., they kept us.., they got us into compliance when we were not.

**BOARD MEMBER DAVIS JOHNSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** And now we're in, as far as I'm concerned, in an emergency situation when this stuff all kinda broke out which led us down this path of conversation today. But, um, I'll just stop there and let Ms. Councilwoman Anderson tell you her view and where she is.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So, just giving a little history, going back we know in the way in which all of this was brought to our attention. It was brought to our attention because of the media, it was not brought to our attention from our Staff Members or those that supervise our Staff.

We have, and, and I think we all got this memo this afternoon from the Florida Department of Environmental Protection which states that there is a Consent Order for March 25, 2016 where it outlines all of the items that are needed in order to bring us back into compliance. Number one, I won't read them all but I will read those that state there there.., we're still out of compliance with it. Referencing number one, "By April 24, 2016, provide an updated sewer overflow response plan program. Extension was granted until May 4, 2016. There was a partial completion as of May 5, 2016." Number three, it says, "By April 9, 2016, submit a detailed operations and maintenance performance report." That is still outstanding. It has not been provided to them yet. Number five, "By April 24, 2016, submit an initial capacity analysis report." That is still outstanding, has not been completed. And number six, "By April 24, 2016, submit a written estimate of what.., of total cost of the order, corrective actions." That is still outstanding as of today.

Clearly, this demonstrates we have a compliance issue. If we were equipped to get this done, I'm sure we would not have missed these deadlines. So, for me, I see that we have a compliance issue and if the.., we have a firm that we've done work with before who also has brought us into compliance some years ago. Um, they would be.., they're familiar with our, our City, they're familiar with our processes and we are in need of some assistance. Now, my question to Ms. Ryan, because I know you sent an email to us around 1:20 this afternoon saying that you received a call from the general counsel at the Inspector General's office regarding the meeting tonight. They received an anonymous complaint regarding the recommended hiring of BFA. They were calling to

request the City's code provisions related to emergency procurement. Ms. Ryan says, "I was told that they would be watching tonight's meeting and advised that I could tell Council, which is what I'm doing now." And then you said you would have Mr. Mealy provide us with some information on emergency procurement, um, tonight.

Um, and, and you know I did email you when I received this around 4:00 something to find out why didn't this come up before today and you shared that you did not mention it because one, last night we had a City Council meeting and you didn't think that was the proper forum for you to let us know that there was an issue with this Item. And, I still question how..., why, all of a sudden, it pops up today right before the meeting. Um, but in term..., and in regards to this particular Item, [pause], I would like to know..., first of all, tell me a little bit about the emergency procurement. What is the practice, what is the policy? It was given to me... I know we just got it a few minutes ago but Mr. Mealy, if he can come up and explain to us what that's all about and how we can go about utilizing that to assist us with this or not.

**PURCHASING MANAGER MEALY:** Good evening, Council. Dean Mealy, Purchasing Manager.

**CHAIR PRO TEM DAVIS:** Good evening.

**PURCHASING MANAGER MEALY:** §16-566 of MuniCode for Riviera Beach outlines the guidance for emergency procurements. And basically, the, what was stated a little while ago by Ms. Johnson, about the, the actual language was pretty much on cue except for one additional statement and that is, "Shall be made.., the emergency procurement shall be made with such competition as practical underneath the circumstances." So, our Code states that we should be underneath any condition for an emergency, soliciting more than one firm. And, with the dollar value estimated for just Task One for BFA, I don't remember the exact dollar amount, I think it was, like, \$40,000, that we should be soliciting competition because you have time to go out and do a, a fast track competition. Even though you have a emergency condition within the City, what we consider to be an emergency condition, but the water came back and it tested safe. I mean, as far as the samples that were done. So, the actual determination of whether...

**BOARD MEMBER MILLER-ANDERSON:** And, and who did that?

**PURCHASING MANAGER MEALY:** Jupiter Labs.

**BOARD MEMBER MILLER-ANDERSON:** And just tell me a little... Did that fall up under this emergency procurement?

**PURCHASING MANAGER MEALY:** Actually, Jupiter Labs was contacted.., the Manager asked me on a Saturday or a Sunday morning to get ahold of a firm to go out and start immediately testing the water samples because, at that point, they needed to make a determination whether the water was safe to drink in the community. That is an

issue of emergency procurement because you have to define whether it's safe or the citizens in this community could actually drink the water. So, that would fall underneath the purview of an emergency procurement. The procurement's only, I think, about \$3,500 to Jupiter Labs and they had done business with the City before.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**PURCHASING MANAGER MEALY:** Okay? So, Jupiter Labs was solicited. They were able to respond on Sunday to actually go out and begin the testing immediately.

**BOARD MEMBER MILLER-ANDERSON:** Okay. And we were able to do that because we needed to know if it was safe at that moment?

**PURCHASING MANAGER MEALY:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**PURCHASING MANAGER MEALY:** Now, going back to the issue of the consultant, my recommendation and I've been doing this in the State of Florida for over 35 years, is that you have an obligation to engage competition. Even when you have the nature of the concern of how fast you can get the, the water treatment plan or the waste water treatment plan or the lift stations into compliance with an, a Consent Order.

**CHAIR PRO TEM DAVIS:** Mhmm.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** So, with that being stated, there's no reason, or any basis, for us not to expedite a procurement, a competitive solicitation.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER MILLER-ANDERSON:** And what would that consist of?

**PURCHASING MANAGER MEALY:** A scope of work. We need to have.., the Utility District with, with Bevin, to assist the consultant you guys did hire, have a, a, a scope of work put together that, that based on expertise of the Utility and people have run under utilities, have that short scope of work that addresses the immediate issues of the consent decree, issue that out as an emergency, or expedited permit. And I prefer to say expedited because that's how I see it. It's more of an expedited procurement that we actually make sure we do it as timely as possible. The Selection Committee meets as soon as we, we close out the date and we don't prolong it.

And we also, just for the record for the Council, we actually have a solicitation on the street for a Utility District consulting engineer, 701-16. It's currently on the street right now for solicitation.

**BOARD MEMBER MILLER-ANDERSON:** And what is.., what would they be in charge of doing?

**PURCHASING MANAGER MEALY:** They are currently being sought to help with the bond projects that.., all the projects the Utility had identified as part of the Master Plan.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** So that, that, that actually had been issued before. I actually pulled the recruit'.., I mean, the solicitation back because there was some issues about litigation so we, we.., that actually had been, uh, the Selection Committee had met on that before I actually began working for the City and I actually stopped the solicitation for that and we went out and redid it.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Okay.

**PURCHASING MANAGER MEALY:** But, but like I said, your language that's in the MuniCode is very, very specific as far as what the definition of emergency is...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** ...and it does state very clearly that competition is required. And just.., it's not an issue of stopping the production of water or the safety of drinking water tonight, we can still go out and do an expedited procurement.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So, but.., it does not, in this particular case, it does not meet the requirements of the emergency?

**PURCHASING MANAGER MEALY:** No, ma'am. Not underneath, not underneath my expertise of doing.., like I said I've been doing this for over 35 years in the State.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm. Okay.

**CHAIR PRO TEM DAVIS:** Quick question.

**PURCHASING MANAGER MEALY:** Yes, sir.

**CHAIR PRO TEM DAVIS:** Could you go down the list of things that could be considered as an emergency other than just what you stated?

**PURCHASING MANAGER MEALY:** Uh, you could have a giant sinkhole on the middle of Blue Heron.

**CHAIR PRO TEM DAVIS:** Okay.

**PURCHASING MANAGER MEALY:** Due to nature either..., nature or we have a water main break. Any, any type of natural disaster...

**CHAIR PRO TEM DAVIS:** Okay.

**PURCHASING MANAGER MEALY:** ...could actually incur to be an emergency or you could have...

**CHAIR PRO TEM DAVIS:** Which didn't happen, by the way.

**PURCHASING MANAGER MEALY:** Which did not happen. [Chuckle].

**CHAIR PRO TEM DAVIS:** Okay. I just wanna make sure if somebody says...

**PURCHASING MANAGER MEALY:** Or, you could have a relocation of, of, of people from a facility, that work in the City building for some other reason that you had an emergency reason to go out and do an immediate solicitation. I mean, it, it depends on the nature but it's for the health and safety and the welfare actually comes into play.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** And where there's not time to actually go out and do a competitive bid. But, in this particular case, you do. Like, if you have a major sinkhole, if you had one on Blue Heron, that would actually constitute as an emergency. In, in that particular case, Councilperson, I would solicit more than one quote.

**CHAIR PRO TEM DAVIS:** Mhmm.

**PURCHASING MANAGER MEALY:** Because there are more than one firm that could actually respond in less than three hours to...

**BOARD MEMBER MILLER-ANDERSON:** So, did you do that...

**PURCHASING MANAGER MEALY:** ...address that problem.

**BOARD MEMBER MILLER-ANDERSON:** ...for Jupiter?

**PURCHASING MANAGER MEALY:** Pardon?

**BOARD MEMBER MILLER-ANDERSON:** Did you do that with the Jupiter one?

**PURCHASING MANAGER MEALY:** Jupiter, no because Jupiter was...

**DISTRICT ATTORNEY RYAN:** It was a [inaudible].

**PURCHASING MANAGER MEALY:** \$3,000 and we already had an open P.O. with them.

**BOARD MEMBER MILLER-ANDERSON:** But it, I mean, you just said that you...

**CHAIR PRO TEM DAVIS:** I know...

**BOARD MEMBER MILLER-ANDERSON:** ...if you can get within three hours, you could, you should do the other two as well. But you, we, we chose not to do the other two, we only did the one.

**PURCHASING MANAGER MEALY:** It wasn't that I didn't choose to, it's I wanted to expedite the, the procurement of.., and Jupiter Labs picked up the phone when I called them immediately. It was.., I didn't even have to wait for a call back. And because of the fact that there was a concern whether the water was safe to drink or not...

**CHAIR PRO TEM DAVIS:** Okay.

**PURCHASING MANAGER MEALY:** ...that was...

**UNK:** [Inaudible].

**PURCHASING MANAGER MEALY:** ...that was the bottom line issue...

**BOARD MEMBER MILLER-ANDERSON:** Right. I understand the emergency but I just heard you say that you would put out for three if they could.., within the three hours or something. Right?

**PURCHASING MANAGER MEALY:** There's...

**DEPUTY CITY MANAGER JONES:** Mr. Chair?

**PURCHASING MANAGER MEALY:** [Stammer].

**BOARD MEMBER MILLER-ANDERSON:** Am I...

**CHAIR PRO TEM DAVIS:** Wait really quick.,

**BOARD MEMBER MILLER-ANDERSON:** ...hearing wrong?

**CHAIR PRO TEM DAVIS:** Let's, let's hear Mr. Jones. I think he has something[inaudible].

**PURCHASING MANAGER MEALY:** [Inaudible] Mr. Jones.

**DEPUTY CITY MANAGER JONES:** I think you also went through another process that day, Mr. Mealy. You contacted a national...

**PURCHASING MANAGER MEALY:** Yeah. What I also did is, uh, in, in my pre..., previously life in Miami I worked for the fourth largest public Utility in the United States...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** ...which is Miami-Dade water and sewer. We had numerous consultants on staff and what I did is I reached out to three of the consultants that I knew worked in Miami, I asked for a reputable lab firm that could actually handle an emergency nature of water testing in the Riviera Beach area for West Palm Beach, in, in this particular area. They, three.., all three firms recommended Jupiter Labs to do the immediate testing. So I...

**BOARD MEMBER MILLER-ANDERSON:** I understand that.

**PURCHASING MANAGER MEALY:** So, I did reach out to more than one person that could actually give me good recommendations of who to actually come in here and do the immediate testing in the...

**BOARD MEMBER MILLER-ANDERSON:** And they all ref'..., they all referred you to the same...

**PURCHASING MANAGER MEALY:** Yes, ma'am. They did.

**BOARD MEMBER MILLER-ANDERSON:** ...group? So, we did not have a, um, a variety of firms to select from, you were targeting only one when you made that selection?

**PURCHASING MANAGER MEALY:** No. What I did was.., let's back up. What I stated was, I reached out to Miami-Dade .., actually give me guidance that somebody could actually provide good guidance of who to actually bring in to do the immediate, and I mean immediate, testing of the water.

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** All three firms, from Miami who responded back within an hour to an hour and a half of my placing a call very early in the morning, all recommended Jupiter Labs. We have had open P.O.'s with some other firms that are not located in, in the particular area, they're outside of Palm Beach County...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**PURCHASING MANAGER MEALY:** ...to do the testing. And that's why I reached out to the lab in Palm Beach County.

**BOARD MEMBER MILLER-ANDERSON:** And then the three that you reached out to in Miami, those are firms that you have a relationship with?

**PURCHASING MANAGER MEALY:** In previous..., in my previous position in Miami, yes.

**BOARD MEMBER MILLER-ANDERSON:** Right. Okay.

**PURCHASING MANAGER MEALY:** And the reason I reached out to them is because I know the professional capacity of just getting unbiased opinion.

