

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
SPECIAL UTILITY SPECIAL DISTRICT MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, SEPTEMBER 21, 2016 AT 5:30 P.M.**

**BOARD CHAIRPERSON DAVIS:** So, that's the end of public comment cards. So what we're gonna do is, um, temporarily adjourn this meeting to go into our Water Utility District presentation. Can I have a motion to temporarily adjourn this meeting?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So move.

**BOARD CHAIRPERSON DAVIS:** Can I have a sec'...

**BOARD MEMBER HUBBARD:** Second.

**BOARD CHAIRPERSON DAVIS:** Alright. Call the question.

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

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Board Chair Pro Tem KaShamba Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Thank you. Alright. Attorney Brown. Okay. So, let's go here. [Pause]. [Inaudible]. [Pause]. Okay. So, so what we're gonna do is, um, I'm gonna take public comment cards, just in case, from the public so people don't have

to wait. Some folks might have to leave before the presentation so I don't wanna hold some of them people up for this item. We're gonna go to Ms. Darville. [Pause]. Ms. Darville's gone. Willis Williams.

**MR. W. WILLIAMS:** Good evening. Willis Williams, 1690 West 26<sup>th</sup> Court. You know the document in which Mr. Brown has prepared for us tonight, I, um, had a chance to go through it, I guess, for the last few days. And it's, it's really disturbing that that many people in the loop knew the situation that was occurring with our water and the residents was not made aware of it. I watched, um, former City Fire Chief, uh, Wester, cried here one night when they were trying to fire Pam Ryan. And that document makes me wanna cry. It's a sad state when we put our young people, not our elderly, but our kids in a situation where they have no choice. They can't choose not to drink the water when their parents can't afford to buy bottled water.

We have to make some strong and some hard decisions when it comes to this water crisis. And mind me.., mind you now, this is a crisis. It's happening all over the country. It just not happening here. And people are taking notes. We can set this up as to be a model on how we are going to make other departments get in line as far as doing right by the citizens of this community. There are people on Singer Island right now doing their own water studies because they know that the water.., Ms. Pardo's shaking her head cause she knows I'm right. It's a bad situation. Our leadership is terrible. Because of our leadership, we got into this situation. The leadership need' to go away. It's just that simple. Unfortunately, it's nothing personal but as one of my friends said, we need a Bill Belichick. I say we need some Michael Jordans...

**BOARD MEMBER PARDO:** Bill Belichick's a cheater.

**MR. W. WILLIAMS:** You know...

[Chuckles]

**MR. W. WILLIAMS:** ...uh, some, some, even Scottie Pippen's in here because our leadership is not there. We are in a dire need, in this community, for the right leadership. Thank God we are not in a situation like around the country where people are being killed with their hands up.

**MAYOR MASTERS:** That's a shame, i'n't it?

**MR. W. WILLIAMS:** But...

**MAYOR MASTERS:** Awful.

**MR. W. WILLIAMS:** ...we are not that far off from things can, can occur in that situation here. So, we need to take our leadership back in this community...

[Beep]

**MR. W. WILLIAMS:** ...and do the right thing for your citizens. Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you, Mr. Willis Williams. Ms. Ernestine Gordon.

**MS. E. GORDON:** I'm back again. Thank you. I live in, uh, my address is 1138 West 23<sup>rd</sup> Street. Um, in reference to the water. Anymore I think about the water when it's..., like, he just finished sayin' about the water, some people can't afford to buy bottled water and I'll be honest with you, you think about the kids that they..., they'll drink it, they don't care. You know? They don't know no better. And adults, well, they can afford to buy bottled water. And be pers'..., be, uh, frankly with you, I was always skeptical about the water here in Riviera Beach. I drank the bottled water, I cook with bottled water. The only'st thing I do with the water, I just, uh, do my laundry and I thinks about it twice when I be taking a shower.

**MAYOR MASTERS:** [Chuckle].

**MR. W. WILLIAMS:** Cause the water's bad. I wonder about it. And I just hope that ya'll come together and, and, uh, do better by the, the, the community with the water. Cause that's our life. You, you' playin' with our life. And the little babies, I thinks about the little babies. Please think about that and put your personal whatever and your, uh, your other agenda, put it aside and think about the people agenda, not by your personal agenda.

Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you. Ms. Bonnie Larson.

**MS. B. LARSON:** Bonnie Larson. I learned a lot the other night and the City was declared in a state of emergency because of our water. We've had fines, the City supposedly doesn't know about. Mr. Brown has just done a study which he's gonna present tonight and the best thing that you guys did was to have hired U.S. Water. They came in here, they looked at our pumps, they looked at our wells, they looked at our employees and he said it's pretty bad. Now, the Health Department required that we do some type of total evaluation of the system. So, U.S. Water, I'm very anxious to see their report. When it comes on, I would like it on the website. It might have to be in two segments because it is 152 pages but we need to read it, we need to be aware of what's happening. He said that only 12 of our 27 wells are working. That's less than half, about half of 'em are working. Unit 3, um, Treatment Center, it's very expensive to fix but it's non-operational.

I read the reports..., oh, we had some people who, the other night said, 'Hurry up and hire somebody.' You don't just find a Utility director right around the corner. You have to advertise for that, you have to do maybe a national search for it. It's, it's, it's an educated positon. You can't just hire somebody, you don't want just a warm body in there cause maybe that's what we had before. Because I can't believe it's in this condition. When I

read the reports..., I mean, and every single department was involved. The City Manager's office, the City Attorney's office, the Finance Department, everybody had to know. There is no way that these people didn't know and it was proven in that report. Now, a couple people have left the City, I think they saw the handwriting on the wall and thank goodness they did because they were not helping the situation. The Finance Department, I learned that, in the Finance Department there's a bulk of money and when the checks are written, there's really no way of determining where those checks are going. If there's enough money in there, the check gets written. No. Where is the policy and procedure? My gra'..., I mean, that's just common knowledge. One of the checks..., I remember from a previous meeting, one of the checks, on it..., one of the fines, and I guess when it got to \$10,000, they really had to tell you because, at that point, maybe they didn't have a signature approval at \$10,000 but one of 'em said engineering project. Well that shoulda been questioned. Where's the backup, where's the whatever?

I don't understand it. That all these people knew about it. In the report, it says one of the supervisors at the water plant is saying, with sewage spills, they didn't know you can't dump that into the drainage system. Come on. Little kids know you're not supposed to dump stuff in there. It said that one of the supervisors over there said that the Council and the residents should oversee the Water Department, what they're doing over there. It's not our job. We had Council people before, one of whom...

[Beep]

**MR. W. WILLIAMS:** ...said we hire professionals, we have to trust 'em. See where that got us. We had one Boardmember who said, 'I'm not interested in details, just do it.' The devil is in the details. This report is unbelievable and I'm very anxious to see the U.S. Water. We're getting \$40,000,000 in bonds through the Utility... Every single dime of that, I don't wanna wait three to five years which is what they said to fix our water, to have water we can dri'... I don't wanna wait three to five...

**BOARD CHAIRPERSON DAVIS:** Thank...

**MR. W. WILLIAMS:** Put that entire \$40,000,000 into fixing this. Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you, Ms. Larson. Ms. Norma Duncombe.

**MS. N. DUNCOMBE:** Mr. Chair, I'm gonna always stay on you because I'm just expecting lead'..., big leadership from you. Initially, when we received the letter from the City about the water, Dennis said, 'Well, I think we should buy bottled water.' And I said, 'Oh, it, it may not be that bad.' But after I left here last night, I went to the store this morning and I came back with a trunk full of water because after listening to what..., the information that was given out last night... And that..., they, they did, did not give the full report but, just to listen to what was said by the persons who were here, uh, Mr. Perry and the different ones from the different operations, it was really unbelievable that we are in that situation.

I, I..., after Solitron messed up our water and we thought things were back in place, I felt very comfortable. So what I'm gonna do, and I always come back to you, Mr. Chair, I'm gonna put it back on you, I'm calling for you to call for a state of emergency. Get a committee together with..., get somebody up there to head it up, you or somebody, appoint people because, let me just put it this way, we cannot trust the City Manager to make decisions anymore. We just can't do it. Call for a state of emergency, get three votes, that's all you need. Three votes will do it and let's get a committee together and let's do what we have to do.

When I listen to Boardmember Pardo talk about water, the sewage and what have you, in her neighborhood and then somebody else came and talked about the spill down here on, uh, what is it 8<sup>th</sup> Street? This is not something to play with. And what we have to do, don't go out there and say, 'You...' In other words, we cannot trust the City Manager to hire anybody. You're gonna have to go another route and all you need is three votes for an emergency, to declare an emergency and let's start out and let's get the information we need to get. Let's do what we have to do so that... It's not gonna be something that is settled in a day or two but at least we can get on the right track. Now, I, you know, in other words, I'm leaving it up to you to decide who would head up the committee but we still need professionals on the committee, we need at least one or two citizens but let's do something in a way that it's gonna pay off. I listened to the...

[Beep]

**MS. N. DUNCOMBE:** ...the finance person and he's making decisions about bonds and what have you. I just don't trust these people anymore. So, [stammer] let's, let's do it another way.

Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you. Ms. Wary Leonard.

**MS. W. LEONARD:** Good afternoon. I received two letters in the mail. The first letter was from the City of Riviera Beach Utility District letting us know that they were gonna flush our water. I received the letter on the 15<sup>th</sup> of September, they started flushing on the 12<sup>th</sup>. At my homeowner association meeting, they got it the 16<sup>th</sup>, the 18<sup>th</sup>, nobody received it before the 12<sup>th</sup>. They're tellin' us about medical needs, if you have aquariums, if you're children, that don't do any good now. They've already past the date where you started. If I wanted not to drink the water, I've already drunken it. If you're gonna send out these letters, you need to send 'em out before the date of the event that you're going start flushing, to give us ample time to make the decision on what we want to do.

The second letter I received is about my pipes from the City. This letter come from our City Manager, Ruth Jones. It's telling us about buying pipes. Se'..., buying a, a security for our pipes. But yet, I have nobody name on here but our City Manager. I have the City logo, I have the letter of the City of Riviera Beach. The only thing I have here to the bottom, is telling me where to send my money and it's outta state. Why am I'm sending

money out of state to somebody that' going to secure the pipes at my house? Is this money being made by the City? Are these people brought into the City? Are our pipes secured by these people? Why are all the residents..., excuse me, homeowners getting these letters? Is the City guaranteeing this letter? Can I come back to the City if something goes wrong? I need to know these answer. If any of the answers are no, we need to take the City letterhead off, we need to stop our City Manager from signing it and we need to take our name off it. Because I'm saying that if you put your name up here, you should be responsible.

Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you.

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

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am. Then Mary Brabham as, as you come.

**CITY MANAGER JONES:** Let me please, um, correct what is a wrong assumption. And we know it's an assumption. And I will start with the particular program that Ms. Leonard just spoke about.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**CITY MANAGER JONES:** That program was supported and introduced to us by the National League of Cities. There was a Resolution four years ago to support this initiative. Those letters have been going out for four years and what it is, it is a program that, as the reporter takes pictures, 'Let me make sure, Mr. Reporter, you're getting the right answer while you're taking the picture,' okay? That, that was voted on by the Council. I was told to sign it. So I don't want it to be led in the impression that I did this, that I wrote this, this is a four-year-old program. The individuals..., it's just like any insurance policy. And, in essence, what you're doing with this is you're taking out insurance so if your pipes break between the sidewalk and your house, you can go to these...

**BOARD CHAIRPERSON DAVIS:** Okay.

**CITY MANAGER JONES:** ...people to get it fixed.

**BOARD CHAIRPERSON DAVIS:** I remember...

**CITY MANAGER JONES:** That...

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

**CITY MANAGER JONES:** That's the program she's talking about. And it's four years old. So I don't want people to think...

**BOARD CHAIRPERSON DAVIS:** That's right before [inaudible]...

**CITY MANAGER JONES:** ...with all that is going on, that this is new, it's four years old, Council did a Resolution, we don't get not one dime out of that. We can get a rebate at the end of the year.

**BOARD CHAIRPERSON DAVIS:** Okay.

**CITY MANAGER JONES:** And I think it's, like, \$10 for every home that signs up.

**BOARD CHAIRPERSON DAVIS:** Okay.

**CITY MANAGER JONES:** So, also, the other thing is, the flushing has not started. So, people have had additional time. It said the 12<sup>th</sup>. If you'll recall on Monday night, Mr. Perry spoke about how and why it was delayed. So I just want residents to know, at this point, the flushing has not started.

**BOARD CHAIRPERSON DAVIS:** Thank you. Alright. Mary Brabham.

**MRS. M. BRABHAM:** Good evening. Mary Brabham, Riviera Beach.

**BOARD CHAIRPERSON DAVIS:** Good evening.

**MAYOR MASTERS:** Good evening, Ms. Bram.

**MRS. M. BRABHAM:** Our Water District was established in 1950 so you know right there how old we are and where we need to come from and where we're going. Now, the report that, uh, was given, it is some scratchin' stuff here. We can learn from it, we can build on it and then we can go and, and correct these things that need to be corrected because, as far as Ms. Bram is concerned, you could shut down the CRA. They've wasted our monies too. They owed us too. Mr. Beaudet... See, for the residents who were not in the Chambers on Monday and have not been in these meetings here, it will actually take over \$20,000,000 to fix our water supply. Water is life, the tissue in our bodies consume of water.

So we're gonna have to do some hard..., make some hard choices here that benefits this City here and not just Ms. Jones or the Council that represents us, it's for the good of the residents. And our water is critical here. When, when we say that brown water is acceptable, no it's not acceptable. We know that something is wrong. We, we were in this meeting until 11:00 o'clock on Monday and it, it was...

[Inaudible audience comments]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** 12:00.

**MRS. M. BRABHAM:** 12:00.

**MAYOR MASTERS:** [Chuckle].

**MRS. M. BRABHAM:** 12:00 o'clock on Monday.

**BOARD CHAIRPERSON DAVIS:** 11:51.

**MRS. M. BRABHAM:** 11:51 [Chuckle].

**BOARD CHAIRPERSON DAVIS:** Lets be specific now.

**MRS. M. BRABHAM:** Whatever.

**BOARD CHAIRPERSON DAVIS:** For the record.

**MRS. M. BRABHAM:** It was disgraceful.

**BOARD CHAIRPERSON DAVIS:** [Chuckle].

**MRS. M. BRABHAM:** And we're still at square one here. So we know that it is a problem here. Now, the [stammer], the solution is, what do we do? What do we do? What do we do? We need to fix this problem and it's left up to the Board there to fix this problem here because everybody knew about this water. Ms. Bram knew about it way back then, that's why she sat and she gave the Utility Director information as well as Ms. Jones. But it's others that are, are involved in this also too that they were aware. Now how they conducted themselves, they need to be either reprimanded but I would say that I do not want them fired because they are under the leadership of, of, of the, of the captain that sails the ship.

So, correct these problems here, get these \$20,000,000 and fix our water supply line in this City here. Let's stop talking about it. This is critical here. Attorney, you're paid to do your job, be wisely...

[Beep]

**MRS. M. BRABHAM:** ...in, in, in your advertisement, in your due diligence toward this City here.

Thank you.

**BOARD CHAIRPERSON DAVIS:** Okay. Last public comment card, Fane Lozman.

**UNK:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** Oh, Ms. Sheppard, you had one? Okay. I'll make sure we get you in after this. And let's please keep the comments in regards to matters, sir.

**MR. F. LOZMAN:** Well, I'm gonna talk about water.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. F. LOZMAN:** Fane Lozman. I have tried to get water at my property so I could do my landscaping and I could, uh, feed water to my pet and, uh, have water to wash my vehicle but, without an address, Mr. Mayor, I cannot get a water permit to pull a water line. So, any Member of the Water Board that has interfered in my ability to get water, which everybody else in this audience has water but me, I'm gonna do what I can to get them removed through recall, criminal process, whatever but you're not gonna deny a taxpayer the ability to get water. And anybody who sits on that Utility Board that's interfering my..., interfering in my ability to get water, that's pretty pathetic and I'm not gonna tolerate it.

Now, I've looked at this report. I think this report was very well done with the exception that I didn't see where it talked about the 2011 OIG investigation into the chlorine system and it mentions a fight between Dawn Pardo and Cedrick Thomas regarding what type of chlorine system is out there. So, the OIG, you back there in 2011, there was an issue with the chlorine system but yet the City management did not deal with that finding. They should've realized, wait a minute, when the OIG does this report, this is like, 'Hey, here's a good wake up call. Why didn't we do something for five years?' Nothing happening and then Channel 5, they break the story. If Channel 5 hadn't broke the story, we would continue to be progressing on where the leadership, specifically, the City Manager, she should've looked at that report, she'd been in office since 2009 and said, 'You know something, this is a priority. The Marina can wait, the CRA can wait but people's health cannot wait.' People said, 'Oh well...', I remember the City Manager saying, 'Oh, it's only 400% chloroform and, uh, a regular person that's not gonna impact them.' But it can impact a young child, it can impact a disabled person, it can impact the gentleman who had a heart transplant. 400% is not appropriate chloroform level. That's why you give notice to say, 'Hey, this is out of whack.'

Now, I see the Mayor, you know, he's concerned about the water but yet I still see three bottles of water in front of your desk, Mr. Mayor.

[Audience chuckles]

**MR. F. LOZMAN:** You know, you said you wouldn't be drinking bottled water. Why are the taxpayers paying for bottled water? I see one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, I see 20 bottles of bottled water that taxpayers have paid for tonight. That is pathetic. You oughta give your department heads direction that no taxpayer dollars are gonna fund any bottled water. If

people wanna bring bottled water, they pay for it themselves but we're not gonna pay for it as taxpayers.

Now, again, this report is factually based, we know what the facts are but one thing that stands out that wasn't mentioned but Ms. Miller picked up on, and this is all it comes down to, she pointed out, maybe, you know, when this story first broke, that the City Manager knew a week before the Utility District Board about that big water fine and didn't tell anybody.

[Beep]

**MR. F. LOZMAN:** That right there shows the cover up. We need to have a leadership change. You know what you have to do.

**BOARD CHAIRPERSON DAVIS:** Thank you. Ms. Margaret Sheppard and that's the final card. Then we'll get on to the report.

**MS. M. SHEPPARD:** Margaret Shepard, Riviera Beach. First, I wanna thank the Honorable Michael D. Brown for such a superb, um, outline of what really went on. I really don't care what people say, my, my house feels like a water factory, water is everywhere. I don't even allow my puppy to drink the water. My puppy drink water and I don't mind buying it. I don't trust the water. And anybody come into the City and say brown water is okay, it's something wrong with them. I'm very insulted by it and to have people come in with the national search and we trust them, look how they reward us.

I have a skin disease that started, they don't know when it started but when you start talking bathing in water that has sewage and all these..., it gave my neck just the creeps. But I thank the Honorable Michael D. Brown and I thank those who's working on it. I thank you all for working on it but the one thing I wanna say, it's corruption up here when you take people' lives in hand, people that are sick, the senior citizens that cannot take care of themselves and, you know, it, it's..., the immune system break down, the skin break down and, you know, it's just deplorable what we had to go through. I wanna hear now, what, what is the solution to this problem. I don't wanna hear no more about this water's okay. I wanna say one more time, it's not okay, it's a problem. And I, I don't know the solution but I think the one thing..., I have to agree with somebody, this is a disaster here in the City of Riviera Beach and we oughta be ashamed', those that knew about it, those that had an inkling about it and you just can't tell me, 'I did not know.' Somebody knew something. And I'm very upset that we, as residents, especially the seniors, babies, people that are sick, even healthy people deserve the best.

But I encourage the residents of Riviera Beach, get some bottled water and keep it in your house because the water here in Riviera Beach is just not safe. And I think we should send the alarm, Mr. Chair, there's something going on. And we should take..., don't keep discussing it. That's why I say you guys, you are the best Board because right now you have a lot on your plate and I hope you understand that we have...

[Beep]

**MS. M. SHEPPARD:** ...our lives in your hands. Thank you.

**BOARD CHAIRPERSON DAVIS:** Thank you. That's the final public comment card. And now we're gonna go to the water report. It will be conducted by Attorney Brown Law Firm.

**MR. M. BROWN:** Good evening. Mr. Chair...

**BOARD CHAIRPERSON DAVIS:** Good evening.

**MAYOR MASTERS:** Good evening.

**MR. M. BROWN:** ...Mr. Mayor and Members of the Board. My name.., for the record, my name is Michael Brown. Our office is at 2620 Lake Shore Drive, Suite 100, Riviera Beach.

As you all know, you all retained my firm to do a, a investigation to conduct a final report regarding the Water Utility.., the City of Riviera Beach Utility Department water violation compliance issues over a specific period of time which led to the disclosure that happened towards the end of the end, early part of this year, 2016 which resulted in why we're here tonight. And what I did is, and you all charged me, basically, with investigating the circumstances under which the regulatory agencies had determined that the Water District was in violation, the operations were in violation, both the drinking water side and the wastewater side. You also asked me to review all of the relevant municipal records, City records, District.., Water District records and most importantly, the enforcement agencies, the agencies that, basically, uh, have levied the fines and violations against the District to basically tell you what happened. To tell you the story. You asked me to identify any individuals or departments, City or Water District Department which knew about the violations and, if they didn't know about 'em, they should've known about them. And then you asked me to determine what action, if any, was taken by any individual or department who knew about the actions.

And so, what I did was, I reviewed.., I took as a start and begin date of January, 2010 through 2016. And, what I found was, in that period of time, several employees, City employees and employees of the Water District, knew that the Water District was in violation of several rules and regulations that it was required to comply with or follow by law. Basically, I found that the Water District's Executive Staff, the former director, the former assistant director and several of the either supervisors or supervisors or kinda middle management people, were aware of, knew about, aware of the charges, aware of the violations, knew about the compliance mattes over a long period of time. And I found that the District employees, in summarizing as you all know in the report, that the Water District employees who were aware of all of the violations related to the drinking water.., and remember, I divide the water system into two parts, drinking water, for lack of a better

adjective and wastewater or sewage water. So, on the drinking water side, the former director, Mr. Louis Aurigemma, knew about all of the violations. Mr. Giles Rhoads...

**DEPUTY DISTRICT CLERK BURGESS:** Mr. Brown. Hold on. Chair, it's one minute to 10:00. Make the decision to carry over.

**BOARD CHAIRPERSON DAVIS:** Oh, can we have a motion to extend this meeting one hour?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So moved.

**BOARD MEMBER HUBBARD:** Second.

**BOARD CHAIRPERSON DAVIS:** Properly moved and second. Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY CITY CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Thank you.

**MR. M. BROWN:** Should I go on, Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, sir.

**MR. M. BROWN:** Okay. The employees of the District, Water District and when I say District, I mean the Water District, who were aware of all of the violations on the water side, the drinking water side was Mr. Aurigemma, the former Director, Mr. Giles Rhoads,

the former Assistant Director, Mr. David Danford, who was the Water Plant Superintendent and Mr. Mario Loaiza, who is a former employee. And so, to speed it up, there was several employees who had limited knowledge of the matter and I, and I listed those District employees or [inaudible] Ms. Ruth Jones, uh, the City Manager, Ms. Pamala Ryan, the former District Attorney, Mr. Randy Sherman, the Director of Finance, Ms. Marie Sullen who is the Risk Manager had a limited knowledge of some of the violations or, at least, issues that were facing the District, Ms. Gloria Shuttlesworth, who's the former Assistant City Manager and served as a former Interim Utilities Director during a short period of time when she worked for the City.

Now, the Water District employees who were aware of all of the violations regarding the sewer side was Mr. Aurigemma, again, Mr. Rhoads, again and Mr. Allen Davis who was the Superintendent on the sewer side.

Now, basically, what you have is a situation that, beginning, basically, from November of 2010, from November 2010 up until the end of June of 2016, the Water District was under a series of sanctions and enforcement actions by the Palm Beach County Health Department and the Florida Department of Environmental Protection. And essentially what you have is, the rules and regulations, which are laws, that municipalities or water districts have to follow. First, it starts up with the federal government, with the, uh, Environmental Protection Agency and the Clean Water Drinking Act and then, by federal law, the states have to comply and make the water safe and then the states, in the State of Florida's case, then have their own state enforcement agency here and they also, in conjunction with the Palm Beach County Health Department, use the Health Department to enforce those safe water drinking requirements.

And, as you all know, this Water District was formed off, in 2004, it was broken off separate from the City. It used to be all a part of the City but, in 2004, the decision was made to set up a separate district so that it could be efficient, so that it could have its own bonding capacity, so that it would have its own separate mechanism to ensure that the people of Riviera Beach and the customers of the water system received and had safe dri'..., clean drinking water and that their wastewater would be properly disposed of. Now, over this period of time and what happened was, all of this started back, actually, in 2008, even though I limited my review initially from 2010 forward, assuming that that would be enough time to look back and to see what was really going on. But, what I found is, and by the way, in my review, I had the benefit of reviewing all of the records that were available by the City of Riviera Beach, all of the records that were available by the Water District, all of the records that were available or produced to me by the City Manager's office, all of the records that were available or produced to me by the Finance Department, all of the records that were..., basically, I had full access to anyone that I needed or I felt would..., could provide information that would lead to this final report. Now...

**BOARD CHAIRPERSON DAVIS:** Were there anybody that you left out?

**MR. M. BROWN:** Was there anyone I left out?

**BOARD CHAIRPERSON DAVIS:** Anyone else, just for the public sake, that, that you...

**MR. M. BROWN:** Uh, well...

**BOARD CHAIRPERSON DAVIS:** ...maybe had interviews with?

**MR. M. BROWN:** Well...

**MAYOR MASTERS:** The City Attorney, I think.

**MR. M. BROWN:** Well...

**MAYOR MASTERS:** District Attorney?

**MR. M. BROWN:** I, I addressed the documents. So, so let me address.., what I just addressed is where I.., it.., basically, I was trying to point out...

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** ...that I reviewed all of the documents that I thought that were reasonably necessary.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** Now, the individuals, I also interviewed individuals and took statements and asked.., sat down and asked them, 'Tell me what happened.' Uh, 'Tell me what you know about this situation.' And in the report, I identify the persons that I interviewed. I interviewed the City Manager, uh, I interviewed the former City Attorney, I interviewed the Sewer Superintendent, I interviewed the Superintendent, Mr. Danford, who works at the plant. I reached out to interview Mr. Aurigemma through his attorney. Mr. Aurigemma's attorney advised me that Mr. Aurigemma would only submit to an interview if he was compensated. I advised him that I did not have the ability to compensate him. I notified Mr. Perry over at the District, Mr. Perry [stammer], advised me that he did not have the ability to compensate him and I advised him that we could not compensate him so Mr. Aurigemma did not submit to an interview.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** I reached out to Mr. Giles Rhoads through, again, Mr. Perry. Mr. Rhoads apparently had advised Mr. Perry initially, that he would submit to an interview but when I used the contact information to try to contact Mr. Rhoads, he did not respond to me. So, nei'.., Mr. Rhoads did not submit to an interview.

Other than those two individuals who simply did not submit to an interview, everyone else was forthcoming with information when I requested information of the Manager, of the City Attorney's office, of any department of the District. Mr. Perry was also very helpful in gathering documents. I had full access. The individuals that I interviewed, and I'll get to them a little further, they were also very forthcoming and willing to submit to an interview.

And so, what I did was, part of what I had to do is familiarize myself generally with the mechanism, with the laws and the rules and regulations. As I said, you have the law that comes from the feds, comes down on the states and then it's enforced locally. And even though it may initially sound kinda complicated cause when you're dealing with water and then you're talking about chemicals and you're talking about all these things and engineers and plants, and it might kinda throw you off, but in reality, it's really, uh, as..., is not as complicated as you might think. Back in the mid-70s, the federal government decided that it needed some national standards to protect the public to ensure that clean drinking water was afforded to all of the residents who were citizens of the United States. So it passed a federal law which requires the states to enforce federal ru'..., there's some federal laws that they had to follow and the states have to follow the laws. And they established these st'..., and the State of Florida then put into place a mechanism to enforce those federal standards, which there are also some state standards.

So, typically what they did, is they know from a scientific standpoint, that when you have water and you're pulling the water out of the wells, and our water comes out of a natural well called the Biscayne Aquifer System where the..., it rains and it gets down in the ground and we pull it up out of the water and it's a, until it was contaminated, it is a very pristine water supply.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** Alright? It is protected from the east. You have to worry about saltwater intrusion from the east. Our water in Riviera Beach in that Aquifer system which protect it from the east because there's a wall, a rock that protects it from the saltwater that would come from the ocean..., under the ground now...

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** ...under the ground. It was protected from the west, from the marshy and the, uh, mucky water that would come from Lake Okeechobee because it kinda sits in like a bathtub.

**BOARD CHAIRPERSON DAVIS:** Mm.

**MR. M. BROWN:** So, until our water was disturbed some years ago by Solitron and contamination, it was a very, very, very pristine supply of water. So what happens is, our system, through a series of wells, for our drinking water, it draws the water up from that system. And even in that system when it draws the water up, there's certain natural things

that are in the water that are not very mu'..., that are not too healthy. Maybe there may be different chemicals, different minerals, different particles. Natural, I'm not talking about manmade, natural things that over the years, the scientists and the doctors and the professionals and the people who know this stuff, have determined, 'Hey, this can be harmful, this can be harmful.' So what you have to do is test the water to check on these minerals, to check on these composites and when the, and when, and when the minerals exceed this amount, you treat it this way and you treat...

Now, all of that, how you treated 'em, what's there and what chemicals you want removed and how often you treat it, is established by scientists and really smart people who, if you believe that they know what they're doing, alright, and if you assume in the algebraic equation,  $x =$  they know what they're doing, they say, 'Okay. Water should be..., only have so much,' let's say for example, 'zinc per parts per billions,' or, 'this is a safe level. If it exceeds this level, it should be reduced and this is how you reduce it by adding this particular chemical.' So, ins'..., in, in..., or treatment process. So essentially what you have when you have a Utility, you pump the water up and there are basically standards and the federal government and the state says you gotta test this water every, let's say, three months or four months. And if you, when you test it every three or four months, just like when you go to the doctor, the doctor might screen you, your cholesterol, your glucose, and whatever, well they say you check this water for these 20 chemicals or minerals here and if these minerals exceed this amount or if this is present or this is present, then it says you test it again and you test it 'x' number of times. And so, there's a series of things that you're supposed to do. So, if you're running a Utility, what you simply have to..., first thing you have to do is know what you're supposed to test and how often you're supposed to test. And then when the law sa'..., and these were laws that says you gotta test it this number of times and this is what you're testing for. And if you find this, the law says you have to do this.