**BOARD MEMBER MILLER-ANDERSON:** Right.

**CHAIR PRO TEM DAVIS:** That's good.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**CHAIR PRO TEM DAVIS:** Councilwoman Tonya Johnson?

**BOARD MEMBER DAVIS JOHNSON:** I have nothing at this time.

**CHAIR PRO TEM DAVIS:** So, let's talk about the expediting process. How would that work.

**PURCHASING MANAGER MEALY:** Uh, we..., a scope of work has..., initial draft has been completed by...

**CHAIR PRO TEM DAVIS:** Oh, you have already?

**PURCHASING MANAGER MEALY:** We have that. And, we'd be ready to go out in the street as soon as I have the authorization to move forward with it.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER MILLER-ANDERSON:** And what is the time frame for that?

**PURCHASING MANAGER MEALY:** [Sigh].

**BOARD MEMBER MILLER-ANDERSON:** When would...

**PURCHASING MANAGER MEALY:** It...

**BOARD MEMBER MILLER-ANDERSON:** ...we try to close it out and get it done? Because, as I read off from the DEP, I mean, we have some issues that have been lingering since April and we're still not in compliance with it so I don't want to see this cause a, a continued delay.

And the other question and which is probably not for you *per se*, I want to know, when was the last time we had water tested and what were the results? Have we had any more tests?

**DEPUTY CITY MANAGER JONES:** We...

**BOARD MEMBER MILLER-ANDERSON:** I know we said it was safe when Jupiter tested it that time and gave us those results but when was the last time we had, um, some testing done?

**DEPUTY CITY MANAGER JONES:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes, sir.

**DEPUTY CITY MANAGER JONES:** I'll attempt to do two things here. One is answer your question, I'll have Mr. Bevin Beaudet answer your question. And that's daily, I think we've been testing daily. And, the second part is, Mr. Beaudet has gone through the consent orders and has laid out a plan to answer and address all concerns in those consent orders so I would like for him to present an update to you at this time, to answer that question and to talk about the consent orders and how we're gonna become compliant.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**MR. B. BEAUDET:** Right. Thank you, Mr. Jones and Mr. Chair and Members of the Utility District Board.

**MR. B. BEAUDET:** My name's Bevin Beaudet. I'm an independent consultant, previous director at Palm Beach County Water Utilities and I have been a utility engineer for 49 years.

What, uh, here is my view. First of all, we know that right now, for the last three weeks, the water is clear, perfectly safe to drink. We have been taking it upon ourself to meet the sampling requirements of the Consent Order ahead of time. They require us to sample every day for four weeks. We have been doing that every day for the last almost three weeks and every sample has come back in compliance with the standards. So our water is clean to drink right now. We have made some operational changes to help keep the water safe and make it easier for us to comply. Some of those changes are, we have storage tanks around the City and those storage tanks weren't being drawn down on a daily basis so the water was allowed to stand in the tanks and not be fresh when it arrived at some of the, uh, far strung areas. So we've.., that's just an example of one of the operational things we've done is now we draw down these tanks every day and put fresh water in them. That's one operational thing.

Another thing that we, uh, we have a, a plant that is obsolete in some areas. One of them is in the chemical addition. The.., we have a current engineering team that has identified a disinfection improvement project which is on the list of your bond projects and we prioritize that as the number one project to be done. This team, which is C Solutions and Hazen and Sawyer are very expert engineers in water treatment. They have designed that project.., the project is in the process of being permitted and it is shovel ready. That project will allow us to, much more finely, control the amount of chemicals that are put into the water to make sure that chemically, um, they're balanced and they will keep the water fresher because, if you put too much of some of these chemicals in the water, you can actually degrade the water much quicker.

Those are just two examples. So, we have an expert team of engineers, currently in place. They've done a Master Plan, they've done a disinfection study, they've done a hydraulic model, we've prioritized the projects and I've reviewed that and believe that they are correctly prioritized. Um, and again, they permitted and designed some of the key projects and they're ready to go. I believe we have a dedicated staff. Do they need direction? Yes. I believe that one of the requirements that have been given to me is to help provide that direction and I have been working with staff in that regard since the 6<sup>th</sup> of May when I, I came on board.

Um, now, the Consent Order for the water, which...

**BOARD MEMBER MILLER-ANDERSON:** Which Consent Order are you...

**MR. B. BEAUDET:** The Consent Order with the Health Department that's being negotiated at this current time.

**BOARD MEMBER MILLER-ANDERSON:** Which one? The date or the number.

**MR. B. BEAUDET:** I don't have the number in front of me.

**BOARD MEMBER DAVIS JOHNSON:** Would that be...

**BOARD MEMBER MILLER-ANDERSON:** When was it from though?

**BOARD MEMBER DAVIS JOHNSON:** ...WP020?

**BOARD MEMBER MILLER-ANDERSON:** Is it the one...

**BOARD MEMBER DAVIS JOHNSON:** ...dash 16?

**BOARD MEMBER MILLER-ANDERSON:** ...that's on the Agenda? There's one on the Agenda to discuss.

**MR. B. BEAUDET:** Yes. That's the one.

**CHAIR PRO TEM DAVIS:** That's the one he was talking about [inaudible]

**BOARD MEMBER MILLER-ANDERSON:** That's the one? Okay.

**MR. B. BEAUDET:** Yes. That will be discussed later.

**BOARD MEMBER MILLER-ANDERSON:** Yeah.

**MR. B. BEAUDET:** That Consent Order requires the City to hire a team of three experts, professional engineer, um, a certified A operator for water and a certified distribution system operator. And the scope, actually, that Mr. Mealy was referring to, that we have worked out with the Health Department, for that team is to go in and do a condition assessment, a process evaluation, working with us and our engineers. So we have another team of people, through the Consent Order, that's gonna be working with Staff and with our current engineers to help come up with solutions to these problems on the short and long term.

Finally, you all as a Council and a Utility District Board, you've done the heavy lifting already. You've approved a bond which will pay for these projects, you've approved the rate structure that will pay for the bond and in, in meeting with Mr. Sherman, uh, he said that we..., if..., the projects that we need to do on this priority basis are funded and can move forward as soon as we can get them out on the street. So, you, you as a District Board have done the heav'..., heavy lifting on that.

So, I guess my opinion is that bringing another firm onboard at this time, um, is not needed. It's, it's too many cooks in the kitchen. Um, and, you know, that's my opinion. If you do, then I think the scope needs to be written very carefully. The scope that I saw, I think, was six or seven pages. It was basically the most broadest scope I've ever seen for program management. It basically gives that firm the responsibilities of running the entire District, the engineering, the administration, all the regulator liaison, everything. And, you know, I, I don't believe that's necessary and, even though the first task was \$40,000, in my opinion, a five-year contract to do what is in that scope, would be about a million and a half dollars. So again, my recommendation is, uh, don't put too many cooks in the kitchen.

Thank you.

**BOARD MEMBER MILLER-ANDERSON:** Um, I...

**CHAIR PRO TEM DAVIS:** Really...

**BOARD MEMBER MILLER-ANDERSON:** ...have a question.

**CHAIR PRO TEM DAVIS:** Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** For...

**CHAIR PRO TEM DAVIS:** Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** With your.., with the plan that's in place that we're going to put in motion, how long do you think it will take for us to become compliant with the requirements?

**MR. B. BEAUDET:** Well, as I mentioned, we are in compliance with the water quality standards right now.

**BOARD MEMBER MILLER-ANDERSON:** The items that were listed from the DEP.

**MR. B. BEAUDET:** Well again, we are doing the testing. We are in compliance with the water. Now, the...

**BOARD MEMBER MILLER-ANDERSON:** That.., that, no. My que'...

**MR. B. BEAUDET:** Okay. The...

**BOARD MEMBER MILLER-ANDERSON:** That wasn't my question.

**MR. B. BEAUDET:** ...next thing that is says... Okay. Then it says we have to have this team on board...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**MR. B. BEAUDET:** ...to do a condition assessment and an evaluation of operational procedures. Now, that's gonna take, you know, roughly 30 days to bring that team on board, through our normal procurement process which can be expedited, as Mr. Mealy has said. And it, it will take at least 60 days, I'm sure. In fact, the Consent Order says 60 days to develop their report. Once that report is developed, and I don't expect the recommendations from those experts to be any different than the ones that we had developed. We, as I said, the projects are funded. We could put the projects out on the street within a week to start the procurement of those contracts.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So you're saying it would take how long to bring us into compliance?

**MR. B. BEAUDET:** Well the, again, we could be in compliance with that Consent Order from day one.

**BOARD MEMBER MILLER-ANDERSON:** For all of...

**MR. B. BEAUDET:** If you're talking about...

**BOARD MEMBER MILLER-ANDERSON:** ...the items listed?

**MR. B. BEAUDET:** ...about completing the disinfection project which is, in my opinion, the most important project, I think that's probably... It's been designed. Uh, I haven't talked to the engineer specifically about the construction time frame but I believe that would be rou'..., roughly nine months.

**BOARD MEMBER MILLER-ANDERSON:** Do you have a copy of this DEP letter that we received today?

**MR. B. BEAUDET:** I don't have a copy of it but I did see it this afternoon.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So, I'm, I'm..., I know. Do you have one next..., with you? Anybody else have another copy because I wanna make sure that Mr. Beaudet is understanding...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I do have...

**BOARD MEMBER MILLER-ANDERSON:** ...what I'm talking about. These are the items I want to know how long it will take for us to bring these into compliance.

**MR. B. BEAUDET:** You have to answer that.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yeah. This is Giles Rhoads, Assistant Utility Director. Um, the items from the Florida Department of Environmental Protection are subparagraphs inside the Consent Order that they'd like to see that the Utility District provide to them. The items that are listed here could be provided to the DEP early next week.

**BOARD MEMBER MILLER-ANDERSON:** So all of these here we could get..., bring into compliance by next week, you're saying?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** That's correct.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So it only takes a week to get it done? Why did we miss all these deadlines then from April and we still have 'em outstanding? What was the delay?

**DEPUTY CITY MANAGER JONES:** Mr. Chair? I think the matter was brought to our attention on April 22<sup>nd</sup> and the letter was signed May 25<sup>th</sup>.

**BOARD MEMBER MILLER-ANDERSON:** Wait. So you're...

**DEPUTY CITY MANAGER JONES:** I'm sorry. Uh, the letter was signed March 25<sup>th</sup>.

**CHAIR PRO TEM DAVIS:** Yeah.

**DEPUTY CITY MANAGER JONES:** So, at the time we discovered the level of the issue, the Order was already in place and those dates were a couple days after the initial notification.

**BOARD MEMBER MILLER-ANDERSON:** Okay. I get that. But, today is May, what, 19<sup>th</sup>? And even if we just start with April 24, we're almost talking about a month.

**DEPUTY CITY MANAGER JONES:** Yep.

**BOARD MEMBER MILLER-ANDERSON:** If we could've gotten it done in one week, why did it.., why one month later it's still not done? So that's what... I'm, I'm trying to find out, basically, you're.., what we're saying is, 'Hey, we could get this done without extra outside help. We got what we need,' but at the same time, it wasn't done. So, help me understand that.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Um, the timelines that are in the re'.., in this Consent Order, closely coincide with a Consent Order in the Health Department and Staff has been working diligently on both issues. A lot of available Staff's been focusing on, you know, focusing on the water quality and has been daily monitoring the water quality. Um, Staff put a large information request in the first Consent Order to the DEP as a, as a draft for the original comments. Staff, all I can say is Staff has been working very diligently to complete all their requests and we will provide the requested information early next week.

**BOARD MEMBER MILLER-ANDERSON:** Okay. I, I'm, I, maybe it's me. I don't...

**CHAIR PRO TEM DAVIS:** No.

**BOARD MEMBER MILLER-ANDERSON:** ...think I'm getting an answer as to... If it only co'.., if it will only take a week to get it done now, why has it taken us a month... What, what chan'.., did something change or we have more peop'.., we have people on St'.., more people on Staff that can now get the job done versus what we...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** No. In fact, we...

**BOARD MEMBER MILLER-ANDERSON:** ...had before or?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** ...we have less people on Staff and we've been working diligently.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Well, that's, that's even worse now cause that really isn't making any sense to me. Okay. But, Mr. Beaudet, you said 90 days for everything and Mr. Rhoads is saying by next week. We can have all of this, all of these items will be brought into compliance.