Well, in our situation here, what was happening over a long period of time is that there was not a schedule of tests and these tests weren't being conducted on these..., on, on the level or the frequency that they were supposed to. And then when they would be tested and if, and if there were minerals or chemicals or something that was in the water that was not supposed to be there, even though the rules and the law says, 'If you find this, you're supposed to test 'x' number more times, within this period of time.' Well, there wasn't a schedule in place for us to follow the rules and regulations. Now, so you ask yourself, if you're the director of a Utility or if you're a Utility District, how do you know when you're supposed to test and how do you know what you're supposed to do and how are you supposed to do it? And the answer to that is real simple. You know because there are laws that actually tell you, how many times you test, what you test for and if you get these results, you test this number of times and if you find this, you treat it this way. So, the first thing that you would do from a common sense standpoint, know what those rules and regulations are. And rules and regulations are laws. Know how often you're supposed to test, establish a schedule, do the testing and once you find out and if, if it comes up positive, look at the rules and regulations as to what you're supposed to do next. So you ask yourself, 'Well, how would you know what to do?' Because the Florida Administrative Code is basically the rules and regulations.

And I like to use an example, if you're a football coach or a baseball coach and you got rules and regulations for your sport. So last year, the rules and regulations says, 'When you kick the ball off for football and it's a touchback, goes in the end zone, the ball comes out to the 20-yard line.' Well, you know what, they changed the rules and now the ball comes out to the 25-yard line. So you ask yourself, if you're the coach, how do you know? If you're the player, how do you know? The player knows cause the coach tells him. How does the coach know? How did the coach know that they changed the rules? The coach knows because you check the rules. Alright? And the Florida Administrative Code is the rule book for these utilities. How do you know what you're supposed to do? How do you know if it's a new rule? How do you know if they're doing it the same way this way as the used to do 10 years ago? Because, when you're the director and you're the district, you check the Florida Administrative Code and if they update it, there's the rules, there's the schedules there. That did not happen and was not happening at this Water District for a long period of time. Going all the way back, starting in 2008 is as far back as I actually went, even though my review started at 2010. The way I got to 2008 is because, when I reviewed the records and documents, and I saw that a, a Notice of Violation was served on the District in 2010, it actually related back to 2008 when the Palm Beach County Health Department came out to this water treatment plant and conducted an inspection. And when they conducted the inspection, they found that there was certain defects and deficiencies. It's kinda like, if you have a house, if they come out to inspect your house, they inspected your kitchen, they inspected your bathroom, they inspected your sewer, the inspected your lines to find out, 'Hey, what's wrong with this house and what needs to be fixed?'

So when the Health Department inspected it in 2008, what they did is, after they inspected it, they put the District on notice that, 'Hey, you got these problems right here. You got these problems with chlorof'..., chloroform here, you got the problems with the water plant, you got the problems with your equipment, you got the problems with the piping, you got all these things here,' they identified that in 2008 and told the District, 'Get back to us within 45 days.' The District did not get back to 'em and then, in 2010, was the first citation... In, in 2010, in November 2010, the District was cited that related all the way back to 2008. Also, from that inspection in 2008 to the November 10, 2000', there was another citation in between that again, cited the District indicating, 'Hey, you got a problem. You got elevated levels of chloroform in your water.' So, from 2008 is when it started all the way up until June of 2016, the District essentially was being cited for the same problems and violations over and over again. Sometime' with more frequency that had been identified..., hadda been identified in 2008.

So what happened during this period of time and I'll go back a, a little bit. A District..., once the District is established, once you have a Water District, there are about 20 things that it really has to do and, as I pointed out in the report, it has to maintain the appropriate licenses for the people that work there. It has to perform tests, maintain records and submit reports to the appropriate agencies, let people know what's going on. It has to monitor the level of chlorine in the water, it has to monitor the containments of levels in the water system and it has all those list of items that are listed in the report, that a District

has to do. Now, how does it maintain 'em? How does it know? How does it comply? What you have to do, if you're the District Director is you establish a schedule. You establish a list and you follow the law and you do what the law requires you to do. In this instance, in fact, it even addresses things like, 'If you have to issue a boil water order,' I heard several people come in tonight talking about the notices that they received. The law says this is when you send out the notices. If this occurs, this occurs, you must notify the people in the affected area of this problem. And, by the way, it even says, by law, how the notice should be..., where..., what form of media to use, what should be in the notice, the form of the notice. It lays it out for you. The District should..., was required to follow those rules and regulations. The District Director was the person that was eng'..., was responsible at the District to make sure that that..., those rules and regulations was followed. It did not occur.

Now, as I said when I interv'..., [stammer], attempted to interview the director, he refused to do so unless he was compensated, so therefore, we did not have a chance to interview him. I did interview the City Manager. As I said, I interviewed others and the City Manager advised that she was unaware of the numerous violations that had occurred over that long period of time, with the exception of the one that had occurred in two th'..., in the, the last one and one that had occurred, I think in 2014, that Ms. Ryan also was aware of. And she also indicated that she relied, uh, heavily on the expertise of the former Director to ensure that the District was run properly. The City Attorney indicated that the former Director failed to advise her, or her office, of all of these violations when they occurred. That he failed to advise her when he was..., entered into these consent orders and settlement agreements, legal documents that he was signing them on his own. The Finance Department, when I interviewed Mr. Sherman, Mr. Sherman indicated that, yes, they issued checks but no, he had no special knowledge or special responsibilities regarding the issuance of the..., regarding the Water District and that, and this is critical, that apparently the system that you have in place here, is that when under the Finance rules and regulations, and I reviewed the Purch'..., the Finance/Purchasing process and whatever, if a department head wants to get a check issued by the Finance Department, there are about six or seven steps that that department head must follow. Put in a form, whatever they are, they're listed in the guidelines. And once the department head com'..., uh, complies with those requests and if there are funds in that budget, then a check will be issued.

Now, that was an issue..., and in this case, apparently, that was happening here and I asked Mr. Sherman, 'Was there a separate gui'..., category for fines?' 'No.' 'Was there a separate category for fees and penalties?' 'No.' So therefore, once Mr. Aurigemma apparently filled out the request, complied with the six or seven or eight steps that were necessary under the financial rules and regulations, then the checks were issued. And that is the situation that allowed for these fines to be paid, over a period of time, really without anyone red flaggin' 'em and say, 'Hey, wait a minute. You know, there..., you're paying out these fines here...' There apparently was not categor'..., special category that, in the budget, that says these are fines so therefore there should be a bell going off to someone that, hey, something's going on here. That's a management issue, that's a

management decision, that's an overall management decision. That's what the situation was with the Finance Department.

Now, regarding the employees of the District. The employees of the District, because, remember, under this process, when the District was established, the, the people over there work for the District but they really work for the City and they're kinda supplied to the District by the City. Alright? So, yes, you had supervisors, you had the sewer supervisors, the water supervisor who was responsible for testing and [stammer] gathering, whatever, they all knew about the defects that were going on here. Okay? But, and in many instances they did not comply with or meet the standards that they were required to meet under the law. Now, what's the significance of that? Obviously, that's not good. But, employees are employees and management is management. And so, therefore, my position that I, the factu'.., the findings here are that, if an employee did not comply with the, um, testing procedures on time, that's a management issue. That's the person who's running the District's responsibility. If a baseball coach or football coach has a player on the field and that player is not doing what he or she is supposed to do, then it's up to that position coach, or the baseball coach, to either coach that player to make sure he or she knows what they're doing or to get someone else in place. In this instance, when I interviewed the employees who were kinda holding this thing together, factually as I indicated, there were no guidelines, there were no tra'.., there was no training, there were no procedures, there was no instructions saying, 'Hey, this is how this is supposed to do.., be done.' Apparently, there was a culture there where people were doing things that they had done 'em a certain way over a long period of time and just said, 'Hey, we do it this way,' irrespective of what the rules and regulations required. And then, again, I conpluted.., concluded in the report, that is a lack of leadership by the Director, uh, the former Director, that is a lack of leadership of that department. And as I concluded in there, that the employees, even though there was an employee that was responsible to do the testing and they didn't do the testing on time, that I placed that responsibility on that employee.., no, factually, that employee through the chain of command, answers to someone and ultimately that responsibility goes to the Director. That's his or her job. In this case, Mr. Aurigemma, the former Director. And who supervises or who's in charge of the former Director? The CEO, the City Manager. So, when, when you look at this report and if.., those who wonder, 'Well, why didn't you find fault with the supervisor or the persons, or the employees who weren't doing anything ri'.., that, who were not doing things right?' Number one, according to them, they were not trained, they were not provided schedules, they were not told this is what you have to do, they were just kinda doing what they thought was right or what they had learned or what, what someone had told 'em was right and if they missed a date, a deadline, is because nobody every established a date and deadline and a calendar of this is what you have to test, this is when you test it and this is what needs to be done.

Now, and so, the question.., another issue that occurred is, again, through this entire period of time, the District retain'.., had the ability to hire consultants to help it, one, run the District and two, to be in compliance with these rules and regulations. And they had many. I brought this up here because this is the City of Riviera Beach Utility Special District Master.., Wastewa'.., Master Plan. Alright? This was.., they.., you entered into a

contract with a very reputable company called Hazen and Sawyer in 2011. And I was reading my report, I erroneously said in the report it was completed in 2015. No, it was completed in 2013. Alright? This report..., now this report with Hazen and Sawyer was basically..., imagine if you had a house, imagine if you had a building and the Code Enforcement people came by or the Health Department came by and said your building's unsafe and you said, 'I don't know, are you sure?' You said, 'Well, tell you what I'm gonna do, I'm gonna hire an expert to go through my building and tell me what the condition of my building is, the plumbing, the wiring, the electrical, everything...' Well, that's what the District did with Hazen and Sawyer which is a nationally, a reputable firm back in 2011 and it took 'em almost two years to complete the report. It's a \$530,000 contract with them but that doesn't tell the full story because there was some other additional sub-consultants. I think, at the end of the day, you probably spent about \$1,000,000 on this Water District to figure out what is wrong with it, what is the short-term, mid-term and long-term requirements to get it in shape. Now...

**BOARD CHAIRPERSON DAVIS:** [Inaudible].

**MR. M. BROWN:** ...in \$1,000,000, I'm not saying that's too much.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** I'm not saying..., because, under the circumstance', this stuff is time consuming, it's expensive. The issue is, one, you had the, the District knew somehow that it had to take a look at it and spent the money to do it, it had access to the funds, it had access to the consultants and, interestingly enough, once the report was completed in 2013, apparently, very little, if anything, was done to, basically, apply it. Now, think about it, once they started... They hired Hazen and Sawyer in 2011, which means that something happened leading up to 2011 to let 'em know that, hey, we need to get our house in order. So, in addition to the citations, I'm sure somebody knew that something was going on over there because they knew they were getting cited. But if you walk over there and, at that plant, and if you look around and you look at the pipes and if you look at the facility, it didn't take a real smart person to know that, hey, something's not right here. So, from 2011 to 2013, even when the report has been completed... Think about it, if you hired somebody to do an inspection in your home and he or she is walking through your house saying, 'Hmm. You know, that beam there's pretty bad. You're gonna have to get the... You say, 'That pipe there's rotting. I'm not finished with the report yet but that's a problem,' or, you know, 'That kitchen right there got a lot of germs in it but I'm not...' Now, you're still in the house, right? So, even along the way, are you gonna wait until it's finished to say we'll address this? Well maybe you do but a prudent person would probably say, 'Hey, we gotta start addressing this right away.' Even if you wait until it's finished, in 2013 it was finished. Everything was finished.

In addition to the \$500,000 plus, there was some other..., it's probably \$1,000,000. So you have this information and apparently, very little, if anything, was done to basically upgrade the system or, at least, to bring it in compliance so that you stop having these violations. Now, what was consistent during that period of time, again, the District was

still gettin' cited by the Palm Beach County Health Department and the Florida Department of Environmental Protection.

Now, if you wanna know who the heroes are in this process, there are two groups of heroes in this process. The people who..., employees who worked at the District, who have been there, through the supervisor and all those level of people who were, although not knowledgeable of all the rules and reg'..., they were doing the best that they could do and they were, at least, doing something. Alright? They didn't have the leadership that they should've had but they were doing something. But the other heroes, and even greater heroes of this, is, when you hear people talk about how bad government is, and sometimes it's bad, but you don't hear people talk about how good government is. The Palm Beach County Health Department, alright, you oughta be very grateful and the people of Rivera Beach oughta be grateful for the Health department and the Florida Department of..., the FDEP because it was the Florida..., Palm Beach County Health Department who..., when you look at these records, there are 20 different violations and, you know, governmental agencies, let's face it, they don't like bangin' or really sanctioning other government agencies. What they really want, is enforcement and compliance. And when you look at the 20 different violations from Palm Beach County Health Department and when you look at those notes that I summarized through the process and the interviewing and I, and I met with those folks and I reviewed the files, you can see that the Health Department was just trying to get the District to comply. They really didn't wanna muscle 'em because if they really wanted to muscle 'em, they woulda really come down hard on 'em. You look at the FDEP, which regulates the sewer side, there was some spills and things that were occurring there that the District could've faced fines up to, like, a couple hundred thousand dollars but they did not fine them.

So, over this period of time, but for the work done by the Palm Beach County Health Department and the FDEP, who knows where we would have been..., where this District had been. They worked on 'em, they kept forcing 'em and forcin' 'em. Now, one of the things that the, uh, former Director did is, apparently, the evidence is that he really concealed, or worked to conceal, or at least, was not forthcoming to either the Manager or the former District Attorney about these legal proceedings. Now, but does it end there? Well, according to..., uh, as I said in the report, there's really more to it than that. Number one, the former District Attorney, even though she indicated..., she did indicate that it was a policy..., and if you think about it, common sense, it's fair to assume that you..., if you have a director of a department, it is not a stretch for..., if you're the Attorney, to assume that that professional, the head of that department, will know that if there's a legal process or proceeding, that he or she needs to forward it to the Attorney's office before they sign a order or sign a legal document. It doesn't take a genius to do that, particularly where you are a department head. Now, he did not do this, the former Director, at least according to the former City Attorney, District Attorney and again, I did not have a chance to interview Mr. Aurigemma but it, it, it appears clearly that he did not do that and he was not in the business of letting people know, whether the Manager or the Attorney, know that these things were ongoing.

However, regarding the former District Attorney, one thing that I did cite in the report, is that there was not a written policy that demanded or, basically, required him, even though the oral policy... reasonably? Was it, was it enough? Should it have been enough? In most instances, I think yeah. Any..., you..., it's fair for you to assume that if a Director and [stammer] director of a department, you're gonna go to your lawyer. The better practice would've been to have a written policy in place to do that but you cannot..., when you have a situation where someone is either concealing or, um, I don't know if..., well, I can't say he was concealing cause I didn't meet with Mr. Aurigemma. But, from a legal standpoint, it should be enough that you should be able to expect that a director of a department like this would know to bring legal matters to the attention of the Attorney but the better practice would've been to have a written policy in place so that a violation is a violation of a written policy.