**MR. B. BEAUDET:** Ma'am, I was talking about the, the Health Department Consent Order.

**BOARD MEMBER MILLER-ANDERSON:** But...

**MR. B. BEAUDET:** But now you're talking the FDEP...

**DISTRICT ATTORNEY RYAN:** Right. They're two different...

**BOARD MEMBER DAVIS JOHNSON:** [Inaudible] talking about two different doc...

**MR. B. BEAUDET:** ...Consent Order.

**BOARD MEMBER DAVIS JOHNSON:** We're talking about two different...

**BOARD MEMBER MILLER-ANDERSON:** Well, I've been talking about this though for...

**CHAIR PRO TEM DAVIS:** The whole time.

**BOARD MEMBER MILLER-ANDERSON:** This is what I've been referring to...

**DISTRICT ATTORNEY RYAN:** He's talking about...

**BOARD MEMBER MILLER-ANDERSON:** ...for a while.

**DISTRICT ATTORNEY RYAN:** ...Health Department.

**BOARD MEMBER DAVIS JOHNSON:** But he's talking about the Health Department.

**MR. B. BEAUDET:** Okay. Well, um...

**BOARD MEMBER DAVIS JOHNSON:** That's [inaudible].

**MR. B. BEAUDET:** ...again, I

**BOARD MEMBER MILLER-ANDERSON:** [Stammer] I wanted the answer...

**MR. B. BEAUDET:** ...only saw this this afternoon.

**BOARD MEMBER MILLER-ANDERSON:** ...on this.

**MR. B. BEAUDET:** But it doesn't appear to me that the requests that have been missed are particularly detailed or significant. They are mostly administrative requirements. And...

**BOARD MEMBER MILLER-ANDERSON:** But that would bring us into compliance?

**MR. B. BEAUDET:** Yes, they will.

**BOARD MEMBER MILLER-ANDERSON:** With them? Correct?

**MR. B. BEAUDET:** They will. And, in defense of Staff, you know, there's been a lot of personnel turmoil, you know, as a result of all the discussions and the issues and the firing of the Utility District Director. You know, and the fact, as Mr. Giles says, Mr. Rhoads, says that, uh, they have been focusing on the water and making that water clean and drinkable and meeting all the standard.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. B. BEAUDET:** So, I believe they did make the right choice in that and they are..., they, they are short staffed and, um...

**CHAIR PRO TEM DAVIS:** Mhmm.

**MR. B. BEAUDET:** ...but they..., as Mr. Rhoads says, now that we've received this letter and it's been brought to our attention square in our face, we'll get the administrative requirements done and get it to FDEP.

**CHAIR PRO TEM DAVIS:** Mr. Perry, you got something you wanna state?

**ASSISTANT CITY MANAGER PERRY:** Sure.

**CHAIR PRO TEM DAVIS:** Okay.

**ASSISTANT CITY MANAGER PERRY:** Troy Perry, Assistant City Manager. Ms., Commissioner, we're not trying to make any excuses. We've been working off of two documents for the last two or three weeks trying to go through and read and make sure all the, all the different items have been addressed. When we received this letter today I was sort of shocked that those items were still outstanding myself but I assure you they'll be corrected in the next couple days. And, uh, it, it was a surprise to us but they..., the guys have been working diligently trying to get the, get the system up to date and trying to comply with two different orders to try to make sure that we are in compliance. But the, the first priority, no doubt, was the water to make sure that the water quality in the City was, um, was functioning properly.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Thanks.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Go ahead, please.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Beaudet, you said that three.., a part of the Health Department's Consent Order and some of the things that we need to do is the addition of three additional firm.

**MR. B. BEAUDET:** Uh, no...

**CHAIR PRO TEM DAVIS:** Do I understand...

**MR. B. BEAUDET:** ...ma'am.

**BOARD MEMBER DAVIS JOHNSON:** ...that...

**MR. B. BEAUDET:** No, ma'am. Three...

**BOARD MEMBER DAVIS JOHNSON:** Three addition'...

**MR. B. BEAUDET:** ...independent experts.

**BOARD MEMBER DAVIS JOHNSON:** Three independent experts.

**MR. B. BEAUDET:** Right.

**BOARD MEMBER DAVIS JOHNSON:** Are there any... Let me say that properly. Is there any portion of the scope of work that is provided in BFA's scope that would be a part of bringing those on, those additional experts on and the work that would need to be done?

**MR. B. BEAUDET:** Yes, there, there is.

**BOARD MEMBER DAVIS JOHNSON:** So there is an.., there, there.., so then, we then we would then be moving to put it out providing the exact scope of work and providing an opportunity...

**CHAIR PRO TEM DAVIS:** He had made a decision.

**MR. B. BEAUDET:** Yes. An opportunity for BFA or other firms to...

**BOARD MEMBER DAVIS JOHNSON:** Yeah. No decision...

**MR. B. BEAUDET:** ...respond to it.

**BOARD MEMBER DAVIS JOHNSON:** ...has been made today...

**CHAIR PRO TEM DAVIS:** [Inaudible].

**BOARD MEMBER DAVIS JOHNSON:** ...because we need to put it out to bid.

**MR. B. BEAUDET:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** Yeah. Okay. Okay. So, I just wanted to make sure that, that we have not selected those experts and that there is an opportunity, if this firm is saying...

**CHAIR PRO TEM DAVIS:** Mhmm.

**BOARD MEMBER DAVIS JOHNSON:** ...that that is a part of their work and their expertise that they should, they should bid and be considered for the work.

**MR. B. BEAUDET:** Right. The scope that they've suggested would include the scope that's in the Consent Order.

**CHAIR PRO TEM DAVIS:** Anything else from [stammer], from Members of the Board? I'm gonna go to the public comment in regards to this matter. Ms. Bonnie Larson then Horace Towns.

**MS. B. LARSON:** Bonnie Larson. Mr. Beaudet said what I was gonna say in 100 words, he said it in 25. We [chuckle]...

**CHAIR PRO TEM DAVIS:** Thank you.

**MS. B. LARSON:** ...we need to know what we're doing here and th'... I read that contract and it was very, very broad, all the things we would not do. They wouldn't be expected to navigate the projects through the City procedures, they would hire extra consultants. But, my main question with them was 2010 to 2013 we hired them in Riviera Beach. Now part of their plan was to ID which of their recommendations made then were implemented and which were not and, if not, why not? Why didn't they know that at the time? Why did.., if they made suggestions so why didn't they know then why those things weren't done? So, to have 'em do it again, I don't.., I don't know. It just didn't make any sense to me.

But now you've decided to, um, go out to bid so I won't go on with the rest of my things but that is a question. And, and I didn't understand the answer to that either, why would it take now a week versus why was it a month? I didn't under'... You asked it about three times, I didn't get it either so you're not the only one. But, you know, we hired 'em for three years and if they didn't even know what happened, how can we be confident that they're gonna know and follow up now? They admit that they didn't know what, what happened when they made suggestions last time.

Thank you.

**CHAIR PRO TEM DAVIS:** No. Ms. Larson, just for the record, they were saying once their suggestions got to the Staff level...

**MS. B. LARSON:** ...Mhmm.

**CHAIR PRO TEM DAVIS:** It was out of their hands at that time. Staff just chose not to bring it before the Board.

**MS. B. LARSON:** Right.

**CHAIR PRO TEM DAVIS:** And that's what they were talking about, what happened at that point.

**MS. B. LARSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** And that was the concern. If you remember that Utility District meeting when I asked that question and the Director was very disrespectful.

**MS. B. LARSON:** Oh yes.

**CHAIR PRO TEM DAVIS:** And that's what that matter was addressing, trying to get questions answered and he was holding the information to himself. He took it upon himself to allow a contract to expire with someone who got us in compliance.

**MS. B. LARSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** Alright? And did not bring that decision before the Board for us to make a decision. And that's where the questioning was happened at that time. So...

**MS. B. LARSON:** I remember that meeting very well. He was extremely disrespectful.

**CHAIR PRO TEM DAVIS:** [Inaudible].

**MS. B. LARSON:** And when you asked for a vote from the Council to stand behind you, because if he did that to you, he could do it to anyone on the Council.

**CHAIR PRO TEM DAVIS:** Correct.

**MS. B. LARSON:** But he knew he had enough votes on his side so he totally disrespected you, you deserved the answers and you did not get them.

Thank you.

**CHAIR PRO TEM DAVIS:** Thank you so much. Last, we have Ms. Kisner, Mami Kisner. Oh, no. Mr. Horace Towns then Ms. Kisner. I apologize.

**MR. H. TOWNS:** Um, good evening to the Board.

**CHAIR PRO TEM DAVIS:** Good evening.

**MR. H. TOWNS:** Horace Towns, Riviera Beach. I stepped out for a second so I don't know what I missed. Um, you guys have a big boulder on your shoulders as a Council cause we're asking you to have a lot of understanding on something that may be out of your field. Um [clears throat], I am in no way a big advocate of Michael Brown [clears throat]. Excuse me. But, in this matter, I think the Council was wise to retain him regarding this matter because his involvement with DEP, EPA regarding this issue so I think that is wise. Um...

**CHAIR PRO TEM DAVIS:** Mr. Towns.

**MR. H. TOWNS:** Yes, sir.

**CHAIR PRO TEM DAVIS:** ...just for the record, we are on Item No. 3...

**MR. H. TOWNS:** [Clears throat].

**CHAIR PRO TEM DAVIS:** ...as it pertains to, uh...

**MR. H. TOWNS:** I'm getting to it. I'm sorry.

**CHAIR PRO TEM DAVIS:** Yeah.

**MR. H. TOWNS:** Um...

**UNK:** Would you like some water?

**MR. H. TOWNS:** I sure do.

**CHAIR PRO TEM DAVIS:** Yeah. Somebody give Mr. Towns a nice bottle of that good water.

[Chuckles]

**BOARD MEMBER DAVIS JOHNSON:** Our water is good.

**CHAIR PRO TEM DAVIS:** Our water.

**BOARD MEMBER DAVIS JOHNSON:** Our water is good.

**CHAIR PRO TEM DAVIS:** We, we, we bottle water and sell it.

[Chuckles]

**MR. H. TOWNS:** Man, you're a good Chair. What I, what I wanted to address though and I think Ms. Miller or Ms. Davis kinda went down this area. I don't want to bring in someone that says that we have problems that we already know we have but we don't walk away with a template for correction. Um, what are we going to do to address procedures day-to-to [clears throat] and operations in regarding our management practices and how we operate because the City right now, we know we have issues with water quality but we also, to my knowledge, have issues that if we do not address, is gonna bring us right back out of compliance. So, what are we going to do to address that and I don't wanna give out a contract to someone else and they don't address those issues? So, what are we going to, to address those procedures day-to-day?

Um, in my line of work, I've been in government 15 years and I do have a level of expertise regarding this, water testing should be daily. I think with the revenue that we generate, we, at some point, should be..., and I'm not, I don't know if we do or not, build up enough Staff where we can do our own sampling and testing even if it's associated with a lab to make sure we don't fall out of compliance or we don't have water quality issues that we're not alerted to right away.

Thank you. Sorry about that. [Chuckle].

**CHAIR PRO TEM DAVIS:** Take some water with you now.

[Chuckles]

**CHAIR PRO TEM DAVIS:** Ms. Kisner.

**MS. M. KISNER:** Mami Kisner. Uh, we are here talking about things I heard two years ago, um, and maybe more. BFA was a firm that went through the selection process and they were selected, number one. The Utility Director pushed for the second firm, Chen and Associates to be considered for additional work. And he got it. Since that time, you need to pull the record and see how many millions of dollars have gone to Chen and Associates who was ranked second and BFA was ranked first. That's the history you need to first look at. Secondly, if we have been in compliance and these firms that are already with the Utility District, such as C Solutions, was doing their job, we wouldn't be having this conversation. So, for someone to tell the residents of this City that we're comfortable with the Staff, that we're comfortable with the firms that are already working in the Utility District and yet we sit here and we are out of compliance, is blowing my mind. We need to deal with the issue, bring the experts in to do a full evaluations who are ranked across this country, by the way, if you do your homework on BFA. They have been here before, they won that bid and won that contract and even told you and told the Utility Director, some of these problems we are experiencing now and nothing was done. We need to do the work for the residents and

do what is right and not let someone just come and tell us, all of a sudden, that these are great people, doing great work because if that's the case, we wouldn't be here tonight.

Thank you.

**CHAIR PRO TEM DAVIS:** Thank you. Madam Attorney.

**DISTRICT ATTORNEY RYAN:** Yes.

**CHAIR PRO TEM DAVIS:** As it pertains to the contract that was, uh, not allowed to come back before the Board for renewal, is that a matter that this Board can address?

**DISTRICT ATTORNEY RYAN:** No. That contract, if I recall, terminated a long time ago and that's why..., remember, the Council decided to do another solicitation? So, there was another...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** ...solicitation...

**CHAIR PRO TEM DAVIS:** It's still on fl'...

**DISTRICT ATTORNEY RYAN:** ...that...

**CHAIR PRO TEM DAVIS:** Okay. Alright.

**DISTRICT ATTORNEY RYAN:** I don't know if it's the same one or not. Um, but there was another solicitation. Okay? There..., I don't understand. But, I don't know if BFA responded to that solicitation.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** But now there's another one out...

**UNK:** [Inaudible].

**DISTRICT ATTORNEY RYAN:** It's the same one. Okay.

**CHAIR PRO TEM DAVIS:** So it is out already?

**DISTRICT ATTORNEY RYAN:** It's out.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** And so...

**CHAIR PRO TEM DAVIS:** Alright.

**DISTRICT ATTORNEY RYAN:** ...they can respond...

**CHAIR PRO TEM DAVIS:** So that matter's already been addressed.

**DISTRICT ATTORNEY RYAN:** But we, we...

**BOARD MEMBER DAVIS JOHNSON:** [Inaudible].

[Inaudible comments]

**CHAIR PRO TEM DAVIS:** Hold on. Let's hear from Staff. Hold on, hold on. Staff, where we at with that particular...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** There is currently an RFQ on the streets for continuous services...