Now, the issue regarding the former Attorney is that, also, during the period of time, remember you issued a series of revenue bonds and refunding bonds and so on and so forth and when you look at those bond documents, they include a lot of information. It lists who the players are, who the officers are, you have bond counsel, you have this, and it lists all of the information about other problems that have occurred in a District. And that's because, when you, when you do bonds and sell 'em on Wall Street, the people that are purchasing the bonds have a right to know whether the District who's issuing the bonds, cause it's like a loan, will have the ability to repay out. They need to know whether it's a going concern, whether it's a proper concern. So, in this instance, in those bonds that were done in 2014, there is some reference in that bond document to a, one or two of the..., one of the problems that the District had experienced. So what I say in there is that, even though the Dist'..., the former Director may have gone out of his way either to conceal or, or not to inform the Attorney of what was going on, the issuance of those bonds, alright, and that entire process requires scrutiny by, not only the former bond counsel that represented the district but for those officers on the District that are listed in what's called an Offering Statement, all of that information goes to Wall Street and all..., those officials are basically saying, 'We are who we say we are and this District is safe.' Then that means that there should've been, reasonably, a triggering of an interest by, in my view, the Attorney and all of the officials, including the Manager, the Finance Director and those officials who are identified in that document to say, 'Hey, wait a minute. You know, what's going on here regarding this issue listed [stammer] with these chloroform violations?' Also I point out that, yes, the elected officials names also appear in those bond offering statements. And I don't know if you all have ever looked at 'em. If you do, pull 'em out and on the Board, your name's in there cause you're elected officials. So, people could open it up and say, 'Well, wait a minute, there's this person's name.' But under our former government, you all know, as well as I that you are elected officials and you don't do the day to day operations and so you're policymakers. So, the question is, did you know or should you have known because your name was in one of these bond offering statements? That's unrealistic because, again, this is a strong manag'..., Manager or District Director or Executive CEO, former government. You're policymakers and, so therefore, there is no one..., and, and for those of you all who were not here, even the former Board Directors, there is no reasonable reason for someone to say that those folks whose names, who are elected officials, whose names appeared in those documents,

knew or shoulda known because they're policymakers and they're not involved in day-to-day operations.

Now, um, and, basically, what happened is, over that entire period of time, over the entire period of time, over a long period of time, the District was out of... in and out of compliance. And I heard you all discuss in here the other night when I was here, why I wanted to make it clear that I used the term, you have a situation and you still have one because what was happening is, the District was out of compliance, the Health Department would say, 'Hey, you're out of compliance,' so you get back into compliance but you could be out of compliance tomorrow. You can get in compliance this month and out of compliance next month. You can get in compliance today and be out of compliance tomorrow because, if they test and do and the chloroforms or other stuff is there, you're out of compliance. Alright? So, you say, 'Well, why is this happening? Why is this happening?' Because, remember, the, the function of the District is to, basically, supply clean, safe drinking water...

**BOARD MEMBER HUBBARD:** Excuse me. The..., your... Mr. Chair, I'm sorry.

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am, Boardmember Hubbard.

**BOARD MEMBER HUBBARD:** So, you were saying that, at one point, we were in compliance and then we were out of compliance or you're saying that this is how we can go from this point?

**MR. M. BROWN:** Yes. Feel free to ask any questions if, if that's what you want, Mr. Chair.

**BOARD CHAIRPERSON DAVIS:** [Inaudible] at this time, yeah.

**MR. M. BROWN:** Yes. Here's what happens.

**BOARD MEMBER HUBBARD:** And, I [stammer], um, excuse me, Mr. Brown. And, and I thank you for such a thorough, thorough report. If we can..., I wanna understand you and, as you said, it's a technical situation and a technical science. So, can we kinda get maybe a conclusion or a summation in a fourth grade format so..., because, I don't wanna lose the time. I know at 11:00 o'clock we have to shut it down again and vote to move forward but, um, not to rush you but if you think you can without abbreviating the situation too much, if you can give our audience a summary and a conclusion on a fourth grade level so that, you know, so that they can feel comfortable that they got what you were really trying to say and I don't wanna do anything to hamper what you're trying to say.

**MR. M. BROWN:** Well, I can go back to at least sixth or seventh grade. I don't know if I...

**BOARD MEMBER HUBBARD:** Yeah...

**MR. M. BROWN:** ...can go all the way back to fourth grade.

**BOARD MEMBER HUBBARD:** I'll, I'll...

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

**BOARD MEMBER HUBBARD:** ...accept that. Sixth or...

**MR. M. BROWN:** I'll take sixth...

**BOARD MEMBER HUBBARD:** ...seventh grade is good.

**MR. M. BROWN:** ...or seventh grade.

**BOARD MEMBER HUBBARD:** Okay. Let's go there.

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

**BOARD CHAIRPERSON DAVIS:** But, but...

**MR. M. BROWN:** ...sixth or seventh grade level...

**BOARD CHAIRPERSON DAVIS:** Att'...

**MR. M. BROWN:** ...cause you...

**BOARD CHAIRPERSON DAVIS:** Attorney Brown, before we get st'..., before you go cause I support that, let's make sure that we definitely harp on the recommendations to this Board.

**MR. M. BROWN:** Well, you didn't ask me to do recommendations.

**BOARD CHAIRPERSON DAVIS:** Oh, that's U.S. Water?

**MR. M. BROWN:** You asked me to do...

**BOARD CHAIRPERSON DAVIS:** U.S. Water's making...

**MR. M. BROWN:** ...a final report.

**BOARD CHAIRPERSON DAVIS:** ...the recommendation. I'm sorry.

**MR. M. BROWN:** Okay.

**BOARD CHAIRPERSON DAVIS:** Sorry.

**MR. M. BROWN:** Now, to summarize it, is..., it's, it's like this, and, as you all know, I'm an attorney and, and I'm a trial attorney, I try cases before juries and I try to explain things to people and I worked very hard to make this report, to break it down so that it wasn't very technical.

**BOARD MEMBER HUBBARD:** Yeah.

**MR. M. BROWN:** And I hope I did that. But, and those who know me will tell you, 'Michael has a fascination,' that I have a fascination with planes and flying and aircraft and jets and they'll tell you about my issue with airlines and different flights. And I'll tell ya this, and I, I liken it to this, this is..., imagine yourself on a airline, a jet, a jumbo jet, full of passengers. Okay? And you're flying at 36,000 feet, six miles up...

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** ...full of men, women, children, old, young, rich, not poor but middle, cause poor people usually can't, unfortunately, can't fly but, just a wide selection of people. Maybe a few poor people cause there's a couple \$49 seats back there. Alright?

**BOARD CHAIRPERSON DAVIS:** [Chuckle].

**MR. M. BROWN:** Now, and if you look up in the cockpit right now, you're flying and you are six miles up cause at 36,000 feet, that's where you are and you're loaded. And the plane is still flying and if you look in the cockpit, there's no pilot there and there's no co-pilot there. And, by the way, what's keeping the plane flying, is because the flight attendant, who is a long experienced flight attendant or a series of 'em, knew where the automatic pilot switch was and they know how to talk on the phone and they understood the basic navigational, maybe even not basic, they understood the navigational process of the plane. But you have a situation cause you have a problem and, by the way, you're fortunate on this flight because there happened to be some of the mechanics who, who know how the plane function, who know how to fix it, who know how to keep it in the air and they're on the plane and they're also able to help keep it in the air. But the plane is an old, raggedy plane. Alright? It shouldn't really be in the air but it's up there, it's one of those airlines that's up there and somehow the pilot and the co-pilot are out of the seat. And you also have, onboard, you're fortunate onboard, you have an airline executive who's really not a pilot but he's been in the corporate system and he knows the general functions of the corporate system and he's able to help. And you also have on the plane, again, the couple of the mechanics and the people that work, they're on the plane and they know how to fly it. And you also have, in the back of the plane, you're lucky, you had a guy who was a pilot of a plane, he's a pilot too from another plane, and he comes up to the cockpit., oh, here he is, he comes up to the cockpit and he's able to help keep you flying but here's the problem, none of those people fly..., and even the guy who has flown a plane, he's, he's troubled because the plane that he flew was a modern plane, this plane here is one of the old plane' that shoulda be retired a long time ago and it's got so many holes and patches in it and everybody's so busy running around keeping patches on the

plane to keep it flying, so he's busy, all of 'em are busy and you're still in the air and you don't have a pilot in the cockpit.

**BOARD CHAIRPERSON DAVIS:** Or a co-pilot.

**MR. M. BROWN:** Or a co-pilot. But you're still flying. So that's why the other night when I said you have a situation here and so the problem is, they're puttin' Band-Aids on it but if one of those holes gets really big or several of 'em get really big, that plane's gonna go down. Okay? That plane's gonna go down. Just because you're in the air doesn't mean everything's okay. I don't know anybody in here who would get on a plane and there's no pilot and co'..., and if you know anything about the history of airline crashes, there have [chuckle] been some planes in situations very similar to what I just described. Okay?

Now, so what's the solution and what do you have to do? First of all, you gotta realize that you have got to get that plane on the ground, to get those people safe and you've gotta get a pilot and a co-pilot in that seat. Okay? Because if you get it on the ground, you can get it fixed but, in the meantime, don't think that everything is okay because it's still in the air. You...

**BOARD CHAIRPERSON DAVIS:** So, who's your pilot and co-pilot?

**MR. M. BROWN:** There...

**BOARD CHAIRPERSON DAVIS:** Is that the dir'...

**MR. M. BROWN:** ...isn't one.

**BOARD CHAIRPERSON DAVIS:** Is that a executive director, is that what you're making reference here?

**MR. M. BROWN:** I don't make..., you have to establish... My report tells you that there's..., my..., I was asked to, to do a report and..., and I'm telling you, there's no pilot and co-pilot in the, in the, in the seat. There's a bunch of people keeping it flying.

**BOARD CHAIRPERSON DAVIS:** I, I know but when I look at..., when I read your report and I'm just making reference as far as having a full, permanent executive director.

**MR. M. BROWN:** You need one.

**BOARD CHAIRPERSON DAVIS:** And a permanent assistant director.

**MR. M. BROWN:** Correct.

**BOARD CHAIRPERSON DAVIS:** And so, I'm hearing you and I'm still trying to tie that..., tie those two together here.

**MR. M. BROWN:** Well, the, the, the former Director, based upon what I reviewed, again, give him credit, I did not interview him.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** He was not piloting this plane, he was not following the procedures...

**BOARD CHAIRPERSON DAVIS:** Okay. Okay. I see what...

**MR. M. BROWN:** ...he was not doing what he was supposed to do, uh, regarding this matter.

**BOARD CHAIRPERSON DAVIS:** Okay. I see what...

**MR. M. BROWN:** And the exec'..., the Assistant Director, you know, if the, if the pilot's not very good, the chances are..., you, you might be lucky if the co-pilot is good but the co-pilot, I don't know, again, I didn't interview him. Now, the CEO of the airline, that pilot and co-pilot answers, ultimately, to the CEO of the airline. And so, when the CEO of the airline..., when a pi'..., when the C'..., when Delta Airlines puts a pilot in a plane who is not properly trained, who doesn't have..., who, who doesn't do what he's supposed to do, who doesn't follow the safety guidelines and rules and regulations, and imperils the passengers on the plane, then, ultimately, that's why my final report points to, again, it goes ul'..., it, it goes back to the CEO of the airline of the District of the City and that is the City Manager because, as you all know, the City Manager is the CEO of the City of Riviera Beach and also of the District because everyone answers to the City Manager, ultimately. You all don't have the ability to hire, fire anyone, that's the responsibility. Whether it's a football game, whether it's a, a airline, whether it's an organization, the boss is up at the top and then, again, the person who really failed you, from this report, factually, only where the report that I concluded factually, to lay it out, is the CEO of the airli'..., first and foremost, the Director of the District. Okay? And the CEO. If you notice, I did not say the Assistant Director, even though he was an Assistant Director, he was not the Director. Cause if the Assistant Director's not doing the job, the C'..., the Director's supposed to take care of that. If a supervisor's not doing the job, the directors take it [stammer] but if the supervisor is not testing and doing the follow up on time, and it turns out because the Director never gave the supervisor the schedule, then again, it's the Director. And so then, when..., who, who does the Director answer to? The Manager. Who's ultimately responsible for the operation of the District, who's ultimately responsible for the operation of the airline, the CEO of the plane, the pilot of the airline, the CEO.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** That's, basically, what this report says. And what I would re'..., if you have any questions, I'll take 'em and, and I know you've had the water folks do their report and they've done theirs and, and I would welcome any questions that they would have or you would have or any questions that tie in to anything that... Mr. Beaudet has been

there for a period of time, obviously Chief Perry has been there in the Water District and my report, uh, and I would welcome any questions you have that would sync with that report and, and I will tell you that... I'm sorry, go ahead, Mr. Chair.

**BOARD CHAIRPERSON DAVIS:** No. I was gonna ask Mr. Beaudet a, a question before, before we finish. Really quick. Have you had a chance to review this report?

**MR. B. BEAUDET:** Yes, I have.

**BOARD CHAIRPERSON DAVIS:** Is it, is it pretty accurate?

**MR. B. BEAUDET:** Yes. There's nothing in the report that I cannot support.

**BOARD CHAIRPERSON DAVIS:** Okay. Mr. Perry, have you reviewed the report?

**ASSISTANT TO THE CITY MANAGER PERRY:** Yes, I have.

**BOARD CHAIRPERSON DAVIS:** Pretty accurate?

**ASSISTANT TO THE CITY MANAGER PERRY:** In terms of?

**BOARD CHAIRPERSON DAVIS:** Of the information...

**ASSISTANT TO THE CITY MANAGER PERRY:** Yes.

**BOARD CHAIRPERSON DAVIS:** ...that... Okay.

**ASSISTANT TO THE CITY MANAGER PERRY:** Yes.

**BOARD CHAIRPERSON DAVIS:** How about the, the President from U.S. Water, have they read the report, the President?

**MR. G. DEREMER:** I have [inaudible]...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** You know they got [inaudible].

**BOARD CHAIRPERSON DAVIS:** No. I just.., I'm fittin' to ask him [inaudible].

**BOARD MEMBER PARDO:** They did a great job [inaudible].

**UNK:** Mhmm.

**MR. G. DEREMER:** Yes, sir. I have read [inaudible]...

**BOARD CHAIRPERSON DAVIS:** As far as the information, is it pretty accurate?

**MR. G. DEREMER:** It is.

**BOARD CHAIRPERSON DAVIS:** Okay. That's what I wanted to know. Alright.  
Thank you. Um, I'm gonna ask...

**MR. M. BROWN:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, sir.

**MR. M. BROWN:** I'm sorry.

**BOARD CHAIRPERSON DAVIS:** Well, I'm gettin' ready to ask, um, before we go any further, is for my colleagues to apply a motion to accept this report.

**BOARD MEMBER HUBBARD:** I move that we accept this report, Mr. Chair.

**BOARD CHAIRPERSON DAVIS:** Do we have a second?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Second.

**BOARD CHAIRPERSON DAVIS:** Any questions? Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller -Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Before we call up U.S. Water, we're gonna also ask for a motion, based on the information that we've all asked, as we.., before we move further, I would like to ask for a motion to declare this situation a state of emergency.