**DEPUTY CITY MANAGER JONES:** Giles, hold on. Let Mr. Mealy come up and talk about it in Purchasing.

**CHAIR PRO TEM DAVIS:** Yeah. Cause som'..., cause I know earlier you said something about...

**DEPUTY CITY MANAGER JONES:** There's one out now and I...

**CHAIR PRO TEM DAVIS:** ...something and it was pulled...

**DEPUTY CITY MANAGER JONES:** ...I provided you with a copy of it in your backup.

**CHAIR PRO TEM DAVIS:** Yeah.

**DEPUTY CITY MANAGER JONES:** Yes.

**CHAIR PRO TEM DAVIS:** Cause I remember before Aurigemma stated that something was pulled back because it was over budget or something like that. Is this the same [stammer], contract?

**DISTRICT ATTORNEY RYAN:** [Inaudible].

**DEPUTY CITY MANAGER JONES:** No. That was the In-Kind project but we'll...

**CHAIR PRO TEM DAVIS:** Oh, okay.

**DEPUTY CITY MANAGER JONES:** ...let Mr. Mealy talk about that.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** Oh, yeah.

**CHAIR PRO TEM DAVIS:** Go ahead, sir.

**PURCHASING MANAGER MEALY:** 701-16 is currently on the street and because of the Code of Silence I really don't wanna go too far with it other...

**CHAIR PRO TEM DAVIS:** [Inaudible].

**PURCHASING MANAGER MEALY:** ...than you have the, the hard dates right there. The dates will be extended by two weeks because of a public records request I had received and it's gonna take me a little bit of time to compile the data.

**BOARD MEMBER DAVIS JOHNSON:** So, has the.., with the, um, extension of the date, which date are we talking about extending? Are you we talking about the due date of the RFP?

**PURCHASING MANAGER MEALY:** Bo'.., both..

**BOARD MEMBER DAVIS JOHNSON:** Because that schedule...

**PURCHASING MANAGER MEALY:** For the question, responses and for the, the hard date of submittal.

**BOARD MEMBER DAVIS JOHNSON:** So, okay. So, RFP due date, opportunity to ask questions...

**PURCHASING MANAGER MEALY:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** Okay. And then the presentations and selection.

**PURCHASING MANAGER MEALY:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**PURCHASING MANAGER MEALY:** Because of the nature of the public records request is, is just very...

**CHAIR PRO TEM DAVIS:** I understand.

**PURCHASING MANAGER MEALY:** ...voluminous, I'd rather be s'..., err on the side of caution.

**CHAIR PRO TEM DAVIS:** Understand. Did anyone have any other questions from Staff?

**BOARD MEMBER MILLER-ANDERSON:** I have a question.

**CHAIR PRO TEM DAVIS:** For the record, the Mayor just showed up to the...

**BOARD MEMBER MILLER-ANDERSON:** For the...

**CHAIR PRO TEM DAVIS:** ...on the Board.

**BOARD MEMBER MILLER-ANDERSON:** I'm sorry.

**CHAIR PRO TEM DAVIS:** I was just letting the record reflect that Mayor Masters is on the Board.

**BOARD MEMBER MILLER-ANDERSON:** I have a question for...

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER MILLER-ANDERSON:** ...the Attorney. Okay. So, I wanna go back to the, the main issue of addressing that this does not fall up under the emergency procurement. And so, with that being said, it would not fall up under this, what do we do? We.., how do we get away from this and now move to the solicitation of it.

**DISTRICT ATTORNEY RYAN:** Well, I think the solicitation [stammer] I, I thought I heard that the solicitation that's out can already cover the work that's here. So, you just need to take back your, um, your motion to undo this cause you all have a... I think there's...

**BOARD MEMBER DAVIS JOHNSON:** No.

**DISTRICT ATTORNEY RYAN:** ...a motion made.

**BOARD MEMBER DAVIS JOHNSON:** There's two, there's... No. No, no, no. I think we're talking about two different solicitations.

**CHAIR PRO TEM DAVIS:** There's two, there's two...

**BOARD MEMBER DAVIS JOHNSON:** Because you...

**DEPUTY CITY MANAGER JONES:** Mr. Chair?

**BOARD MEMBER DAVIS JOHNSON:** Mr. Beaudet talked about...

**DEPUTY CITY MANAGER JONES:** A future...

**BOARD MEMBER DAVIS JOHNSON:** The future solicitation for the three experts...

**DEPUTY CITY MANAGER JONES:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** ...as a result of the Consent Order. And so, if... That's what we are talking about. Now, then... We're talking about two different...

**DEPUTY CITY MANAGER JONES:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** ...R, R... Two RFP's.

**DISTRICT ATTORNEY RYAN:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** Because the one that's currently on the street, if I'm understanding correctly, we have on currently on the street and now, based on the information that's included in the proposal or scope of work from BFA, part of that is a part of the se'.., the second solicitation that needs to go forward providing an opportunity for BFA to respond to that solicitation based on the scope of work that will be required in, in response to the Consent Order.

**DEPUTY CITY MANAGER JONES:** That's correct.

**PURCHASING MANAGER MEALY:** That is correct.

**BOARD MEMBER MILLER-ANDERSON:** That's the, that's the one I'm talking about.

**DISTRICT ATTORNEY RYAN:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** [Chuckle].

**BOARD MEMBER MILLER-ANDERSON:** I mean...

**PURCHASING MANAGER MEALY:** That...

**BOARD MEMBER MILLER-ANDERSON:** Right here.

**DEPUTY CITY MANAGER JONES:** And I think her answer will stand that you don't need to take any action that, as a part of the development of the scope of work, they will be allowed to participate in that, uh, submit for that particular RFP when it's published.

**BOARD MEMBER MILLER-ANDERSON:** I... Chair?

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER MILLER-ANDERSON:** I would like to hear from BFA before we do whatever it is that we're gonna do. If they could come up.

**BOARD MEMBER DAVIS JOHNSON:** And, as he's coming, would we, for this particular solicitation, would there be a, um, a prebid meeting, a mandatory prebid meeting?

**MR. B. BEAUDET:** Uh, I, I don't know the process at the City.

**BOARD MEMBER DAVIS JOHNSON:** Mhmm.

**MR. B. BEAUDET:** I would have to ask Mr. Mealy that.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Mealy. We're running you, I'm sorry. You might as well just take a seat up front.

**UNK:** Take a seat up front.

**PURCHASING MANAGER MEALY:** I should just take a seat up front. Actually, I'm scheduled for ankle replacement. To answer your question, my policy is full prebid and we.., mandatory prebid so everybody sees everything and touches everything at the same time. It's rather.., I don't like doing piecemeal.

**BOARD MEMBER DAVIS JOHNSON:** Thank you.

**BOARD MEMBER MILLER-ANDERSON:** Good.

**CHAIR PRO TEM DAVIS:** Yes, sir. Please state your name for the record.

**BFA W. THOMAS:** Oh. Willie Thomas. I'm with Barnes, Ferland & Associates. I'm one of the principals, the Vice President of the firm and also a senior engineer. We're here today as, as requested. Patrick Barnes, the President of the firm, was here a few weeks back when this issue arose, um, and he had coordinated with a few folks and he was trying to be proactive. We worked with the City in the past. We wanna continue that relationship. We are a black-owned firm and we, we feel a commitment to, to be here for you guys and to provide a service.

We put together a scope that we thought, and again, I defer to Staff on that it was somewhat general and broad because it takes some time to get in and talk to Staff, work with Staff, work with everyone to figure out exactly.., and what that scope needs to be to define it more, you know, to make a more defined scope of work there. So, so that part I can understand where he had some, maybe had some issues with the scope.

Again, we're here to serve the City. We worked with you in the past when you had a compliance issue. Previously, we were selected number one for that continuing engineering contract. We completed a number of task authorizations. We also brought you into compliance with the, with an outstanding cup'.., a water use permit that had been outstanding for almost 15, 16 years and we were able to obtain a 20 year permit for the City. So, we feel an obligation to continue to work with you guys and we will, any solicitations that come out, we will make sure that we throw our hat in, in the game and we'll put our best foot for'.., forward and we'll continue to try to participate.

But again, Patrick was trying to.., he was, he had heard about this. We, we did some initial reviews of all the information that was coming from the Health Department, looked into it and we're trying to be proactive. So, we brought a scope forth to present to the, to the Council for consideration. We ho'.., we're glad that you guys took a look at that. I'm sure there's some elements of it that can be utilized but again, we were just here, as a firm that's worked with the City in the past. We wanna continue to work with you and that was our intent there. So, we will defer to Staff as to what their needs are but, at the same time, any solic'.., solicitations that do come forth, we will look to participate and hopefully get selected for some, some work in the future.

Thank you again for at least considering us.

**MAYOR MASTERS:** Stay there for a second.

**BOARD MEMBER DAVIS JOHNSON:** Thank you.

**MAYOR MASTERS:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Go ahead, Mayor.

**MAYOR MASTERS:** Come back, sir. Just for a quick second. I want you to clear up something, real quickly. You said that you are a black-owned firm.

**BFA W. THOMAS:** Yes.

**MAYOR MASTERS:** But you're not suggesting in any way...

**BFA W. THOMAS:** Oh, no, no.

**MAYOR MASTERS:** Because...

**BFA W. THOMAS:** No.

**MAYOR MASTERS:** ...you're a black-owned firm that you...

**BFA W. THOMAS:** We're not suggesting...

**MAYOR MASTERS:** ...should get the contract.

**BFA W. THOMAS:** ...that at all. No.

**MAYOR MASTERS:** But, you wanna clear that

**BFA W. THOMAS:** We're, we're just saying that, um, you know, we've..., Patrick has a history of this and we, we, we try to stay connected. So, when we see these issues come up, we wanna make sure that the City has an outlet because sometimes there is some, you wanna call it a, a underrepresentation, when it comes to..., especially on the, on the water/wastewater side engineering, not all firms will, will come to the City and, and, and put their best foot forward. So we wanted to make sure that you guys understood, if you had a issue, we're gonna be the first one to come knock on your door. And...

**MAYOR MASTERS:** I just wanted you to put that on the record. It has nothing to do with the fact that you're a black-owned firm or minority.

**BFA W. THOMAS:** It has nothing to do with it, no, no.

**MAYOR MASTERS:** Okay.

**BFA W. THOMAS:** I mean, we treat all our clients the same and we, we make sure we look out for their best interest.

**MAYOR MASTERS:** Okay. Thank you. Thank you, Mr. Chairman.

**CHAIR PRO TEM DAVIS:** Okay. So, we've had a discussion about this. Also, Madam Attorney, so, at this point we just...

**DISTRICT ATTORNEY RYAN:** If the maker of the motion wants to rescind the motion...

**CHAIR PRO TEM DAVIS:** Rescind the motion?

**DISTRICT ATTORNEY RYAN:** ...then...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** ...we can just move forward as we...

**CHAIR PRO TEM DAVIS:** Councilwoman Anderson, [inaudible] rescind...

**BOARD MEMBER MILLER-ANDERSON:** I'll rescind my, um, my motion due to us now going to put it out for bid and.., for solicitation and if they would like to respond to that, then they will be able to do so.

**CHAIR PRO TEM DAVIS:** A second?

**BOARD MEMBER DAVIS JOHNSON:** Do we need a second?

**DISTRICT ATTORNEY RYAN:** No. She rescinded [inaudible]...

**CHAIR PRO TEM DAVIS:** She... Okay.

[Inaudible comments]

**CHAIR PRO TEM DAVIS:** Alright. Just wanted to make sure. Okay, next.

**BOARD MEMBER MILLER-ANDERSON:** [Chuckle]. I...

**CHAIR PRO TEM DAVIS:** Next, we're gonna go to Item No. 4.

**DISTRICT ATTORNEY RYAN:** I think Ms. Miller-Anderson...

**UNK:** Deleted it.

**DISTRICT ATTORNEY RYAN:** ...deleted that.

**BOARD MEMBER DAVIS JOHNSON:** She deleted four.

**DISTRICT ATTORNEY RYAN:** Oh, you wanna table it or...

**CHAIR PRO TEM DAVIS:** No. We didn't get a chance to delete it yet.

**BOARD MEMBER MILLER-ANDERSON:** Were we okay with that being deleted at that time since we did it out of order?

**CHAIR PRO TEM DAVIS:** No. We're, we, we determined that, at this point, we'll make a decision whether you wanna table the Item...

**BOARD MEMBER MILLER-ANDERSON:** No. I'm..., she, she's saying that... What, what is your recommendation, Ms. Ryan?

**DISTRICT ATTORNEY RYAN:** Well, what is it..., do you wanna have it brought back at the next meeting or do you want some more work to be done?

**BOARD MEMBER MILLER-ANDERSON:** Well, I, yeah. I mentioned that there were documents that had not been provided to the public and the Council to fully go

over this information and the DEP was unable to attend today and I do think it's important that they're here. So, I do want it to come back...

**DISTRICT ATTORNEY RYAN:** Okay. Then, I think you should table it to the...

**BOARD MEMBER DAVIS JOHNSON:** Motion to table.

**DISTRICT ATTORNEY RYAN:** ...next, to the...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...next meeting.

**BOARD MEMBER MILLER-ANDERSON:** Motion to table No. 4.

**BOARD MEMBER DAVIS JOHNSON:** Second.

**CHAIR PRO TEM DAVIS:** Do you wanna include 4 and 5? Can we do it like that?

**BOARD MEMBER MILLER-ANDERSON:** I was just gonna do one at a time if...

**CHAIR PRO TEM DAVIS:** Okay. Madam Clerk.

**DEPUTY CITY CLERK BURGESS:** Board Member Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Board Member Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Pro Tem Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**DEPUTY CITY CLERK BURGESS:** Unanimous.

**CHAIR PRO TEM DAVIS:** Item No. 5.

**BOARD MEMBER DAVIS JOHNSON:** Motion to table?

**BOARD MEMBER MILLER-ANDERSON:** Oh, she's not gonna read it. She doesn't have to read it?

**BOARD MEMBER DAVIS JOHNSON:** Does she?

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**DEPUTY CITY CLERK BURGESS:** 5. "DISCUSSION ON ALL COMMUNICATIONS AND DOCUMENTATION REFERENCING NON-COMPLIANCE WITH USD'S CONSUMPTIVE WATER PERMIT FROM 2012 TO PRESENT 2016. PLEASE ENSURE THAT ALL THE SUPPORTING DOCUMENTS ARE INCLUDED IN THE BACK UP FOR THE ELECTED OFFICIALS AND PUBLIC TO REVIEW ONLINE WITH THE AGENDA" As requested by Board Member Miller-Anderson on 5/10/16.

**CHAIR PRO TEM DAVIS:** Is there a motion?

**BOARD MEMBER DAVIS JOHNSON:** Motion.

**CHAIR PRO TEM DAVIS:** Do we have a second?

**BOARD MEMBER MILLER-ANDERSON:** Second.

**BOARD MEMBER DAVIS JOHNSON:** A second.

**CHAIR PRO TEM DAVIS:** Alright. So now we're at the discussion of tabling Item No. 5. Do we have a motion to table?

**BOARD MEMBER MILLER-ANDERSON:** I wanna make a motion to table Item No. 5.

**BOARD MEMBER DAVIS JOHNSON:** Second.

**CHAIR PRO TEM DAVIS:** Madam Clerk.

**DEPUTY CITY CLERK BURGESS:** Board Member Miller-Anderson?

**BOARD MEMBER MILLER-ANDERSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Board Member Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Pro Tem Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**DEPUTY CITY CLERK BURGESS:** Unanimous vote.

**CHAIR PRO TEM DAVIS:** Alright. Now, at this time, we wanna go into public comment. We, yeah [stammer].

**END OF REGULAR AGENDA**

**COMMENTS FROM THE PUBLIC - Non Agenda Item Speakers (Three Minute Limitation)**

**Public Comment should be restricted to issues, matters, or topics pertinent to the City of Riviera Beach. Please be reminded that the City Council has adopted Rules of Decorum Governing Public Conduct During Official Meetings, which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the District Board Chairperson may have any disruptive speaker or attendee removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.**

**CHAIR PRO TEM DAVIS:** Bonnie Larson.

**MS. B. LARSON:** I just put that card in. I have a couple questions, um, regarding what we've talked about tonight and I was wondering if we had an Assistant Utility Director so now, tonight, I meet Mr. Giles. So, I didn't know. How was it, how was it possible that Aurigemma was the only one who knew about the fines, who only knew..., he was the, how was he the only one who knew what was going on down the'..., here? He turned down documents that were sent in, he didn't let anybody see them. How is that possible that he didn't even let his Assistant Utility Director know of those things. In other words, okay, so what is the p'..., what is, what are the responsibilities of the U'..., Assistant Utility Director, now that we know we have one.

He mentioned tonight that we have a reduced Staff in the Utility Department. Why is that and he said they were only able to test the water. They've been real busy testing the water, they haven't been able to do anything else. So, are we so low on Staff now that that's all that's getting done? We're not concentrating on anything else or what was meant by that comment?

Thank you.

**CHAIR PRO TEM DAVIS:** Thank you. Next, Mr. Amon Yisrael. And then we'll go to Margaret Sheppard, after Mr. Yisrael.

**MR. A. YISRAEL:** Good evening, Council.

**CHAIR PRO TEM DAVIS:** Good evening.

**MR. A. YISRAEL:** Amon Yisrael.

**MAYOR MASTERS:** Good evening.

**MR. A. YISRAEL:** Rivi'.., and Mayor, excuse me. My name is Amon Yisrael, Riviera Beach, Florida. It's great that we're concerned about the water, very great. I also will like to note that we also need to be concerned with some of the food that we're intaking because some of the chemicals that's in the water that we're concerned about are in the food that we're consuming. And because of those chemicals, it is causing disease and sickness to be at an all-time high in our community. There's some information that's gonna be shared this Saturday at Wells Recreation gym. The doors will open at 10:00. World renowned Hippocrates will be there.

When you put dead food in a live body, it contributes to death. When you put live food in a live body, it contributes to life. There is a \$15.00 donation. However, any Riviera Beach citizen that come, will not be turned away. We're asking for a \$15.00 donation to cover some of the expenses. This information is gonna be earth-shattering and it's information that our community kno'.., should know about. Just last night, when we left the meeting, two people that I knew, know of through their family, had strokes. There is a hyperbaric chamber at Hippocrates. If you get your family member there in time, they're having about 90% total recovery. There's a lot of information we do not have about health. We need this information. Again, Wells Recreation Center, this Saturday. You must be there. There's information that's being held, all kinda research that you will be given so that you can help correct some of these diseases and sickness, high blood pressure, cholesterol. Some people think it's hereditary. The lifestyle is hereditary.

**UNK:** That's right.

**MR. A. YISRAEL:** So, if you change the lifestyle, you can change the disease and sickness. Wells Recreation, Saturday.

Thank you.

[Beep]

**MAYOR MASTERS:** Saturday, what is that date, Mr. Chairman? Mr. Amon, because this is gonna be...

**CHAIR PRO TEM DAVIS:** It's the 21<sup>st</sup>.

**MAYOR MASTERS:** This is gonna be run over and over so say the date.

**MR. A. YISRAEL:** That's the 21<sup>st</sup>, this Saturday, Wells Recreational gym.

**CHAIR PRO TEM DAVIS:** So this'll be the second series?

**MR. A. YISRAEL:** This'll be the third one.

**CHAIR PRO TEM DAVIS:** Third series.

**MR. A. YISRAEL:** This one, because of our residents, when they came to the other one, there was a lot of information they wasn't sure about.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. A. YISRAEL:** So, this one is gonna be food demonstration and preparation.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. A. YISRAEL:** Alright.

**MAYOR MASTERS:** And, and one more thing. You also said last night that within 30 days, you have known people to tremendously reduce their blo'.., high blood pressure and something else.

**MR. A. YISRAEL:** Not reduce. Correct.

**MAYOR MASTERS:** Correct. So, within...

**MR. A. YISRAEL:** High...

**MAYOR MASTERS:** ...30 days...

**MR. A. YISRAEL:** ...blood pressure, cholesterol, diabetes, I personally know have been corrected in 30 days. I've...

**MAYOR MASTERS:** Wow.

**MR. A. YISRAEL:** ...sent several people to them, with cancer, 4<sup>th</sup> stage cancer...

**MAYOR MASTERS:** Hmm.

**MR. A. YISRAEL:** They are still living. So...

**MAYOR MASTERS:** [Inaudible].

**MR. A. YISRAEL:** ...if we stop accepting death as a way of life, you'll be surprised. Our body is designed to rejuvenate itself. When we put the proper food in the body, it will correct the illnesses. When we put the wrong food in the body, that's what contributes to disease and sickness.

Thank you.

**CHAIR PRO TEM DAVIS:** Thank you, sir.

**MR. A. YISRAEL:** We can even have a seminar now, if you'd like.

[Chuckles]

**CHAIR PRO TEM DAVIS:** Ms. Sheppard.

**MAYOR MASTERS:** And we're gonna be there.

**CHAIR PRO TEM DAVIS:** And then we have Mr. Horace Towns.

**MS. M. SHEPPARD:** Margaret Sheppard, Riviera Beach. Well, I do feel a little confident. Gotta pretty much of a clear understanding on some issues. Um, I remember this gentleman here, when I lived in West Palm Beach for four years, I remember you well. I remember you speaking well and I'm glad you're here. I definitely feel safe. A little bit. Not enough to go to the water but I'm gonna work on it. But I wanna thank this Board for at least bringing this to the forefront. I think the citizens of Riviera Beach have a, a due diligence of knowing the truth. We might not never know the truth but to give them a somewhat of a peace of mind, how do people put documents aside and nobody never know about it? Only here in Riviera Beach. I worked in a institute that I had to be documented at least every six or seven days, I had to have my book in sequence, from the Health Department. And I couldn't say, 'Well, I couldn't find it.' I had to be trained how to keep those books because somebody might get sick. Why didn't this community [pause] at least got a letter or door knocker or whatever you all call... I hope, and I'm saying this cause I hope this never happen again. And Ms. Miller and all of you for bringing this up, I appreciate you all. This is a new day in Riviera Beach.

**MAYOR MASTERS:** Yes, indeed.

**MS. M. SHEPPARD:** A new day. I saw the change, what, nine years ago. You all are the new change.

**MAYOR MASTERS:** That's right.

**MS. M. SHEPPARD:** They started off well and then they fell off at the side of the road. Unfortunately, the ball is in your court. They said they wanted a young generation. You're it. And I hope, Ms. Davis, you are such an inspiration. Business. I always liked that about you. I've watched you. Business, business and business. And I love it that you stay on track. I endeavor you, even during the election they kept asking me, 'Do you know her?' 'Yes, I know her.' And I'd begin to tell 'em what I know. And the one thing I know that the cameras are catching you because they say, 'Oh, that lady's on point.' Stay on point. Ms. Miller-Anderson, stay on point. Call it, Mr., Mr. Davis, [stammer], well, you know, I don't wanna go in public and say what I said but I know you remember what I said. Continue, sir.

**CHAIR PRO TEM DAVIS:** Okay.

**MS. M. SHEPPARD:** If you're gonna be a leader, be a leader.

**CHAIR PRO TEM DAVIS:** Mhmm.

**MS. M. SHEPPARD:** Be a good leader. Be a good leader.

**CHAIR PRO TEM DAVIS:** Thank you.

**MS. M. SHEPPARD:** Because I know that you have that...

[Beep]

**MS. M. SHEPPARD:** ...within you. Thank you very much.

**CHAIR PRO TEM DAVIS:** Thank you. Next, we have the final card which.., this is the final card, correct? Mami Kisner, after Mr. Towns.

**MR. H. TOWNS:** Good morning. Mhmm.

**DISTRICT ATTORNEY RYAN:** morning.

**CHAIR PRO TEM DAVIS:** morning.

**MR. H. TOWNS:** I'm back, man.

**CHAIR PRO TEM DAVIS:** Get you some more water.

**MR. H. TOWNS:** Hey, I got butterscotch.

[Chuckles]

**MAYOR MASTERS:** You...

**MR. H. TOWNS:** Only got offered...

**MAYOR MASTERS:** ...wanna correct that before you [inaudible].

**MR. H. TOWNS:** .....uh, water before. But you alright. This Board does show great promise so I'm happy, uh, with the conversation, the questions that were asked tonight. This is, I think, I believe, to be my first Utility meeting so I don't know when the last Master Plan was published for the City of Riviera Beach but my question is, and I don't know who will answer that, what was the.., what areas were rated the most or highly, the most critical areas and, in the last five years, what CIP projects have we committed to addressing any of those critical areas. So, I don't know with the Staff turnaround right now who's the director, who's the assistant but, uh, those are questions that I wanted to know. So if anyone could let me know, that will be great because I do believe it does serve some importance to our water quality issues and and if we are proceeding

forward with trying to do things properly, I think that is a major question that needs to be asked.

**CHAIR PRO TEM DAVIS:** Thank you, Mr. Towns.

**MR. H. TOWNS:** Uhuh.

**CHAIR PRO TEM DAVIS:** That's the last... Oh, Ms. Kisner. [Pause]. Please take those questions and considerations when you do your presentation next.