**BOARDMEMBER HUBBARD:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER HUBBARD:** I decla'.., I, uh, make a motion that we declare the Water District in a state of emergency and that we evoke our emergency provisions. A...

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD MEMBER HUBBARD:** Excuse me. A pro'.., I.., that we evoke a emergency style provision for this matter.

**BOARD MEMBER PARDO:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** Okay. Do I have as second?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Second.

**BOARD CHAIRPERSON DAVIS:** Madam Clerk.

**BOARD MEMBER PARDO:** Um, hold on a second...

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER PARDO:** ...Mr. Chair.

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER PARDO:** Okay. So what exactly does that mean, we're declaring a...

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD MEMBER PARDO:** ...state of emergency?

**BOARD CHAIRPERSON DAVIS:** Well [inaudible]...

**BOARD MEMBER HUBBARD:** Well, my mo'...

**BOARD CHAIRPERSON DAVIS:** Oh, yes.

**BOARD MEMBER HUBBARD:** Uh...

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD MEMBER HUBBARD:** What it...

**BOARD CHAIRPERSON DAVIS:** Based on...

**BOARD MEMBER HUBBARD:** ...mean'... [Chuckle]. I, I...

**BOARD CHAIRPERSON DAVIS:** Who the Chair?

**BOARD MEMBER HUBBARD:** Okay. Um, well, I, I thought she was asking me what my motion meant.

**BOARD CHAIRPERSON DAVIS:** Okay. I'm sorry, I'm sorry.

**BOARD MEMBER PARDO:** No, no, no.

**BOARD MEMBER HUBBARD:** I'm, um...

**BOARD MEMBER PARDO:** I'm just asking...

**BOARD CHAIRPERSON DAVIS:** You're the maker of the motion, you're right.

**BOARD MEMBER HUBBARD:** Well, what I, what I mean when I say that I'm, um, making a motion to declare our Water District a s'.., in a state of emergency is that we take particular actions. It puts the Board in a place where we can have direct access, control over what's going on at the District. We can actively be engaged in decisions that go on at the District. Before, it would be the City Manager who handled the Director. Now that we're in a state of emergency and we have declared our Utility District in a state of emergency, then we get to make that choice. One o'.., um, as someone said, one of us will be appointed to be a point person, if you will, and now that we can get our hands on what is going on and make some things happen because we owe it to our residents to let them know that we are here to make sure that they have safe, decent drinking water. And that we are going to do everything necessary, in our power, to see that that happens. So, we need.., they elected us, they wanted change and they, and they need to know that we are in control of this and that we are gonna make sure that it happens.

**BOARD CHAIRPERSON DAVIS:** And yes, to elaborate...

**BOARD MEMBER PARDO:** Okay. And...

**BOARD CHAIRPERSON DAVIS:** ...on why I requested the motion is because, for one, based upon the report, we have, one, no policies and procedures in place to protect the integrity and, and the process of where we focus. We have no director, no assistant director, no staff training schedule, um, no testing scheduling, um, proper and adequate

equipment and not enough staff, based upon the report of reading from what U.S. Water has provided in the training. So, right now we must file a state of emergency so we can get, forego our normal procurement process so we can get the people that we need in place and not wait to get things taken care of and get this addressed and that's why I asked that motion to be driven to the floor.

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

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am, Boardmember Johnson.

**BOARD MEMBER DAVIS JOHNSON:** Correct me if I'm wrong, Mr. Perry, didn't you all put into place some training measures? We, we talked about this at a previous Council meeting where Mr. Beaudet did an evaluation of training, an assessment of what training was required and there was something put in place. Was it not?

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Uh-uh.

**BOARD MEMBER DAVIS JOHNSON:** We've never done that?

[Inaudible dais comments]

**MR. B. BEAUDET:** There, there's several types of training that I think we're talking about.

**BOARD MEMBER DAVIS JOHNSON:** Uhuh.

**MR. B. BEAUDET:** There is in place, a program to send people that need licenses to training to get their CEU's, that's primarily external training and that is in place and they are getting that type of training. But what training that they're not getting is training on operating their specific equipment, in the specific situation that they're in. And, for instance, we're, you know, fighting this battle with disinfection. And, they're not getting mentored or training from someone that's very experienced that knows how to deal with the situations they're in, they are not getting that type of training.

**ASSISTANT TO THE CITY MANAGER PERRY:** [Stammer]...

**BOARD CHAIRPERSON DAVIS:** And also, they're..., once the training does happen, because we don't have the adequate amount of Staff, we won't have nobody here to man and plant. Until we start hiring some people and bringing people on temporarily, um, we just have to get these things in place and that's why we're in a dire crisis right now. Because of those...

**BOARD MEMBER DAVIS JOHNSON:** Just wanted to be...

**BOARD CHAIRPERSON DAVIS:** ...those things.

**BOARD MEMBER DAVIS JOHNSON:** ...clear about...

**BOARD CHAIRPERSON DAVIS:** Yeah.

**BOARD MEMBER DAVIS JOHNSON:** ...training.

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER PARDO:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, Boardmember Pardo.

**BOARD MEMBER PARDO:** Okay. So I have a question for Mr. Degraffenreidt.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Yes, ma'am.

**BOARD MEMBER PARDO:** Everything that the Council is saying, can't we do that just as the Board without declaring a state of emergency?

**BOARD CHAIRPERSON DAVIS:** We can do whatever we want.

[Pause]

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Actually, you can. It says the Board of Directors has plenary power to manage the operations of the Utility District and its property, to set policies, to set procedures, regulations and the like.

**BOARD MEMBER PARDO:** Thank you. You know, if we had an engineer up here, I think it would be different. You have five laypeople up here. But...

**BOARD CHAIRPERSON DAVIS:** Um...

**BOARD MEMBER PARDO:** ...whatever.

**UNK:** [Stammer]...

**BOARD CHAIRPERSON DAVIS:** Let's, let's, let's..., I'm just only referencing the information that I was able to gather from U.S. Water, who are the professionals. Mr. Attorney Brown is an attorney but he also [inaudible] for other previous water issues prior to this issue and that's why, at least I definitely supported him coming to do a professional job which I can..., once you read the report, it's very clear to kinda see, to the average layperson. But when you talk about no policies and procedures, and I'mma say it again, zero policies and procedures, I don't need to be an engineer, microbiologist chemist to understand that anything without zero policies and procedures, is effective. That's an emergency. You don't have an executive director, that's an emergency. You don't have an assistant director, that's an emerge'..., you don't even have adequate, the number of

Staff. You don't have adequate equipment. We can't even do some of things we need to do right now. Mr. Beaudet's doing a wonderful job with focusing on our Consent. Mr. Perry's doing a wonderful job but we need to do some things to expedite the process so they can move throughout the day because you don't know, it may be one trick or one accident away from being into a crisis situation. So we gotta prevent that from happening.

Mr. Perry.

**ASSISTANT TO THE CITY MANAGER PERRY:** Yeah. I just wanna say two things, Council. First of all, to the public, in terms of the flushing, I understand what Ms. Leonard said about the flushing and, and I wanna apologize but I think we gave an explanation on that a couple nights ago but, as part of the flushing, was one step in the process to try to cleanse out..., clear our s'..., clean, cleanse our system so we can move forward. The second part of it is to provide our operators with training. And one of the hi'..., well, something that's hindering us from moving forward now is really the procurement process because there's a lot of moving parts that we need to do immediately so, once we fix one thing, something else comes up. And the way the Board's meeting, it really hinders us a lot to try to move forward. But, at least for the next 90 to 120 days, we need some support, we need Council to allow us to do some things to work with the two vendors that we, we have on board and, and anybody we can bring in to try to help, you know, support a, a schedule so we can get things done.

I truly believe we can at least stabilize the system in the next 90 to 100 days, 120 days. I don't..., I'm not telling you we're gonna clear up all the problems but we can stabilize the system and get us functioning properly because, as you know, we do have, you know, a, a lot of capital projects that we do have, have planned for the future. But that's part of what we're trying to get accomplished over...

**BOARD CHAIRPERSON DAVIS:** Um, can I enter'...

**ASSISTANT TO THE CITY MANAGER PERRY:** ...in the short-term period.

**BOARD CHAIRPERSON DAVIS:** ...entertain a motion to extend this meeting 30 more minutes if we..., such need to before...

**BOARD MEMBER HUBBARD:** So moved.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Second.

**MAYOR MASTERS:** Mr....

**BOARD CHAIRPERSON DAVIS:** Properly moved and second. Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** No.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmembern Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Motion passed with Boardmember Pardo dissenting.

**BOARD CHAIRPERSON DAVIS:** Thank you, Mr. Perry. It's very important that we get this matter resolved. And back to, as I said, there's a motion on the floor and we explained, based on the policies and procedures and the other issues that we do not have... And Mr. Beaudet attest to it, Staff has attest to it, the report attest to it, U.S. Water report, which are the professionals as well, that will attest to it, this is in a state of emergency situation. A situation. And there's a motion and a second on the floor. Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Just wanna confirm. Ms. Hubbard, you said evoke the procurement? I didn't hear that part.

**BOARD MEMBER HUBBARD:** To evoke our state of emergency styled provisions and one of those provisions are our procurement process.

**BOARD CHAIRPERSON DAVIS:** Just explain, like, what Mr. Perry just stated, so we...

**BOARD MEMBER HUBBARD:** Exactly.

**BOARD CHAIRPERSON DAVIS:** So there's some things that he don't have to wait to come before the Board to be..., [snaps fingers], to create immediate action.

**MAYOR MASTERS:** Mr. Chairman, I have a question for the motion that's carried, sir, please...

**BOARD CHAIRPERSON DAVIS:** Yes, sir.

**MAYOR MASTERS:** ...of the Attorney. Um, the Utility District, is it governed by the City Charter?

**DISTRICT ATTORNEY DEGRAFFENREIDT:** No. It has its own Charter.

**BOARD CHAIRPERSON DAVIS:** Yeah. Its own Charter.

**BOARD CHAIRPERSON DAVIS:** Okay. Is there anything in its own Charter that uses the word..., and I'm only asking this, let me just...

[Chuckle]

**MAYOR MASTERS:** ...say for the record, I do see this as an emergency and, and urgency of, of the matter so there [stammer]...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** I don't think that's disputable.

**MAYOR MASTERS:** Well, yeah. That's not.

**BOARD CHAIRPERSON DAVIS:** It's not.

**MAYOR MASTERS:** But I'm in accord with, with the, uh, the principal here but is there anything in the documentation that governs the Utility District that uses the word emergency? For..., that fits this? Does it say that in case of an emergency, or the, the Board of Utilities have the authority to declare a emer'... Is there anything that uses that word cause there's a lot of lawyers here tonight so I just wanna make sure...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Uh-uh.

**MAYOR MASTERS:** ...that we're not...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** To answer your question, there is absolutely nothing in the charter that references emergency, uses that terminology. But there is a word in there that describes this Board's power and it's called plenary. Plenary means whatever the circumstance that arises, you are authorized to address it in your discretion. If I'm understanding the Board correctly tonight, you have defined emergency situation in the condition of your water and wastewater plant that needs immediate attention. And I think that ain't disputable either.

**MAYOR MASTERS:** Which, which equals to plenary.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Okay? So, the, the question is, with the good offices of Mr. Beudet, as well as U.S. Water directing us, after their studies, where we should go, I think by your emergency powers that you don't have a director...

**BOARD CHAIRPERSON DAVIS:** Point of order.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** ...you're saying you're gonna take every effort to implement what's necessary in order to get your wastewater [inaudible]...

**BOARD CHAIRPERSON DAVIS:** Point, point of order.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** ...addressed.

**BOARD CHAIRPERSON DAVIS:** Rea'..., really quick. We only have 30 seconds...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** I'm sorry.

**BOARD CHAIRPERSON DAVIS:** ...to call this vote, so this meeting can extend.

**BOARDCHAIR PRO TEM MILLER-ANDERSON:** [Inaudible]. We didn't vote yet?

[Inaudible dais comments]

**BOARD CHAIRPERSON DAVIS:** No. Bec'...

[Inaudible dais comments]

**BOARD CHAIRPERSON DAVIS:** Yeah. Because if...

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

**BOARD CHAIRPERSON DAVIS:** ...we hit 11:00 o'clock, the meeting, it expires.

[Inaudible dais comments]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible] 30 minutes.

**BOARD CHAIRPERSON DAVIS:** Oh, I'm just... I'm making sure.

**UNK:** Sleepy.

**BOARD CHAIRPERSON DAVIS:** Believe me.

[Audience chuckles]

**BOARD CHAIRPERSON DAVIS:** I'm sorry. I apologize.

**MAYOR MASTERS:** So...

**BOARD CHAIRPERSON DAVIS:** I watch...

**MAYOR MASTERS:** ...Mr. Degraffenreidt...

**BOARD CHAIRPERSON DAVIS:** ...that clock closely.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Bottom line is, you have the authority to...

**BOARD CHAIRPERSON DAVIS:** I'm sorry.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** ...do whatever you deem necessary to address the...

**BOARD CHAIRPERSON DAVIS:** Thank you.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** ...issues as directed by your experts.

**MAYOR MASTERS:** So, we are...

**BOARD CHAIRPERSON DAVIS:** Thank you.

**MAYOR MASTERS:** ...standing on solid legal ground?

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Yes.

**MAYOR MASTERS:** Great. Mr. Brown, I'd like...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** That's what plenary means.

**MAYOR MASTERS:** Thank you. Okay. Attorney Brown, just one quick question.

**MR. M. BROWN:** Yes, sir.

**MAYOR MASTERS:** Was there any reason or was there, um, or there need to be, um, a reason for you to..., was, was there not any reason why you chose not to interview anyone from the Health Department?

**MR. M. BROWN:** Well, I did...

**MAYOR MASTERS:** I know you got the records.

**MR. M. BROWN:** No. I, I did meet with them.

**UNK:** Excuse me.

**MR. M. BROWN:** I, I had several discussions with them. I went down to their office on...

**UNK:** Okay.

**MR. M. BROWN:** ...at least, several occasions. I did not interview them because they did not work for the District or the City and I did not have the authority but they were very forthcoming with me...

**MAYOR MASTERS:** Right.

**MR. M. BROWN:** ...about this enforcement process. So was Florida Department of Environmental Protection. And as I said in the report, they were frustra'..., you can see it in their notes. And, by the way, I delivered to Mr. Degraffenreidt, there's about 6,000 pages that I reviewed and that..., you can see it in the notes as I indicated. It's clearly written there, their levels of frustration that they had.

**MAYOR MASTERS:** Yeah. I just wanted that to be put on the record. That you...

**MR. M. BROWN:** Yes. I...

**MAYOR MASTERS:** ...did meet with them.

**MR. M. BROWN:** ...I met with them...

**MAYOR MASTERS:** Thank you.

**MR. M. BROWN:** ...on sev'..., and talked..., met with them and, and talked to them on several occasions...

**MAYOR MASTERS:** Thank you.

**MR. M. BROWN:** ...as well as spent quite a bit of time with them.

**MAYOR MASTERS:** Thank you, sir.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** With the state of emergency that we're declaring, does that allow for us to hire..., look at the hiring? I know we spoke about this, I think...