**MS. M. KISNER:** I wanna thank you, Board, for allowing me to speak for many of the residents who cannot be here this evening. And I do wanna commend you on the steps that you have taken to correct issues that we have brought before you for many years. Some of you are new and I thank you for doing your research and I know you have to read a lot but it's important for you to listen to the residents, all of the residents, even some you don't wanna hear from because they are hearing what is coming from the employees who are residents, some of them here and many of them members of this community. We have to move forward, we can't look back'.., backwards. But in moving forward, we have to analyze all of our management, all of our Staff and make sure we have the right certification. This is the largest revenue generator for this City. That means that skilled, qualified, certified people who are dealing with water that we all use every day must be held accountable. To you, the Board, that's why you are here, to make sure that they are accountable and the people they report to. And I don't know who the Utility Director.., I think he was reporting to the City Manager but maybe you need to relook at some of the structure that's been put in place in the management levels because they may need to change in order to correct some of these issues.

I do ask you to look at the safety issues of the employees at that Utility District. Things should be working when we are asking them to go down in these wells and when you, at one time, had 10 to 12 lift stations, go down on one weekend or a week and have a utility director stand here, who reports to the City Manager and say that's okay because we have other ones that are working. That means that there is maintenance that needs to be done.

So, I applaud you but I ask you to be steadfast and unmovable. I'm going to be praying for all of you because you have very hard jobs, including you Mayor. But you have to be firm because you are dealing with the lives of people. You are making decisions that are affecting people's everyday lives. And safety and water should be key. And how we spend our money and if we're going to be consistent in process, that [stammer], that must be consistent in all consultants. I don't know how Mr. Bevins got here but was that a process that was sent out to the public? It should have been if we are requiring that from other consultants.

[Beep]

**MS. M. KISNER:** Thank you. And nothing against you.

**CHAIR PRO TEM DAVIS:** Before we get there, I do believe that process was done based on the fact as.., like, what we're trying to do today, respond to an emergency and, I guess through some names, he came highly recommended, just as well as this firm came highly recommended before us today.

Now we're gonna go to discussion, Item, for No. 6, by, by Staff.

**BOARD MEMBER MILLER-ANDERSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** I know that we only have three here on the Board. I wanted to know, was I able to take a restroom break? Would that, would we have to stop the meeting for that?

**CHAIR PRO TEM DAVIS:** For this.., since we're going to discussion... Cause we're not gonna be, we're not gonna be taking a vote, right?

**DISTRICT ATTORNEY RYAN:**

**CHAIR PRO TEM DAVIS:** So, we're just talking for discussion so you can...

**DISTRICT ATTORNEY RYAN:** Right.

[Inaudible comments]

**BOARD MEMBER MILLER-ANDERSON:** Okay. Okay.

**CHAIR PRO TEM DAVIS:** We're just updating so...

**BOARD MEMBER MILLER-ANDERSON:** I just wanted to make sure...

**DISTRICT ATTORNEY RYAN:** There's nothing to vote on.

**BOARD MEMBER MILLER-ANDERSON:** ...if I was stuck here to the end, I, I...

**DISTRICT ATTORNEY RYAN:** Cause technically you are.

[Chuckles]

**CHAIR PRO TEM DAVIS:** Okay. Cause we're just discussion.

**DISTRICT ATTORNEY RYAN:** Right.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** Before we go to discussion, um, Mr. Jones, Mr. Perry, I would just like to request that we review the certifications of our, of our Staff and make sure that they are current in those certifications and in, in their, in their training for those that are there and, as we go forward, to make sure that those individuals who are working for us are credentialed?

**ASSISTANT CITY MANAGER PERRY:** I just wanna say, the first day that I was there, that's the first thing that I requested so they're putting together a matrix...

**CHAIR PRO TEM DAVIS:** Report. Oh, good.

**ASSISTANT CITY MANAGER PERRY:** now so we'll have an understanding.

**BOARD MEMBER DAVIS JOHNSON:** Okay. So, we'll re'..., we'll receive a copy?

**ASSISTANT CITY MANAGER PERRY:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** Thank you so much.

**CHAIR PRO TEM DAVIS:** Good job.

**DEPUTY CITY MANAGER JONES:** It is our intent to provide you constant and continual updates weekly or biweekly on the progress that we're making at the Utility District.

**BOARD MEMBER DAVIS JOHNSON:** Okay. Thank you.

**CHAIR PRO TEM DAVIS:** Thank you, Mr. Jones.

## **6. DISCUSSION OF JUPITER LABS TESTING SERVICES**

**CHAIR PRO TEM DAVIS:** Next, Staff, you have the floor now for Item No. 6, for discussion.

**EXECUTIVE DIRECTOR RHOADS:** First, Item No. 6 I was gonna lean for the Purchasing Manager to discuss this. You heard a little bit about it earlier, Jupiter Labs testing, um, if you care to hear, for discussion.

**CHAIR PRO TEM DAVIS:** Yeah. They discussed...

**DEPUTY CITY MANAGER JONES:** Basically, what we wanted to do and I, I'll probably be able to address it. During the last update we presented to the Board at a special meeting that we were gonna have all 40 sampling points tested and, at that time, only 19 had been tested...

**CHAIR PRO TEM DAVIS:** Mhmm.

**DEPUTY CITY MANAGER JONES:** ...or sampled and since that time, the entire 40 sampling points were tested and, with negative results. So, we just wanna make sure we bring that to closure that at.., that task was completed and it was.., the invoice was gonna be processed through our normal procedures.

**CHAIR PRO TEM DAVIS:** Thank you. Any questions? [Pause]. Okay.

**BOARD MEMBER DAVIS JOHNSON:** No.

**CHAIR PRO TEM DAVIS:** Alright. Let's go to Item No. 7.

**7. Discussion of Consent Order WP-020-16 issued by the Florida Department of Health, Palm Beach County**

**ASSISTANT CITY MANAGER PERRY:** Alright. Item No. 7 is a discussion of the Consent Order WP-20-16 with the Palm Beach County Health Department was previously discussed, uh, in the earlier meetings. The progress, at this point, the Health Department and the Utility District have been meeting on this Consent Order to go over some of the items and negotiate some of the items that would serve the Utility District better such as the scope of work for the condition assessment. There's progress and concessions going with that discussion. The, uh, the Utility is providing an in-kind services proposal for this project. They will be given to the Health Department and we expect signatures on that to happen within this week.

**CHAIR PRO TEM DAVIS:** Okay.

**ASSISTANT CITY MANAGER PERRY:** You know, as, as it was mentioned earlier, we've been performing daily sample proactively before, you know, the agreement and Consent Order and all samples have been looking good.

**CHAIR PRO TEM DAVIS:** Any questions from the Board?

**BOARD MEMBER MILLER-ANDERSON:** Yes. I will like to request the copy, to be copied on the result.., the forms that you get as to reports for the testing.

**ASSISTANT CITY MANAGER PERRY:** For the sampling?

**DEPUTY CITY MANAGER JONES:** That's done daily. You want the daily results?

**BOARD MEMBER MILLER-ANDERSON:** Mhmm. Yeah.

**DEPUTY CITY MANAGER JONES:** Okay.

**DISTRICT ATTORNEY RYAN:** Anybody else want 'em or [inaudible].

**MR. B. BEAUDET:** Yes, um...

**CHAIR PRO TEM DAVIS:** Yeah, I'll take 'em. Yeah.

**MR. B. BEAUDET:** Madam Director, we, right now, are using a hard copy form to record these results.

**BOARD MEMBER MILLER-ANDERSON:** Well, just scan it.

**MR. B. BEAUDET:** We have now developed a Excel spreadsheet which will keep all that data, the history of the data and the data moving forward. And, um, as I promised you when you brought me on board, to have transparency, to have suggestions for transparency. Soon as we get the opportunity, we're gonna put that spreadsheet on the website so that any citizen can look and see what their data is, either near, you know, in their neighborhoods.

**BOARD MEMBER MILLER-ANDERSON:** Good. Fine.

**CHAIR PRO TEM DAVIS:** Makes you feel like we're really getting something accomplished over there.

**DEPUTY CITY MANAGER JONES:** [Chuckling].

**MAYOR MASTERS:** [Chuckle].

**CHAIR PRO TEM DAVIS:** I really do. I'm getting more feedback as far as what's actually happening and I really appreciate you for being on board, sir.

**MAYOR MASTERS:** Mr. Chairman?

**CHAIR PRO TEM DAVIS:** Madam... Not Madam.

**MAYOR MASTERS:** Thank you.

**CHAIR PRO TEM DAVIS:** Mr. Mayor, Mr. Mayor.

**MAYOR MASTERS:** We, we would probably also.., it would probably be a good idea to put it on channel, on Channel 18 so we can, the, the listeners and viewers can see it as well as the website, Mr. Jones.

**DEPUTY CITY MANAGER JONES:** We'll take care of that, sir.

**MAYOR MASTERS:** Okay. Thank you.

**CHAIR PRO TEM DAVIS:** Any other questions before we move to Item No. 8? [Pause]. Item No. 8. ECR.

## **8. EAST CENTRAL REGIONAL WASTEWATER TREATMENT (ECR) UPDATE**

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Sure. Item No. 8 is the Regional Wastewater Treatment Plant, ECR. The next Board meeting is scheduled for next Thursday, the 26<sup>th</sup>. Following this Board meeting, uh, the ECR Board Members will be having a budget workshop to go over the 2016-2017 outlook.

**CHAIR PRO TEM DAVIS:** Excuse me. Where is that meeting located?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** That's gonna be at the West Palm Beach City Hall, in the Flagler conference room.

**CHAIR PRO TEM DAVIS:** Okay. At what time?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** That will be starting at 10:00.

**CHAIR PRO TEM DAVIS:** 10:00 o'clock. Okay. Thank you.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** The biosalts project updated ECR is in line with construction time and construction schedule. As far as the construction, made progress and payments on that. And they are moving that project along rapidly.

**CHAIR PRO TEM DAVIS:** Any questions from the Board?

**BOARD MEMBER MILLER-ANDERSON:** Is he done?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yeah. For the ECR update, yes.

**CHAIR PRO TEM DAVIS:** Mr. Manager, you have anything you wanna state?

**DEPUTY CITY MANAGER JONES:** No. Nothing to add. Other than..., yes, I do.

**MAYOR MASTERS:** [Chuckle].

**DEPUTY CITY MANAGER JONES:** Giles has been designated as the representative for the City of Riviera Beach on the ECR.

**CHAIR PRO TEM DAVIS:** Okay.

**DEPUTY CITY MANAGER JONES:** Yeah.

**CHAIR PRO TEM DAVIS:** Alright. Thank you. Next, we gonna have Item No. 9.

## **9. LIFT STATIONS 10 AND 50 UPDATE**

**CHAIR PRO TEM DAVIS:** Lift Stations 10 and 50 update.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Okay. This is an ongoing construction project. Lift Station 10 is located in Singer Island on Park Avenue. Lift Station 10 handles all of the wastewater flows for the entire Island. That project is going through a rehabilitation where all the infrastructure served at that Lift Station will be removed and replaced except for the wet well itself which will be rehabbed, reshaped and help to perform the, uh, [stammer], performance inside the wet well.

Lift State 50 is the Master Lift Station located at Avenue U and MLK Boulevard. That handles all the flows for the City east of I-95. That structure will be completely new and it'll be state of the art inline booster station which will not require a wet well as lift stations do require to move the flow. We're about, uh, we're at day 193 of this project out of a 365-day substantial completion schedule so we're about halfway through with the project.

**CHAIR PRO TEM DAVIS:** On 50?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** On both projects.

**CHAIR PRO TEM DAVIS:** Okay.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** They're ongoing but one single contractor simultaneously performing the work.

**CHAIR PRO TEM DAVIS:** Okay.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Halfway through, uh...

**CHAIR PRO TEM DAVIS:** Who's that contractor?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** The primary, prime contractor is Close [sp] Construction.

**CHAIR PRO TEM DAVIS:** Okay.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** The project's on cost and on schedule. We're at, payments at about \$800,000 and the review is, for the next payment's gonna be about \$1.3. Total project's cost was \$3.8M.

**CHAIR PRO TEM DAVIS:** So, we're looking to definitely come way under budget.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** We're looking to be on budget now.

**CHAIR PRO TEM DAVIS:** On budget or under budget?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I can't speak if we'll be under budget, um, we are within budget at this point.

**CHAIR PRO TEM DAVIS:** Are there any concerns that we might need to be aware of before we move any further, that may push some potential change orders that...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Not at this...

**CHAIR PRO TEM DAVIS:** ...you all...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** ...time.

**CHAIR PRO TEM DAVIS:** Okay. Alright.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** I just have a question with regards to our SB participation. Did we have any on any of these projects?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** There is SB performance on this project. We're looking for 25%.., it's 20 or 25%, I'd have to double check the contract language. It, uh.., but Close has exceeded the participation for SB, SBE and there's apprenticeship program on this...

**BOARD MEMBER DAVIS JOHNSON:** Yeah.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** ...project based on the construction cost. So.

**CHAIR PRO TEM DAVIS:** Okay. Anything else, Ms. Johnson?

**BOARD MEMBER DAVIS JOHNSON:** No, sir. Thank you.

**MAYOR MASTERS:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Mayor.

**MAYOR MASTERS:** Yes, sir. We're talking about the, the two lift stations, correct? One on the Island...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes, sir.