**BOARD CHAIRPERSON DAVIS:** Well...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...the other night...

**BOARD CHAIRPERSON DAVIS:** That, that was gonna be the next motion I was gonna req'..., go..., address that issue right afterwards.

**CHAIR PRO TEM MILLER-ANDERSON:** Okay.

**MAYOR MASTERS:** Yeah.

**BOARD MEMBER PARDO:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER PARDO:** Okay. So, I have another question for the Attorney or possibly Mr. Sherman. So, if we declare a state of emergency, do we need to notify the rating agencies and our bondholders?

**DISTRICT ATTORNEY DEGRAFFENREIDT:** I don't see why the state of emergency would [inaudible]. I don't.

**BOARD MEMBER PARDO:** Okay.

**BOARD CHAIRPERSON DAVIS:** Thank you. Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Alright. Now, going back to, um, that issue [pause] with focusing on the process on how we're gonna move forward.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** But before.., Chair?

**BOARD CHAIRPERSON DAVIS:** Yes?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Were we going to let U.S. Water just speak a little to the...

**BOARD CHAIRPERSON DAVIS:** Yes. Let's, let's go ahead...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...this, this [inaudible]...

**BOARD MEMBER DAVIS:** ...before we come back...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...document...

**MR. M. BROWN:** Mr. Chair?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...they gave us?

**BOARD MEMBER PARDO:** Yeah. They gave us...

**MR. M. BROWN:** Mr. Chair, before I sit down.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** I have submitted.., I would deliver the entire documents and backup to Mr. Degraffenreidt.

**BOARD CHAIRPERSON DAVIS:** Yes.

**MR. M. BROWN:** Not only the hard copies but I've also ordered it on a disk so you'll be able to have all of the documents that I reviewed and everything that will be there and it will be delivered to his office within the next few days.

**BOARD CHAIRPERSON DAVIS:** Ca'...

**MR. M. BROWN:** Yes?

**BOARD CHAIRPERSON DAVIS:** And we can also make sure that's uploaded on the website so people can have...

**MR. M. BROWN:** That is why...

**UNK:** [Inaudible].

**MR. M. BROWN:** ...I had it reduced.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** If, if that, if that is your pleasure, then I...

**BOARD CHAIRPERSON DAVIS:** Well, I just wanna make sure we're very transparent...

**MR. M. BROWN:** Absolutely.

**BOARD CHAIRPERSON DAVIS:** ...so people understand, you know.

**ASSISTANT TO THE CITY MANAGER PERRY:** It was already...

**MR. M. BROWN:** Mr. Perry said...

**BOARD CHAIRPERSON DAVIS:** Thank you, sir.

**MR. M. BROWN:** ...the reports are on the website...

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** ...and if you so desire, if you wanna upload on the website, the documents reviewed, they're all public documents and enforcement files. I've also.., when you all retained me, you put a.., you said up to a certain amount.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** And to notify you if the amount... I've submitted an invoice. The amount was \$24,999.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** I've submitted an invoice to Mr. Degraffenreidt.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**MR. M. BROWN:** I think the invoice was actually almost double that amount. I've been working...

**DISTRICT ATTORNEY DEGRAFFENREIDT:** I forwarded it to you.

**BOARD CHAIRPERSON DAVIS:** Okay.

**MR. M. BROWN:** Okay. I've been working at this since...

**BOARD CHAIRPERSON DAVIS:** I understand.

**MR. M. BROWN:** Obviously, it's a lot of work and effort and I would ask that you will also.., I notice that, um, it exceeded that amount and that you authorized the District to compensate my firm for the amount of the invoice unless Mr. Degraffenreidt sees that there any reason otherwise.

**BOARD CHAIRPERSON DAVIS:** Well, I have no reason to not pay your bill. You've done the work.

**BOARD MEMBER DAVIS JOHNSON:** Wait, wait, wait.

**BOARD MEMBER PARDO:** Mr. Chair?

**BOARD MEMBER DAVIS JOHNSON:** We just went through...Mr. Chair? We just went through this the other night with the audit.

**UNK:** Mhmm.

**BOARD MEMBER DAVIS JOHNSON:** With...

**BOARD CHAIRPERSON DAVIS:** But in...

**BOARD MEMBER DAVIS JOHNSON:** ...the auditor.

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

**BOARD MEMBER DAVIS JOHNSON:** Hol'..., hol'... The same, same premise.

**BOARD CHAIRPERSON DAVIS:** No. I'm not...

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

**BOARD CHAIRPERSON DAVIS:** ...I'm not, I'm not debating it, I just didn't get a chance to react [inaudible]. I got two people asking me a question. I'm trying to figure who...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Well, I...

**BOARD CHAIRPERSON DAVIS:** ...to go to first.

**BOARD MEMBER DAVIS JOHNSON:** No. You, you...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Chair?

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**BOARD CHAIRPERSON DAVIS:** Because she said something as well, too.

**BOARD MEMBER DAVIS JOHNSON:** Alright.

**BOARD CHAIRPERSON DAVIS:** Boardmember Pardo.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I just wanted to...

**BOARD CHAIRPERSON DAVIS:** So.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Chair?

**BOARD CHAIRPERSON DAVIS:** Let me...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Can we not...

**BOARD CHAIRPERSON DAVIS:** Let me...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...talk about the...

**BOARD CHAIRPERSON DAVIS:** ...acknowledge [inaudible] from the floor.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...money part, can we get to the...

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [inaudible]....

**BOARD CHAIRPERSON DAVIS:** And then we'll come back, before we make a decision, then we'll come back to that.

**MR. M. BROWN:** That's also [inaudible].

**BOARD CHAIRPERSON DAVIS:** Um, [inaudible] Brown.

**MR. M. BROWN:** Yes.

**BOARD CHAIRPERSON DAVIS:** Please stay until this is over. Um, U.S. Water, your report.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Cause we only have...

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...'til 11:25...

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I think is what it is.

**MR. G. DEREMER:** For the record, Gary Deremer, U.S. Water. I believe you, uh, you have all received a copy, hopefully, a hard and electronic copy of the report. I know the report is quite lengthy and it's getting late so [pause]. I think, you know, probably the best is just to be very, very high level on the report. If there's specific questions, I'll leave ample time to allow you to, to ask those questions and I'll do my best to answer them.

But, as you know, U.S. Water was retained by the City to review, essentially, all aspects of operations of your water system, including your water treatment plant, its equipment, water distribution system, pumping stations, poly'..., policies and procedures, laboratory procedures, equipment and personnel. I, uh, I and my team have worked personally on this now for, I wanna say this is our fifth or sixth week, fifth week, I think, that we've, we've been on it. So we've gotten to learn a lot about your system. We've been out looking at the equipment, talking to folks, interviewing folks. Where we can, we step in and have helped train some of your operations Staff on the use of some equipment that we've provided and since, since time, the City has bought some of their own equipment.

In essence, I, I kinda break your problems up, that we found, into a couple different buckets. One, the most obvious bucket of problems and that is the sheer volume of deferred maintenance that they system has.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Mhmm.

**MR. G. DEREMER:** And when you go through the report, you'll see many tables in the report that rank that equipment, anywhere from a zero to a three. And a zero means it's not functional. So when you go through this report, you'll see, all of those pieces of equipment that are owned by the City that esseti'..., essentially doesn't work or is in very poor condition. And I bring that up as my very first issue that you should consider because that's the issue that, if much more of that happens, you'll..., you will put yourself in a position where you will be forced to purchase water because some of the critical components that you have in the system, all of the redundancy, uh, is broke, to say the..., is the, is an easy way to say it. So, if we lose any more pieces of equipment, like wells as an example, you'll not be able to provide adequate water without purchasing supplemental water from your neighbors. So, there's a lot of work and each one of those pieces of equipment, when we evaluate it..., we didn't get into the weeds to the point to say, 'It's actually this motor starter,' or, 'this piece of pipe.' We, we labelled them in, in, maybe, larger segments because there just wasn't enough time to get in to diagnose why this pump doesn't work. Okay? But we certainly have all that list put together so that a reasonable schedule can be put out, that we have a reasonable approach...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Wait. Someone... Sorry. Someone has their phone, can you please silence that, please? Okay. And, and just so you all know, 11:25 is where the 30 minutes ends so, if you can kinda, like, get right to the point, as much as possible but without leaving the most important things out.

**MR. G. DEREMER:** [Chuckle].

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Chuckle].

**MR. G. DEREMER:** Okay. So, we have this bucket of a lot of things we've gotta fix.

The second thing that I, I see that we, we really need to address, at this City, is the personnel issues. The issues with training, policies and procedures. Having worked with the operators on a one-on-one basis, the City's in a dire need of having a corre'..., a, a, a standard operating procedure put into place, an operation..., a maintenance manual of your plant and to have your employees receive one-on-one training with feedback on how the facility is supposed to operate and to gain a basic level of understanding on things, like, disinfection. That is imperative that, that, no matter what we do, whatever technical approach we come up with to correct your problems, however many millions of dollars you may spend, you must deal with the human element and that needs to start as soon as possible. So the report focuses greatly on that, reorganization of department, you know, new job descriptions, different jobs, different levels of staff. And that, that takes time. So that's a, that's a big one there that I put in a separate bucket.

The third bucket is capital. Some of the things that we're recommending in the report need to be designed. They go back to the Hazen and Sawyer report. Some of our recommendations are similar. Those are longer term, further out where design, permitting, possibly, uh, you know, when we talked about two to three years. Some of these things will take some time to add that long-term fix of the system. But initially, we're prepared and we agree with, with some of what we've heard here. Some 90 day, 120-day period of time where we can collaborately come up with an..., with a plan to deal with the short-term problems that we have and try to correct, at the very least, the bacteriological problems the City's had long history of. So, we're prepared to help the City do that and with that, I'll stop and try to answer any questions you may have regarding the report.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I, I would li'..., I, I do have a question. If you could, um, elaborate..., I know in the report I was reading about many of the test readings that was being reported by Mr. Beaudet, because that was what he was given and I know I, I had a conversation regarding the, the yellow water and he, he adamantly said it's been like that for years and I said I've been here 40 some years and I don't ever recall se'..., drinking yellow water. What impact did that..., the test readings being inaccurate, what kind of impact was that for us and, and was that something that was an issue and is it still an issue?

**MR. G. DEREMER:** Yeah. It's still an issue. The.., yeah. We learned of it from attending a City Council meeting where folks had complained about yellow water. We were already on site looking at disinfection issues so we looked at the equipment that the City used to test the water color and found that the equipment that was being used by City Staff, and the results that were being entered onto state reports and those results that were used by other City consultants and officials, were based on erroneous information because of a faulty meter. So, the reason why you're having a color problem right now is because one of your main treatment units, Unit 3, is out of service and if you were able to provide softening treatment through that Unit, you could lower your overall color. So, part of the reason that you, you, you have a color.., and part of the reason some of the folks are seeing that, is because of some of the equipment that's broken down.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Now, does that impact the other test readings for the chloroform and the bacteria and all of the others, are they accurate or are they inaccurate?

**MR. G. DEREMER:** Well...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Possibly?

**MR. G. DEREMER:** Up until recently, much of the equipment that wa'.., that is necessary in order to test for proper disinfection, the City did not have. That's equipment that we brought in and had the City buy. So, some of that test.., testing equipment in order to, to properly adjust the chlorine and ammonia, which are used for disinfection, uh, did not exist here. So, we've, we've corrected that problem but there's still a lot of training that the operators need so they understand how to interpret those results.

**MR. B. BEAUDET:** [Inaudible].

**MR. G. DEREMER:** Yes, sir.

**MR. B. BEAUDET:** May I?

**MR. G. DEREMER:** You may.

**MR. B. BEAUDET:** I.., I think I noticed a part of your question that Gary didn't actually address and that is, could the tests that determine the safety of the water be wrong? Those tests that do the chloroform testing, that's done by an independent laboratory.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Mhmm.

**MR. B. BEAUDET:** And, and so those tests, in my opinion, are accurate because that's a NELAC certified laboratory. But I agree with Mr. Deremer, the disinfection results that were taken in the field, those are questionable. But, um, the ones that indicate the safety of the water from bacteriological point of view, those are accurate.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Okay.

**MR. G. DEREMER:** Okay. And I would, I would agree with that as far as the total chloroform testing.

**BOARD PRO TEM MILLER-ANDERSON:** Mhmm.

**MR. G. DEREMER:** Those are done by an independent laboratory.

**BOARD PRO TEM MILLER-ANDERSON:** Mhmm.

**MR. G. DEREMER:** And, uh, you know, like I say, those, those results where you see these exceedances of chloroform, have not tested positive for fecer., fecal or E-coli. That's, that's the basis of the water we're saying is still safe to drink although it has a high amount of bacteria in it.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Mhmm. Okay. Mayor had a question.

**BOARD CHAIRPERSON DAVIS:** Mayor.

**MAYOR MASTERS:** Yes. Just quickly. You mentioned something that we have that is not o'.., not working, what was that?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Unit 3.

**MR. G. DEREMER:** We have many things that are not working with relate'.., relating to the color, the Unit 3, which is the, the largest treatment unit the City has, is, is essentially, out of service because of equipment failure. We are running water through it, you know, so that we don't have to buy water but it's not receiving softening which that process reduces color. So there's a percentage, maybe 30% of the water is not receiving a treatment that will remove color.

**MAYOR MASTERS:** Should receive...

**MR. G. DEREMER:** Yeah.

**MAYOR MASTERS:** The, the other thing quickly. The City has what, 27 wells?

**MR. G. DEREMER:** Correct.

**MAYOR MASTERS:** And, are all the wells functioning?

**MR. G. DEREMER:** No. There, there are 10 wells that are out of service. Maybe one of the wells have come back in service...

**MAYOR MASTERS:** So 10 of 'em are not functioning. That's..., I just wanna kinda...

**MR. G. DEREMER:** At the writing...

**MAYOR MASTERS:** ...[inaudible].

**MR. G. DEREMER:** ...of the report, there were 10 not...

**MAYOR MASTERS:** Okay.

**MR. G. DEREMER:** Not working.

**MAYOR MASTERS:** Thank you, sir.

**MR. G. DEREMER:** Thank you.

**BOARD MEMBER HUBBARD:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Boardmember Hubbard.

**BOARD MEMBER HUBBARD:** Approximately how much will it take for us to get Unit 3 up and running?

**MR. G. DEREMER:** I have an estimate in the report. I, I think you're somewhere, because of the, not only the problems with the equipment from a standpoint of mechanical, but there's structural and leakage issues on the steel where it matches to the concrete, as well as some other equipment that needs to be repaired, in order to put the system back in service. It should be sandblasted and painted. All in, it's probably somewhere between 3 and \$400,000.

**BOARD MEMBER HUBBARD:** Okay. Let me ask you this, one of the concerns that I've had is that, as close as our water treatment plant is to the railroad, you heard about All Aboard Florida is gonna be coming through here and they're gonna be making 32 trips a day, really fast and shaking the ground, do you think that, that's gonna have an impact on our, um, structural equipment over at that water plant?

**MR. G. DEREMER:** I, I really don't know. One of the things that is listed in our report, because of some of the buildings, lime silos that have some apparent structural defects that we are recommending the City hire a structural engineer to go through all of the buildings to determine what repairs may be necessary. It would probably be appropriate, at that time, to have that structural engineer also look at the impacts of increased rail traffic.