**MAYOR MASTERS:** ...and one over here. For the purpose of those who are viewing, just briefly explain.., again, briefly, what the lift stations, what they do.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Lift stations perform, uh, they collect the sewer from the gravity, uh, sewage system that you see in the streets where you see manholes.

**MAYOR MASTERS:** Okay.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** And, you know, you're limited by the distance you can move sewage with gravity so they pick up all the flows from the gravity system.

**MAYOR MASTERS:** Mhmm.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** And lift or transmit the flows to a system down, down the way or to the wastewater treatment plant at, at., out in West Palm Beach.

**MAYOR MASTERS:** Okay. Thank you, sir.

**CHAIR PRO TEM DAVIS:** That's all, Mayor? Any other questions, comments by the Board? Staff? Manager? Attorney?

**DISTRICT ATTORNEY RYAN:** No. The only thing is, I, I sent you all a memo on this that, with the special district we reached out to the state and tried to add the Legal Department or add the City Manager's Office and there's only a space for one. We., actually we read., it said it on the website but we also called to see if there's anything we could do.

**CHAIR PRO TEM DAVIS:** Mhmm.

**DISTRICT ATTORNEY RYAN:** And there isn't. So, you can only have one designated person. However, we...

**CHAIR PRO TEM DAVIS:** For?

**DISTRICT ATTORNEY RYAN:** As, well...

**CHAIR PRO TEM DAVIS:** Which Item...

**DISTRICT ATTORNEY RYAN:** ...like for...

**CHAIR PRO TEM DAVIS:** ...are you speaking to?

**DISTRICT ATTORNEY RYAN:** No. None of them. I'm just speaking in general. We talked about the fact that the Utility District Director is the named person for receiving all the notices...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** ...and all...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** Anything dealing with the Utility District.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** And, on that website, it's a statewide website and it has every special district in the State of Florida on that website. We reached out them to see if they could add another department.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** And the answer was no.

**CHAIR PRO TEM DAVIS:** Because it's the Utility District.

**DISTRICT ATTORNEY RYAN:** Right. It's a special district. So, with special districts, they only let you add one.., you, you can only have one name. However, the local health department...

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** ...did state that they would add us in their...

**CHAIR PRO TEM DAVIS:** In their? Okay.

**DISTRICT ATTORNEY RYAN:** ...in their data'.., database. So, we know that we will get copies of anything that comes from the Health Department but there's nothing we can do about changing one name. You can only have one. It can be anybody's name but...

**CHAIR PRO TEM DAVIS:** Mhmm.

**DISTRICT ATTORNEY RYAN:** ...it can only be one.

**CHAIR PRO TEM DAVIS:** Thank you.

**BOARD MEMBER DAVIS JOHNSON:** Mr. Chair?

**CHAIR PRO TEM DAVIS:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** I think that we need to go in and, and update the information because it still shows Mr. Aurigemma.

**DISTRICT ATTORNEY RYAN:** Right. And, that has to be a form and, so, we need to.., because we haven't really designated anybody, we've been reluctant [stammer] to do that.

**CHAIR PRO TEM DAVIS:** Because of this process right now.

**DISTRICT ATTORNEY RYAN:** There isn't.., the Assistant Director hasn't been named the director. I don't know if you wanna make it the City Manager's Office but this is the person who receives any paperwork dealing with the District and it makes me uncomfortable not.., to make.., it should go to the Utility District because...

**CHAIR PRO TEM DAVIS:** So...

**DISTRICT ATTORNEY RYAN:** ...it's...

**CHAIR PRO TEM DAVIS:** So, let me ask you a question. How often do we normally... Do we, we see something on a, on a mon'.., weekly basis? There's a lot...

**DISTRICT ATTORNEY RYAN:** I have no idea.

**CHAIR PRO TEM DAVIS:** ...of communications going on?

**DISTRICT ATTORNEY RYAN:** I don't know.

**MAYOR MASTERS:** [Chuckle].

**CHAIR PRO TEM DAVIS:** Cause, right now...

**DISTRICT ATTORNEY RYAN:** The Utility District director is the registered agent.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** For any correspondence and it could be about anything. Have you paid your taxes? I mean, I don't, I don't what the person gets but you have to registered when you become a special district.

**CHAIR PRO TEM DAVIS:** Okay.

**DISTRICT ATTORNEY RYAN:** And I'm sure that with the CRA, it's listed, I'm sure that Tony Brown's name is on there.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** Well, I would think that with Mr. Perry serving in that capacity... What, what his official title?

**DISTRICT ATTORNEY RYAN:** Assistant City Manager.

**BOARD MEMBER DAVIS JOHNSON:** Assistant City Manager but he, as it relates to the Utilities District.

**CHAIR PRO TEM DAVIS:** He's just overseeing.

**DEPUTY CITY MANAGER JONES:** He's a liaison...

**DISTRICT ATTORNEY RYAN:** He didn't...

**DEPUTY CITY MANAGER JONES:** ...from the...

**DISTRICT ATTORNEY RYAN:** Right.

**DEPUTY CITY MANAGER JONES:** ...City Manager's Office.

**CHAIR PRO TEM DAVIS:** Liaison. Okay.

**DEPUTY CITY MANAGER JONES:** Mr. Chair?

**DISTRICT ATTORNEY RYAN:** I mean, we...

**DEPUTY CITY MANAGER JONES:** I, I will make a recommendation to the USD Board. This week I received Ms. Ryan's communication. I've got a note on my desk. Once we get passed these two meetings, the last two nights, I will make a recommendation to you tomorrow on what I think should.., we should do moving...

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**DEPUTY CITY MANAGER JONES:** ...forward.

**CHAIR PRO TEM DAVIS:** Okay. Thank you.

**BOARD MEMBER DAVIS JOHNSON:** I appreciate it.

**CHAIR PRO TEM DAVIS:** That's great. Anyone else?

**BOARD MEMBER MILLER-ANDERSON:** About the lift stations? That's the one you're talking about, 9?

**BOARD MEMBER DAVIS JOHNSON:** No. We're in comments.

**CHAIR PRO TEM DAVIS:** No. We're in the comments now.

**BOARD MEMBER MILLER-ANDERSON:** We're in regular comments? Oh.

**CHAIR PRO TEM DAVIS:** Yes.

**BOARD MEMBER MILLE-ANDERSON:** Yeah, I have comments.

**MAYOR MASTERS:** We're in regular comments?

**CHAIR PRO TEM DAVIS:** Yes.

**MAYOR MASTERS:** From the Board?

**CHAIR PRO TEM DAVIS:** Yes.

**MAYOR MASTERS:** Okay.

**CHAIR PRO TEM DAVIS:** Yes. Go ahead.

**BOARD MEMBER MILLER-ANDERSON:** The..., we had a climax, climate, climate survey done...

**CHAIR PRO TEM DAVIS:** Climant?

**BOARD MEMBER MILLER-ANDERSON:** Climate.

**CHAIR PRO TEM DAVIS:** Okay.

**BOARD MEMBER MILLER-ANDERSON:** Yeah. Time to eat. Yes.

**BOARD MEMBER DAVIS JOHNSON:** [Chuckle].

**DISTRICT ATTORNEY RYAN:** It's, it's early. It's 7:30..

**BOARD MEMBER MILLER-ANDERSON:** Haven't had anything to eat all day. The climate survey that was done, um, I don't know, it might be close to a year ago now for the Utility District. Did we ever get any feedback on that?

**DEPUTY CITY MANAGER JONES:** I work with Mr. Hayes who put together the instrument and developed some suggestions. I will review that information and provide you with an update. We've had some training that was recommended in there and there's also a few other recommendations that we successfully completed. So, I'll be able to give you an update on what the outcome of that recommendation were.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So, because I'm asking because of, at one point, we were told about the low morale in the department.

**DISTRICT ATTORNEY RYAN:** That kind of climate. Oh my God.

**BOARD MEMBER MILLER-ANDERSON:** Oh, I'm sorry.

**DISTRICT ATTORNEY RYAN:** I literally...

**BOARD MEMBER DAVIS JOHNSON:** I was, I was thinking climate...

**DISTRICT ATTORNEY RYAN:** ...thought you mean climate.

**DEPUTY CITY MANAGER JONES:** No.

[Inaudible comments]

**DISTRICT ATTORNEY RYAN:** I thought you meant the climate.

**MAYOR MASTERS:** I admit, I thought you meant climate too.

**DISTRICT ATTORNEY RYAN:** [Chuckle]

**MAYOR MASTERS:** Like, hot and cold.

**DISTRICT ATTORNEY RYAN:** That's what I thought.

**BOARD MEMBER MILLER-ANDERSON:** Okay. I'll be a little more specific.

**DISTRICT ATTORNEY RYAN:** Wow.

**DEPUTY CITY MANAGER JONES:** I understood exactly you...

**BOARD MEMBER MILLER-ANDERSON:** I know you did.

**DEPUTY CITY MANAGER JONES:** ...were talking about.

**BOARD MEMBER MILLER-ANDERSON:** We were there, right?

[Laughter]

**MAYOR MASTERS:** I don't believe that at all.

**BOARD MEMBER MILLER-ANDERSON:** No. He knew, he knew what I was talking about. No, um, because of the mo'.., low morale, I, I wanted to make sure that we were not continuing to kick the can down the, the path.., down, down the road

because we wanna make sure that everybody that's over there are at their best and they're working at their best ability. And I never.., I don't recall being told of, if it had gotten any better or if it had gotten any worse and it was at that time. And, like I said, that's been probably close to at least nine, ten months ago, I think. It's been awhile and I don't recall hearing anything. Given a, being given an update on it.

They mentioned.., someone mentioned earlier, I think it was Mr. Giles about there being vacancies in the Department. When did those vacancies arise? Did they arise after Mr. Aurigemma or were they already there?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I, I was referring to the, the termination of Mr. Aurigemma.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So, we don't...

**DEPUTY CITY MANAGER JONES:** There are some additional vacancies. We've talked about how to rapidly ramp up the Utility District and we are still discussing that, as well as, I think, there's a couple positions that have been advertised. So we can give you a staffing report. I'll have Mr. Perry work on giving you an update on staffing report by tomorrow but I think we are down two or three people at the District now.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Well, is that negatively impacting us in terms of making sure we stay on point with all things considered for the Utility District?

**DEPUTY CITY MANAGER JONES:** It's impacting us but we had a meeting, and I can't recall the date, and we talked about staffing and the additional requirements for flushing and some other task and we felt confident that we could move some staff around to get those items done and be able to address the vacancies in a expedient manner. So, we're still working to get some of those things done.

**BOARD MEMBER MILLER-ANDERSON:** Okay. How many superintendents do we have at the Utility District?

**DEPUTY CITY MANAGER JONES:** I think, we have two superintendents and one assistant superintendent?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** That's correct.

**BOARD MEMBER MILLER-ANDERSON:** And is that standard? To.., and how many employees are we talking about there ov'.., that they are overseeing?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** 48 employees.

**DEPUTY CITY MANAGER JONES:** It's 48 employees. I don't have an org chart here, ma'am but I'd be more than willing to, you know, to provide an org'.., organizational chart to you.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DEPUTY CITY MANAGER JONES:** Tomorrow.

**BOARD MEMBER MILLER-ANDERSON:** That would be good. Thank you. Before, um, I don't know, maybe close to a month ago, I requested.., I asked Ms. Ruth Jones about the emails that we have been receiving, the information that we were receiving about Mr. Ellington and I wanted to know, did any of those things in which he was referring to, was that something that we're dealing with right now?

**DEPUTY CITY MANAGER JONES:** To my knowledge, no. Ms. Jones, myself and Mr. Perry, we met with Mr. Ellington the Friday before the major incident in West Palm Beach...

**BOARD MEMBER MILLER-ANDERSON:** Mhmm.

**DEPUTY CITY MANAGER JONES:** ...to document some of his concerns and to make sure those concerns were addressed. I think his major concern had to do with the hoist and I think the hoist has been replaced now?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes, it has.

**DEPUTY CITY MANAGER JONES:** It has been replaced.

**BOARD MEMBER MILLER-ANDERSON:** What is that? The hoist?

**DEPUTY CITY MANAGER JONES:** It's the... I'll let.., Giles, please describe that for me.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** There's a hoist and rail system that picks up chlorine cyn'.., cylinders at the chemical building. Uh, they're one ton cylinders so they use a, a crane and a hoist that picks 'em up off the truck that delivers the tanks or the cylinders and places them in a storage rack at the chemical building.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DEPUTY CITY MANAGER JONES:** I think that was one of his major, major concerns but we did listen to Mr. Ellington's complaint, we didn't dismiss him. We wanted to hear what he had to say.