**BOARD MEMBER HUBBARD:** Okay. Okay.

**BOARD CHAIRPERSON DAVIS:** Any more questions by any Members of the Board before we finalize this... [Pause]. Thank you, sir, for the work that...

**MR. G. DEREMER:** You're welcome.

**BOARD CHAIRPERSON DAVIS:** ...you're doing, you and your team have done this far and we look forward to, um, the work and continued progress that you're doing to assist us with making sure we stabilize this entire process.

**MR. G. DEREMER:** Thank you very much.

**BOARD CHAIRPERSON DAVIS:** Thank you so much.

**BOARD MEMBER HUBBARD:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER HUBBARD:** I move that we accept this report.

**BOARD CHAIRPERSON DAVIS:** Do we have a motion to accept.., second, to accept the report?

**CHAIR PRO TEM MILLER-ANDERSON:** So moved. Second.

**BOARD CHAIRPERSON DAVIS:** Madam Clerk.

[Inaudible dais comment]

**BOARD CHAIRPERSON DAVIS:** Yes, yes. U.S. Water.

[Inaudible dais comment]

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Pro Tem Miler-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Before we go and adjourn this meeting, I wanna ask the Board, maybe Vice Chair Miller-Anderson or Boardmember Hubbard to, um, one of you all to volunteer to take lead to work with the Committee to come back to this Board to give recommendations and reports and updates and be a part of the selection team as it regards to the next Utility District Director with all of us making recommendations from each Board Member in a, in a., by the next meeting of some, maybe, professionals you may know or some former Utility people, anywhere within the county, any type of professionals to have something in place to give us follow up.

**BOARD MEMBER HUBBARD:** I don't mind, Mr. Chair.

**BOARD CHAIRPERSON DAVIS:** Mhmm. You'll take...

**BOARD MEMBER HUBBARD:** To be...

**BOARD CHAIRPERSON DAVIS:** ...the lead on that?

**BOARD MEMBER HUBBARD:** ...the point person on [inaudible]...

**BOARD CHAIRPERSON DAVIS:** Do anybody oppose Boardmember Hubbard? Okay. Can we have a motion to make...

**BOARD MEMBER DAVIS JOHNSON:** Before [pause], before the motion, Mr. Chair...

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** ...may I ask a question?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** Is the, is the positions., are the positions for an executive director and assistant director of Water Utilities currently out on the street in a national capacity search?

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** National?

**CHAIRPERSON DAVIS:** Well, that's Staff to answer that question.

**CITY MANAGER JONES:** National.

**BOARD CHAIRPERSON DAVIS:** Okay.

**UNK:** Both of them?

**BOARD CHAIRPERSON DAVIS:** Yes.

**CITY MANAGER JONES:** I don't know ab'.., I don't believe the assistant director's nationally.

**ASSISTANT TO THE CITY MANAGER PERRY:** [Stammer]...

**UNK:** [Inaudible].

**CITY MANAGER JONES:** And I don't know if it's even out yet. I know the executive director.

**ASSISTANT TO THE CITY MANAGER PERRY:** I believe the assistant just came out a couple days...

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

**BOARD CHAIRPERSON DAVIS:** [Inaudible]...

**ASSISTANT TO THE CITY MANAGER PERRY:** ...ago when I saw it.

**BOARD MEMBER DAVIS JOHNSON:** ...position. That...

**CITY MANAGER JONES:** And so, it just...

**BOARD MEMBER DAVIS JOHNSON:** ...may not...

**CITY MANAGER JONES:** ...came out.

**BOARD MEMBER DAVIS JOHNSON:** ...necessarily be national...

**ASSISTANT TO THE CITY MANAGER PERRY:** Correct.

**BOARD MEMBER DAVIS JOHNSON:** ...but I think that we need to do a national search with some'... Because, you know, we're talking about what our citizens deserve and what we should be doing and I think that we owe it to ourselves, if we are starting this process by evoking.., evoking and invoking this process, we need to make sure that we go after the best, the brightest. We need to make sure that we also identify someone

who has experience in this type of municipal, um, arena. So, that has to happen and I know that we talked about six to ten...

**BOARD CHAIRPERSON DAVIS:** [Inaudible].

**BOARD MEMBER DAVIS JOHNSON:** ...applications that were there but I believe that we need to make sure that there is a open process so that we can look for those individuals who may be willing to co'.., to apply for the position and provide services to us.

**BOARD CHAIRPERSON DAVIS:** Great. Yeah. I truly...

**ASSISTANT TO THE CITY MANAGER PERRY:** We'll notify HR.

**BOARD CHAIRPERSON DAVIS:** I truly support that. You know, you can have Commissioner Hubbard will be the point person working with, also Attorney Brown, be volunteer part of that Committee. I spoke with him to, to ask him to be a part of it but ask each Board Me'.., including the Mayor, to make a recommendation of someone to decide. We can have a three member committee, a five member committee, to come back and help out with this process. So everybody just think about it by the next meeting and bring some names to the table so we all can...

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

**BOARD CHAIRPERSON DAVIS:** ...have some input in that process.

**BOARD MEMBER PARDO:** Okay. Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** And, and if you wanna add anything to the process, then we can go from there.

**BOARD MEMBER PARDO:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am.

**BOARD MEMBER PARDO:** Okay. So, to be clear, each Boardmember will be able to appoint a person to the Committee, correct?

**BOARD CHAIRPERSON DAVIS:** Yes. By the time the next meeting, what we'll discuss and just think about this, how many people... First of all, we gotta determine how many people do we want on the Committee? Do we want five, do we want seven...

**BOARD MEMBER HUBBARD:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** ...do we want three? So, maybe in this case, we say seven or five or, you know, based upon the qualified people that.., cause we might

get 10 people to quali'..., app'..., uh, the City interested. Or we might get even five, we might get four.

**BOARD MEMBER PARDO:** Alright. But...

**BOARD CHAIRPERSON DAVIS:** So, based...

**BOARD MEMBER PARDO:** ...I'm just...

**BOARD CHAIRPERSON DAVIS:** ...upon the number...

**BOARD MEMBER PARDO:** ...asking if...

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

**BOARD MEMBER PARDO:** ...each Boardmember will be able to appoint a person.

**BOARD MEMBER HUBBARD:** Yes.

**BOARD CHAIRPERSON DAVIS:** If there's...

**BOARD MEMBER PARDO:** Or we [inaudible]...

**BOARD CHAIRPERSON DAVIS:** ...if we have enough people...

**BOARD MEMBER PARDO:** ...yes.

**BOARD CHAIRPERSON DAVIS:** ...absolutely yes.

**BOARD MEMBER PARDO:** Okay. Fine.

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** And then will we see all applications submitted?

**UNK:** [Inaudible].

**BOARD MEMBER PARDO:** Yeah.

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER PARDO:** Right?

**BOARD MEMBER DAVIS JOHNSON:** Is...

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**BOARD MEMBER PARDO:** Each...

**BOARD CHAIRPERSON DAVIS:** Yes. Then bring it back to the next meeting. I mean, I'm sure people watching may maybe reach out, do some of your own investigation in, in your District, go through the list. You might have some folks that retired from water plants in other cities...

**UNK:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** ...in this City, living here. So, whoever they may be.

**BOARD MEMBER PARDO:** We have a lot of engineers.

**BOARD CHAIRPERSON DAVIS:** Yes. Engineers. Okay. And we'll come back to the next meeting and discuss that process but there's motion on the floor to make Boardmember... Huh?

**DEPUTY DISTRICT CLERK BURGESS:** No one made the motion yet.

**BOARD CHAIRPERSON DAVIS:** Council'... Okay. Will the Vice Chair make a motion to appoint...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I make a motion that we extend this meeting another 30 minutes.

**BOARD CHAIRPERSON DAVIS:** Okay. [Inaudible].

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Some meeting cause [stammer].

**BOARD CHAIRPERSON DAVIS:** Well, we gotta close this one after this and then we go into the other meeting and...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** That's what I'm saying.

**BOARD CHAIRPERSON DAVIS:** ...we'll do the public hearing and, and...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Stammer] 12:00., 11:59, I'll extend to 11:59.

**BOARD CHAIRPERSON DAVIS:** We're gonna close this one out, after this here, unless you wanna talk about something else. Oh, you know what, you're right because we got other matters we're...

**BOARD MEMBER DAVIS JOHNSON:** We still have...

**BOARD CHAIRPERSON DAVIS:** ...still trying... Right.

**BOARD MEMBER DAVIS JOHNSON:** We still have this Agenda that we've not addressed or are we tabling that? What, what are we doing...

**BOARD CHAIRPERSON DAVIS:** Well...

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

**BOARD CHAIRPERSON DAVIS:** Well...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** ...there's one Item on there we gotta discuss which is public hearing that's mandatory. Right, Counc'.., um, City Manager? The public hearing on...

**UNK:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** That we've...

**CITY MANAGER JONES:** Yeah. They've been here.

**BOARD CHAIRPERSON DAVIS:** They're still here?

**CITY MANAGER JONES:** Yep. They're...

**BOARD CHAIRPERSON DAVIS:** Okay.

**CITY MANAGER JONES:** ...back over...

**BOARD CHAIRPERSON DAVIS:** Alright. I wanna...

**CITY MANAGER JONES:** ...in the corner.

**BOARD CHAIRPERSON DAVIS:** ...at least get through that cause they waited through the entire meeting.

**CITY MANAGER JONES:** Yeah. And if I could get the liability insurance.

**BOARD CHAIRPERSON DAVIS:** Well, let's focus on...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible].

**CITY MANAGER JONES:** Okay.

**BOARD CHAIRPERSON DAVIS:** ...let's get through this cause, um, Vice Chair has as motion on the floor to...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I'm just ex'..., is this..., I'm not..., I'm just trying to extend the...

**BOARD CHAIRPERSON DAVIS:** We'll extend this...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...time period.

**BOARD CHAIRPERSON DAVIS:** ...let's say 15 minutes because after we finish this motion...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Okay.

**BOARD CHAIRPERSON DAVIS:** ...we're gonna also address the issue with the invoice. Correct?

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

**BOARD CHAIRPERSON DAVIS:** Cause the motion is to appoint Boardmember Hubbard.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So, second.

**BOARD CHAIRPERSON DAVIS:** Yeah. Madam Clerk.

**UNK:** [Inaudible] motion. You were sayin'...

**BOARD CHAIRPERSON DAVIS:** No. I asked for you to make the motion so she could second it. [Chuckle]. I'm sorry.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I make the motion that Ms. Hubbard is the...

**BOARD CHAIRPERSON DAVIS:** The point person.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...point person for the Committee for...

**BOARD CHAIRPERSON DAVIS:** Water task force. Utility..., Water Utility District...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Water Utility...

**BOARD CHAIRPERSON DAVIS:** ...task team.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...task force.

**BOARD CHAIRPERSON DAVIS:** Task team, yes.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Committee.

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER HUBBARD:** Second.

**BOARD CHAIRPERSON DAVIS:** Second by, um, Commissioner Hubbard.  
Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

[Pause]

**BOARD MEMBER PARDO:** Yes.

**DEPUTY CITY CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Okay. Vice Chair, you wanna put a motion on the floor to extend this...

**BOARD MEMBER HUBBARD:** Thank you.

**BOARD CHAIRPERSON DAVIS:** ...meeting maybe 15 minutes so we can address the invoice?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** The Utility meeting for 15 minutes?

**BOARD CHAIRPERSON DAVIS:** Okay. There's...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Extend... Yeah.

**BOARD CHAIRPERSON DAVIS:** 15?

**BOARD MEMBER CHAIR PRO TEM MILLER-ANDERSON:** 15.

**BOARD MEMBER CHAIRPERSON DAVIS:** 15? And we're gonna second... We have to discuss the invoice, remember you said you wanted to talk about it. Okay? Is there a second?

**BOARD MEMBER DAVIS JOHNSON:** Second.

**BOARD MEMBER CHAIRPERSON DAVIS:** Okay. Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER CHAIRPERSON DAVIS:** [Inaudible background comment].

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY CITY CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY CITY CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** No.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD MEMBER CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**BOARD MEMBER CHAIRPERSON DAVIS:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** That motion passed with Boardmember Pardo dissenting.

**BOARD MEMBER CHAIRPERSON DAVIS:** Yes. Mr. Perry.

**ASSISTANT TO THE CITY MANAGER PERRY:** May I as a question?

**BOARD MEMBER CHAIRPERSON DAVIS:** Yes, sir.

**ASSISTANT TO THE CITY MANAGER PERRY:** You just.., you, you approved to, uh, transfer the.., to pay Mr. Brown's invoice but could you also authorize the Finance Director to transfer that money from contingency to that line [inaudible]...

**BOARD MEMBER CHAIRPERSON DAVIS:** Pending that this is...

**ASSISTANT TO THE CITY MANAGER PERRY:** ...[inaudible].

**UNK:** We haven't approved it yet.

**BOARD CHAIRPERSON DAVIS:** Pending that this is approved. Pending that this is approved.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** We haven't approved anything.

**ASSISTANT TO THE CITY MANAGER PERRY:** Oh, I'm sorry. I thought [inaudible]...

**BOARD CHAIRPERSON DAVIS:** Yeah. We're gonna do that now. We're gonna discuss that matter now.

**ASSISTANT TO THE CITY MANAGER PERRY:** So, could you.., if you do, can you just combine it...

**BOARD CHAIRPERSON DAVIS:** Right.

**ASSISTANT TO THE CITY MANAGER PERRY:** ...altogether?

**BOARD CHAIRPERSON DAVIS:** I understand.

**ASSISTANT TO THE CITY MANAGER PERRY:** Thanks.

**BOARD CHAIRPERSON DAVIS:** If that, if that is approved. Okay.

[Inaudible dais comments]

**BOARD CHAIRPERSON DAVIS:** Boardmember Johnson, ask your question.

**BOARD MEMBER DAVIS JOHNSON:** Well, I guess the...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible] discuss it...

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

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...tonight.

**BOARD MEMBER DAVIS JOHNSON:** Pardon? I thought you said we weren't discussing it tonight. But we...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I... I'm asking...

**BOARDCHAIRPERSON DAVIS:** I said I was gonna bring it back...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...[inaudible]...

**BOARDCHAIRPERSON DAVIS:** ...after we got through that item so that you can...

**BOARD MEMBER DAVIS JOHNSON:** Okay.

**CHAIRPERSON DAVIS:** ...you ask your questions.

**BOARD MEMBER DAVIS JOHNSON:** Alright. So here's the question that I have. Going back to changing a., changing the fee from an agreement without prior consent. We just went through this with CRA. So, I'm just trying to understand how we get to a point of doubling an invoice without prior authorization? Because, we're not talking about \$5,000, we're talking about an additional \$25,000 and there was never any mention about the increasing of the fee when you were, when you were retained to provide this report. So, I'm just trying to understand, at what point did you realize that you were going to have additional costs that were going..., that, that needed to be addressed that were not brought back before this Board?