**BOARD MEMBER MILLER-ANDERSON:** Okay. And, and we did look into his complaints to make sure that everything was okay?

**DEPUTY CITY MANAGER JONES:** [Inaudible].

**BOARD MEMBER MILLER-ANDERSON:** Not just the major one, all of 'em.

**DEPUTY CITY MANAGER JONES:** Yes, ma'am.

**BOARD MEMBER MILLER-ANDERSON:** Okay. I know I also heard about some safety issues. Um, I don't know, maybe fencing, a number of things that may have been, um, not up to standard as it should be. Have we looked into making sure that all of the areas that house our water or whatever equipment that we have, it's, it's secure to a point where we don't have to worry about anyone tampering with any of our water or equipment?

**DEPUTY CITY MANAGER JONES:** To my knowledge, we had a problem with the front gate and we immediately fixed the front gate to the Utility District so I don't have any other...

**BOARD MEMBER MILLER-ANDERSON:** Do we have any issues...

**DEPUTY CITY MANAGER JONES:** ...knowledge of any...

**BOARD MEMBER MILLER-ANDERSON:** ...with this Utility District building over here? Anything being compromised?

**DEPUTY CITY MANAGER JONES:** Not to my knowledge.

**BOARD MEMBER MILLER-ANDERSON:** Okay.

**DEPUTY CITY MANAGER JONES:** Is there a problem, Giles?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** There's no, uh, compromised building. There is a, um, a building that had a [stammer] the hopper in the lime softening building expanded and pressed on the wall. They had a structural engineer take a look at it and made an assessment of it and said the building was secure, a professional, licensed Florida structural engineer.

**BOARD MEMBER MILLER-ANDERSON:** How long ago was that?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Um, the exact date I'd be guessing. It would probably be two years ago.

**BOARD MEMBER MILLER-ANDERSON:** Okay. So within the past two years, everything's been good?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes.

**BOARD MEMBER MILLER-ANDERSON:** Okay. Alright. Oh, and I just wanted to be extremely clear that, um, in my everyday life that I walk, I'm going to always do the right thing and follow the processes. So, I don't ever want it to be assumed that a process is trying to be circumvented in any kind of way. I, you know, I've sat up here many times and fussed about us not following processes. So, that is certainly a big pet peeve of mine of us not following processes so I wanna make sure that everybody understands that, that we're on, on the same page with that. We certainly are on the same page with that.

And I think that is it for tonight. Thank you.

**CHAIR PRO TEM DAVIS:** Mayor, you...

**MAYOR MASTERS:** Yes, I... Yeah.

**CHAIR PRO TEM DAVIS:** [Inaudible].

**MAYOR MASTERS:** I've got a few comments. Mr. Giles, I wanna come back to you. When the question was asked by Councilwoman Miller-Anderson about the vacancy, you said that was referring to [pause]...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I said it was referring to Mr. Aurigemma.

**MAYOR MASTERS:** Right. But you didn't say anything about any other vacancies. Correct?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I did not refer about any others at the time.

**MAYOR MASTERS:** Did you know about any other vacancies?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes, I did.

**MAYOR MASTERS:** Why didn't you say it then?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Um, I was describing an answer to Ms. Miller's question from, from a incident that happened earlier when we were talking, a discussion over the DEP Consent Order.

**MAYOR MASTERS:** I don't know what that..., that doesn't..., I don't know what that means but it just, it bothered me because your answer was not..., it didn't cover her question. You, you gave one and...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** The...

**MAYOR MASTERS:** ...then the... Go ahead.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** I apologize. The question was related to DEP, uh, the FDEP Consent Order and the vacancies that we have available are ones for an electrician...

**MAYOR MASTERS:** Mhmm.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** And one is for, uh, the operator in the water treatment plant. And the water treatment plant vacancy wasn't related to the FDEP at all with the sewer spills.

**MAYOR MASTERS:** Okay.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** And the...

**MAYOR MASTERS:** So...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** ...other... The other electrician is looking over the water treatment plant.

**MAYOR MASTERS:** So the vacancies that we have now, are how many? I want, I wanna dialogue with you about these vacancies.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes, sir. There is a water treatment plant operator...

**MAYOR MASTERS:** Just count them. Yes.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** How many?

**MAYOR MASTERS:** Yes.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Three.

**MAYOR MASTERS:** Three. Mr. Jones said, and I wanna go back to his statement, that it does have.., it is impactful on, on the services of whatever we're supposed to be getting. However, he also said that, um, Staff made some adjustments to cover that.., the impact for, I guess, it would be less or whatever. Explain that to me. How that works?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** The, uh, Staff that works in distribution has been assisting all throughout the water sampling process. Distribution and collection, both can assist, um, acro'.., their water, sewer mechanics, maintenance mechanics, they've been assisting out with flushing in the distribution system as samples are identified that need flushing.

**MAYOR MASTERS:** So people that are to do that... I'm gonna, I wanna talk simple language here, elementary where a 3<sup>rd</sup> grader, might can understand or 5<sup>th</sup> graders. If, um, one person, let's say A has to cover for B, then A moves over to B and who covers the position then? I mean, if you're, if you're shuffling Staff, it seems to be that when you move someone over here, then, then you gotta move somebody else over there, how does that work? I mean [pause], is it not being covered? The person who leaves there or it just have to wait 'til it gets back?

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** As I was saying, my, my response to Ms. Miller-Anderson earlier had to do with response to her question...

**MAYOR MASTERS:** No. I need you...

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** ...with the FDEP.

**MAYOR MASTERS:** ...to respond to my question, what I'm talking about now. Not Ms. Miller-Anderson.

**ASSISTANT EXECUTIVE DIRECTOR RHOADS:** Yes, sir. You would be correct. If somebody was moving from job A to job B, um, they would be..., they would be covering another role.

**MAYOR MASTERS:** And that bothers me, that's troubling. And let me go to Mr. Jones. Mr. Jones, the, um, this is very important to the residents and very important to the Board Members, I'm sure, as well. But to have a vacancy for twe'..., for a day bothers me. Especially when we are in, in this situation. And I know you said that you're gonna move expeditiously as possible but is there a..., like, does that mean that we'll try to have 'em filled within a week, two weeks? Is there a specific timetable? Cause this is very important.

**DEPUTY CITY MANAGER JONES:** The direction I gave was to reach out to some of the employees who recently retired to see if we might be able to bring 'em back in a temporary capacity so that they're already trained. If we go out and hire new people who may not have the training, then it may further delay getting what we've done. So we've tried to..., we've talked about trying to get someone on board in weeks instead of our typical several month process.

**MAYOR MASTERS:** So when we say weeks, are talking about one week, two weeks.

**UNK:** [Inaudible].

**MAYOR MASTERS:** Three weeks? I mean, is there a specific...

**DEPUTY CITY MANAGER JONES:** No. I didn't put a...

**MAYOR MASTERS:** ...time [inaudible]...

**DEPUTY CITY MANAGER JONES:** ...specific time frame on it. We, we, we developed a specific strategy moving forward.

**MAYOR MASTERS:** But in addition to your strategy, I'm going to say on the record that I need, I would like to see this done within days if, you know, or a week because this is cru'.., too crucial to, I'm not gonna use that.., I don't wanna use the word play with but to think of another term and I know that's not what's going on but it's very crucial to me that you, um, try to fill these vacancies because he just admitted that you, you.., when you moved one, that something's happening to the other, within a, a, a week or two.

Mr. Perry, did you wanna...

**DEPUTY CITY MANAGER JONES:** I wanna talk about prioritizing... Go ahead.

**ASSISTANT CITY MANAGER PERRY:** If I may.

**DEPUTY CITY MANAGER JONES:** Go ahead. You wanna talk?

**ASSISTANT CITY MANAGER PERRY:** I understand your question, Mr. Mayor. Right now, I think they're trying to schedule a process for electricians and the water plant operator now, right now with HR. So, they have advertising. I think they have established a list to, to interview people.

**MAYOR MASTERS:** Okay.

**ASSISTANT CITY MANAGER PERRY:** What I would, what I would like to say is that during those times when they're, you know, down on staffing, which is pretty common in most organizations. You're always gonna have one or two vacancies in a position and usually what you have to do, you have to manage your budget, sometime you'll have to pay overtime to make sure those same duties are, uh, are covered but you, you [stammer] obviously you wanna keep 100% of your employees but to cover vacation time, sick time, things of that nature, sometimes you have to pay some overtime to cover those vacancies but we do shoot for 100% and...

**MAYOR MASTERS:** Thank you.

**ASSISTANT CITY MANAGER PERRY:** ...like I said, most organizations you always have one or two vacancies...

**MAYOR MASTERS:** When he used the word impactful, that...

**ASSISTANT CITY MANAGER PERRY:** I understand.

**MAYOR MASTERS:** ...that...

**ASSISTANT CITY MANAGER PERRY:** And, and...

**MAYOR MASTERS:** ...[inaudible].

**ASSISTANT CITY MANAGER PERRY:** And the impact is someone is gonna work a little harder...

**MAYOR MASTERS:** Okay.

**ASSISTANT CITY MANAGER PERRY:** ...and some might work a little longer but we do have, in those critical positions, some overtime that would allow...

**MAYOR MASTERS:** Okay.

**ASSISTANT CITY MANAGER PERRY:** ...you know, for the job to continue on.

**MAYOR MASTERS:** Thank you.

**ASSISTANT CITY MANAGER PERRY:** Alright.

**MAYOR MASTERS:** Mr. Chair, may I make an announcement at this time? At this time I can make an announcement?

**CHAIR PRO TEM DAVIS:** Yes. Go ahead.

**MAYOR MASTERS:** Okay. I just want to announce for the benefit of those of you who are viewing, um, last night at the Council meeting, the date was set that the new Utility Board Member elect will be Monday at 6:30 p.m. and Ms. Hubbard has.., Monday, that will May 23<sup>rd</sup>. Is that right? Ms. Hubbard is asking all her supporters that, and friends that are coming to her swearing in to wear her favorite color which is purple.

Thank you.

**CHAIR PRO TEM DAVIS:** Any other comments?

**BOARD MEMBER DAVIS JOHNSON:** No comments from me.

**CHAIR PRO TEM DAVIS:** Anyone from Staff.

**DEPUTY CITY MANAGER JONES:** I'd just like Mr. Bevins to talk about two other points that we're working on to be in compliance... Mr. Beaudet, I'm sorry.

**MR. B. BEAUDET:** Yes. One of my first observations when I came in to look at what was being done cause I felt like there wasn't a single point of accountability for

compliance with the Consent Order program and the type of testing and reporting that was required. So, working with Mr. Rhoads, we did designate a single point of responsibility, David Salas is the lead operator at the water plant and we briefed him on the Consent Order and he has been acting as the point of contact and the main point of accountability for our compliance program and water.

The other issue that I mentioned briefly to you was getting the chemistry right coming out of the water plant. And we do have a long-term project to automate that process so that we get it right automatically but, until that time, we have ordered a hand-held ammonia and chloramine analyzers so that the operators, three or four times a shift, can use those analyzers to check the chemistry of the water that leaves the plant. We can also use those analyzers out in the field to see how we're doing out there with our water chemistry. So that's another improvement that is on the way as soon as we get those devices, which should be shortly.

Two more things that I did wanna brief you on.

**CHAIR PRO TEM DAVIS:** That'll be all? [Inaudible]. Okay.

**ADJOURNMENT**

**CHAIR PRO TEM DAVIS:** Do we have a motion and a second to adjourn the meeting?

**BOARD MEMBER DAVIS JOHNSON:** So move.

**BOARD MEMBER MILLER-ANDERSON:** Second.

**There being no further business, the meeting was duly adjourned at 7:49 p.m.**

[Gavel]

[End of video/audio]

**Public Comments And Other Speakers**

|   |                              |
|---|------------------------------|
| MICHAEL BROWN, ESQ. ....                | MR. M. BROWN                 |
| BONNIE LARSON .....                     | MS. B. LARSON                |
| MAMI KISNER.....                        | MS. M. KISNER                |
| PURCHASING MANAGER DEAN MEALY .....     | PURCHASING MANAGER MEALY     |
| BEVIN BEAUDET .....                     | MR. B. BEAUDET               |
| ASSISTANT CITY MANAGER TROY PERRY ..... | ASSISTANT CITY MANAGER PERRY |
| HORACE TOWNS.....                       | MR. H. TOWNS                 |
| BFA VICE PRESIDENT WILLIE THOMAS.....   | BFA W. THOMAS                |
| AMON YISRAEL.....                       | MR. A. YISRAEL               |
| MARGARET SHEPPARD .....                 | MS. M. SHEPPARD              |

APPROVED:



TERENCE D. DAVIS  
CHAIRPERSON

ATTEST:



CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
DISTRICT CLERK



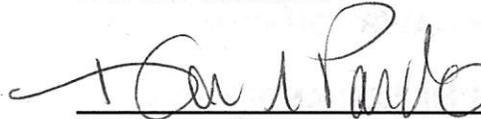
KASHAMBA L. MILLER-ANDERSON  
CHAIR PRO TEM



LYNNE L. HUBBARD  
BOARD MEMBER



TONYA DAVIS JOHNSON  
BOARD MEMBER



DAWN S. PARDO  
BOARD MEMBER

MOTIONED BY: T. DAVIS JOHNSON

SECONDED BY: D. PARDO

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: JUNE 20, 2016