**MR. M. BROWN:** Councilwoman, if you look at the letter that Ms. Ryan wrote to me, she said, 'You use the amount of \$24,999,' in fact, you asked me, 'Mr. Brown,' you said, 'Can you do it for that?' I said, 'Ms. Johnson, if it's less than that, it'll be less than that. If it's more than that, you will get the figure as to what it is.' And the notice, if you look at her letter, it said that, 'In the event that I think it would exceed that, to notify the Board.' Now, we're all professionals here. Alright? U.S. Water, Mr. Beaudet and all of us are professionals and you used the term, 'The best and the brightest,' and I think I fit in that category. Now, let me answer.

**BOARD MEMBER DAVIS JOHNSON:** Mhmm.

**MR. M. BROWN:** Now, I think you will find that the U.S. Water report, Mr. Beaudet and what his report and his assessment is, Mr. Perry, if you ask them and if you read that report, it was a lot of time and energy that was put into it. The issue is whether or not the

value that you..., whether you got the value out of that. I was no'..., I would've still completed the report and I, I..., there's no way that I'm gonna stop and not complete the report based upon the fact that I said, 'Well, I'm not gonna do it until they pay me.' The issue is whether or not..., whether you believe or whether the Board believes that the services that I provided are valid, alright, and compensable. And when you compare, I believe, and I don't know what U.S. Water reports fees are but I know they're professionals. I think when you compare what, what my fees were and what I charge, and I think the issue you will find, wholeheartedly, that they're more than reasonable.

**BOARD MEMBER DAVIS JOHNSON:** I am not suggesting that your costs are not reasonable, Mr. Brown, nor am I suggesting that you are not the best and the brightest and, and you're..., and that you are good at what you're doing. You, you stated that you would..., you would bring it to the attention of the Board if the costs were going to be additional.

**MR. M. BROWN:** The letter...

**BOARD MEMBER DAVIS JOHNSON:** Right?

**MR. M. BROWN:** ...that Ms. Ryan wrote, if you read...

**BOARD MEMBER PARDO:** I have...

**MR. M. BROWN:** ...the le'...

**BOARD MEMBER PARDO:** ...the letter.

**MR. M. BROWN:** Read the last sentence of the letter and it addresses..., what does it say?

**BOARD MEMBER PARDO:** It says, 'If at any time you believe the fees will exceed this amount, please advise before exceeding the amount and it will be discussed with the Board.' And then, if you look at the contract, it says that, um...

**MR. M. BROWN:** Look at the...

**BOARD MEMBER PARDO:** 'Compensation...

**MR. M. BROWN:** ...contract.

**BOARD MEMBER PARDO:** ...shall not exceed \$24,999.' So, you know.

**MR. M. BROWN:** Well, and, and I, and I...

**BOARD MEMBER N PARDO:** I'm just sayin'.

**MR. M. BROWN:** ...have notified the Board and if you, if you all do not believe that the services that I provided, that, that my firm is worthy of the compensation I've billed, that's a decision for you all to make.

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

**MR. M. BROWN:** Yes, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** I'm not suggesting that you are not worthy of the compensation. We just had this matter to come before us, as it related to additional costs for services rendered, without notification to the Board. That's simply my point. That, that's it.

**MR. M. BROWN:** But that's not me, right? That, that doesn't have anything... I mean, you..., that's another issue that you all...

**BOARD MEMBER DAVIS JOHNSON:** It is the same, it is the same premise. I don't see how it's any different because, if you are performing a service, if you know that that's..., those services are going to be exceeded..., and this is not any declaration or indication of your ability or inability to do any work for us. I appreciate the work that you've done. I supported you coming to do this, we had the conversation as it related to the, um, the authority of, of..., I think it was the authority of the Manager, and all I'm simply saying, and, and I'm just bringing this back again to the Board's attention, where we have a consultant that did some work and, after the fact, there was, there was no notification prior to. And I know what you're saying about read this letter and read this last statement but it did say that you were going to come back and make us aware. And I'm just simply saying that, prior to tonight, with you announcing that your fee is now doubled, there was no notification. That's, that's my only point.

**MR. M. BROWN:** It sounds like you're saying you all had a dispute on another matter regarding...

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

**MR. M. BROWN:** ...another...

**BOARD MEMBER N DAVIS JOHNSON:** I am..., it has nothing to do with another matter. I'm talking...

**MR. M. BROWN:** You raised that, ma'am.

**BOARD MEMBER DAVIS JOHNSON:** What I'm sa'...

**MR. M. BROWN:** I'm just trying to get clarification...

**BOARD MEMBER DAVIS JOHNSON:** Right. My clarifica'...

**MR. M. BROWN:** ...as to what you're referring to...

**BOARD MEMBER DAVIS JOHNSON:** Let me clarify then.

**MR. M. BROWN:** ...cause I wasn't., I'm not...

**BOARD MEMBER DAVIS JOHNSON:** Let me...

**MR. M. BROWN:** ...on the Board.

**BOARD MEMBER DAVIS JOHNSON:** Let me make it clear.

**MR. M. BROWN:** Please tell me what you're [inaudible].

**BOARD MEMBER DAVIS JOHNSON:** What I'm simply saying is, you brought us an invoice that you submitted to...

**MR. M. BROWN:** No. That's not what I'm asking.

**BOARD MEMBER DAVIS JOHNSON:** We'...

**UNK:** Ma'...

**MR. M. BROWN:** You, you mentioned...

[Inaudible dais comments]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Point of order.

**MR. M. BROWN:** ...another issue...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Point of order.

**MR. M. BROWN:** ...and I'm trying to get clarification...

**BOARD MEMBER DAVIS JOHNSON:** It has noth'... I., the, the issue is the...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Point of order.

**BOARD MEMBER DAVIS JOHNSON:** ...process.

[Gavel]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Mr. Chair?

**BOARD CHAIRPERSON DAVIS:** Point of order has to be recognized. Vice Chair.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** May I make a suggestion?

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Being that this Item is something that was brought to us early in the afternoon...

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...and for the sake of time, and obviously it's gonna take some time to debate through this, we don't have time tonight to do that.

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Can we please not discuss this Item tonight and get with the other stuff we need to do.

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Cause we have some things we have to finish tonight.

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD MEMBER DAVIS JOHNSON:** The Chair...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** We can't...

**BOARD MEMBER DAVIS JOHNSON:** ...pushed...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...go beyond...

**BOARD MEMBER DAVIS JOHNSON:** ...the issue.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...12:00, right?

**BOARD CHAIRPERSON DAVIS:** No.

**BOARD MEMBER DAVIS JOHNSON:** The Chair...

**BOARD CHAIRPERSON DAVIS:** I didn't...

**BOARD MEMBER DAVIS JOHNSON:** ...the Chair wanted to bring this back f or discussion.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So, can I make a motion that we pull this ...

**BOARD CHAIRPERSON DAVIS:** [Inaudible] respect the...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...Item and...

**BOARD CHAIRPERSON DAVIS:** ...respect the Board because...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...and hold it...

**BOARD CHAIRPERSON DAVIS:** ...everybody jumped on me...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...for another night.

[Inaudible audience comment]

**BOARD CHAIRPERSON DAVIS:** I just brought it back. [Chuckle].

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Is that...

**BOARD CHAIRPERSON DAVIS:** Yes, ma'am?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...good? Wanna second my motion?

**BOARD CHAIRPERSON DAVIS:** Please restate your motion so we can go on [inaudible].

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** That we, we pull the.., we postpone this Item.

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Um...

**UNK:** [Inaudible] second.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...for another meeting maybe? Possibly?

**BOARD CHAIRPERSON DAVIS:** Well, we have a...

**BOARD MEMBER HUBBARD:** Mr....

**BOARD CHAIRPERSON DAVIS:** ...meeting on Tuesday that we can it to the Agenda...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** To the...

**BOARD CHAIRPERSON DAVIS:** ...on Tuesday.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...Agenda on Tuesday?

**BOARD CHAIRPERSON DAVIS:** Yes.

[Inaudible dais comment]

**BOARD MEMBER HUBBARD:** Mr....

[Inaudible dais comment]

**BOARD CHAIRPERSON DAVIS:** The workshop.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Oh, we can put it on the workshop.

[Inaudible dais comments]

**UNK:** You can't make any decisions at a workshop.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** [Inaudible] decisions at a workshop.

**BOARD CHAIRPERSON DAVIS:** Oh, okay. So...

**BOARD MEMBER HUBBARD:** Mr....

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

**BOARD CHAIRPERSON DAVIS:** Well, we might have to call a special meeting to finish the Items that we're not gonna finish tonight. So, if there's...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** But we're gonna try to finish...

**BOARD MEMBER HUBBARD:** Well, at the very least, um, Madam Co., Co-Chair.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes. Mhmm.

**BOARD MEMBER HUBBARD:** Pro Tem.

[Chuckle]

**BOARD MEMBER HUBBARD:** Can we, at least, make a motion to pay hi'..., Mr....

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** The \$24,999?

**BOARD MEMBER HUBBARD:** Yes. And, in that special meeting that we can hold right before we go in there to address that [pause], uh, before we go into workshop to address, to address the other?

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD MEMBER HUBBARD:** But, at least, pay..., we need to pay the inv'..., we need to pay the first \$25,000.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Okay. I make a motion that we pay the \$24,999...

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...and we're going to announce a special meeting, after the workshop or before the workshop on Tuesday?

**BOARD CHAIRPERSON DAVIS:** Correct.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** What time is the workshop? 6:00.

**BOARD CHAIRPERSON DAVIS:** [Inaudible]...

**BOARD MEMBER HUBBARD:** Now, let me...

**BOARD CHAIRPERSON DAVIS:** 5:30?

**BOARD MEMBER HUBBARD:** Before you go...

**BOARD CHAIRPERSON DAVIS:** 5:00?

**BOARD MEMBER HUBBARD:** Before you make the motion, um...

**UNK:** [Inaudible]?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** We're about to run out of time again. Okay?

**BOARD MEMBER HUBBARD:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Just wanna...

**BOARD MEMBER HUBBARD:** Go, go ahead.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** What, what did you wanna say about it?

**BOARD MEMBER HUBBARD:** No. What, what I was going to say...

**BOARD CHAIRPERSON DAVIS:** Hold on. Did you second? Did she second the motion?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I haven't said the motion yet.

**BOARD CHAIRPERSON DAVIS:** Oh.

**BOARD MEMBER HUBBARD:** Oh.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** I mean, I need to restate it but...

**BOARD CHAIRPERSON DAVIS:** Yeah.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Go ahead.

**BOARD MEMBER HUBBARD:** Yeah.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** What, what did you...

**BOARD MEMBER HUBBARD:** What I, what I was going to say, well, um, we're not going to not pay because of the...

**BOARD CHAIRPERSON DAVIS:** [Inaudible], you have a copy...

**BOARD MEMBER HUBBARD:** ...of the...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Stammer]. I'm just saying, we..., that, that's something we probably..., we gotta discuss. We're not gonna solve that right now.

**BOARD MEMBER DAVIS JOHNSON:** Right.

**BOARD MEMBER HUBBARD:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** And, and we have..., remember, we still have to go back for the City Agenda meeting...

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...that some things have to be approved tonight so we gotta...

**BOARD MEMBER HUBBARD:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...get to that.

**BOARD CHAIRPERSON DAVIS:** Yes.

**BOARD MEMBER HUBBARD:** Alright, then.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Okay.

**BOARD MEMBER HUBBARD:** Go right ahea'...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So, I make a motion that...

**BOARD CHAIRPERSON DAVIS:** Yeah.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...we postpone this Item other than we can go ahead and pay the...

**BOARD CHAIRPERSON DAVIS:** Pay the 24...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...\$24,999.

**BOARD CHAIRPERSON DAVIS:** Mhmm.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...and postpone the additional monies that are being, um, invoiced and have a special meeting before the workshop at 5:30 p.m....

**BOARD MEMBER DAVIS JOHNSON:** Second.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** ...on Tuesday?

**BOARD CHAIRPERSON DAVIS:** Properly moved and second. Mr. Perry, I see you fittin' to ask a question?

**ASSISTANT TO THE CITY MANAGER PERRY:** No.

**BOARD CHAIRPERSON DAVIS:** Okay. Cool. Any questions before we call this question? Madam Clerk.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Hubbard?

**BOARD MEMBER HUBBARD:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Davis Johnson?

**BOARD MEMBER DAVIS JOHNSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Boardmember Pardo?

**BOARD MEMBER PARDO:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Pro Tem Miller-Anderson?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Yes.

**DEPUTY DISTRICT CLERK BURGESS:** Chair Davis?

**CHAIRPERSON DAVIS:** Yes.

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

**BOARD CHAIRPERSON DAVIS:** Great job, Vice Chair.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** So now, we've gone through this issue, reports. So, do we have a motion to adjourn this meeting so we can go back...

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

**BOARD CHAIRPERSON DAVIS:** ...and finish the Council meeting? [Stammer]...

**BOARD MEMBER HUBBARD:** Second.

**DEPUTY DISTRICT CLERK BURGESS:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** Properly moved and second. We're gonna start immediately.

[Gavel]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** [Inaudible].

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Okay. So...

**DEPUTY DISTRICT CLERK BURGESS:** Item No...

[Dais chatter]

**BOARD CHAIRPERSON DAVIS:** Going straight to the public hearing.

[Chatter]

**BOARD MEMBER DAVIS JOHNSON:** What's the number?

[Chatter]

**BOARD CHAIRPERSON DAVIS:** Item No...

[Chatter]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** So this can't go beyond 12:00 so [inaudible].

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Take care, G.

**UNK:** Okay.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** We'll see you next time.

[Chatter]

**BOARD MEMBER HUBBARD:** What Item was that? 1?

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** We don't., [inaudible]. We don't have time, we gotta get going.

**BOARD CHAIRPERSON DAVIS:** Oh, Item [inaudible]...

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** And we're still on the air.

**DISTRICT ATTORNEY DEGRAFFENREIDT:** Okay. Gottcha. Okay.

[Chatter]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** Still on air. Mayor. Mayor, we're still on.

**BOARD CHAIRPERSON DAVIS:** [Inaudible].

[Gavel]

[Chatter]

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** You gotta open it back up.

**BOARD CHAIRPERSON DAVIS:** Okay.

**BOARD CHAIR PRO TEM MILLER-ANDERSON:** And we need to extend it when..., soon as you open it back up.

**BOARD CHAIRPERSON DAVIS:** Now we're going to...

[Gavel]

**BOARD CHAIRPERSON DAVIS:** Now, we're gonna call the Regular City Council meeting back to order. We just recently finished the Water Utility District and now we just finished all the budget Items and we're gonna start this meeting now off with Item No. [pause]...

**PLEASE REFER TO THE MINUTES FROM THE SEPTEMBER 21, 2016 REGULAR CITY COUNCIL MEETING FOR CONTINUANCE.**

APPROVED:

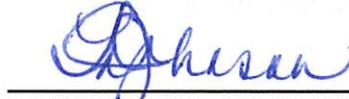
  
TERENCE D. DAVIS  
BOARD CHAIRPERSON

ATTEST:

  
CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
DISTRICT CLERK

  
KaSHAMBA L. MILLER-ANDERSON  
BOARD CHAIR PRO TEM

  
LYNNE L. HUBBARD  
BOARD MEMBER

  
TONYA DAVIS JOHNSON  
BOARD MEMBER

  
DAWN S. PARDO  
BOARD MEMBER

MOTIONED BY: L. HUBBARD

SECONDED BY: D. PARDO

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: October 24, 2016