



CITY COMMISSION OF THE CITY OF PAHOKEE

## **WORKSHOP**

Tuesday, February 12, 2019 6:00 p.m.  
360 East Main Street, Pahokee, Florida

This Workshop of the City Commission of the City of Pahokee is being held to discuss the February 12, 2019 Agenda.

A. INVOCATION & PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. TOPIC

D. DISCUSSION, COMMENTS, CONCERNS

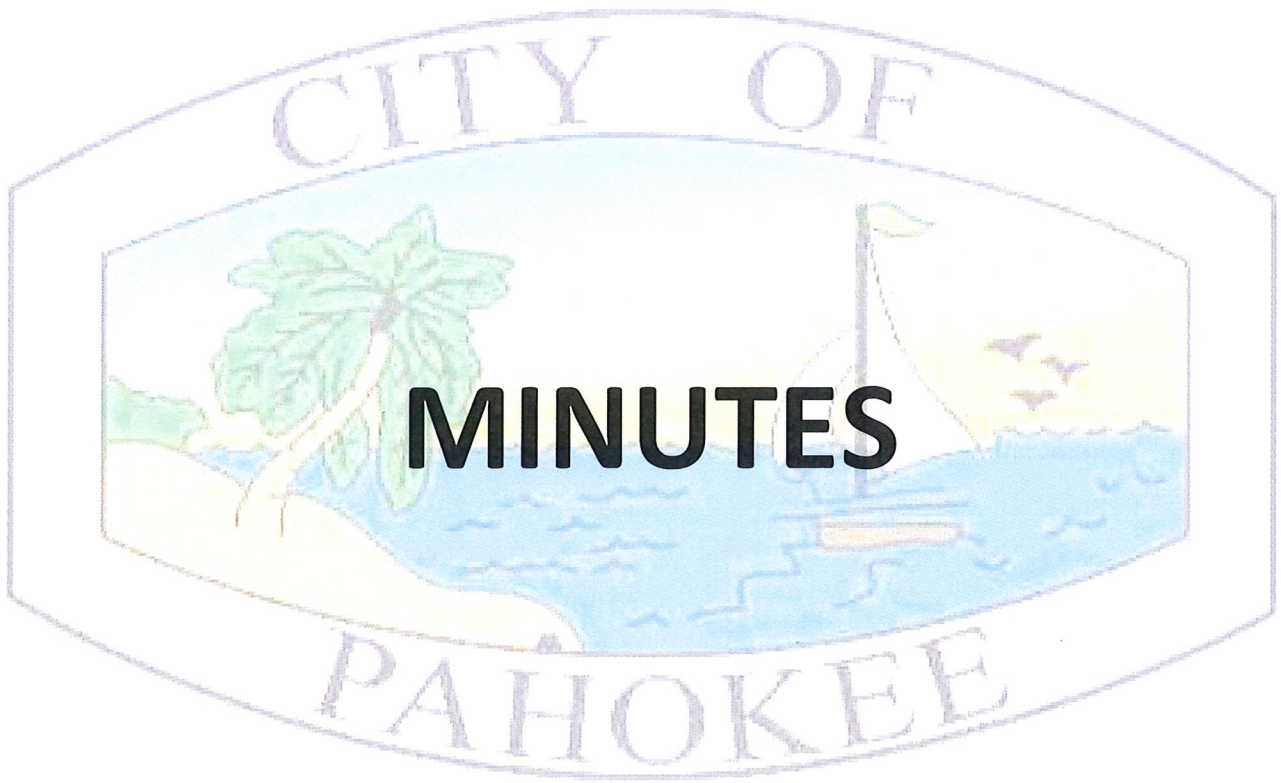
E. ADJOURN

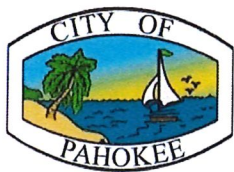


# AGENDA

CITY COMMISSION OF THE CITY OF PAHOKEE  
REGULAR COMMISSION MEETING  
TUESDAY, FEBRUARY 12, 2019 6:30 P.M.

- A. INVOCATION & PLEDGE OF ALLEGIANCE
- B. ROLL CALL:
- C. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:
- D. CITIZEN COMMENTS (AGENDA ITEMS ONLY):
- E. PUBLIC SERVICE ANNOUNCEMENTS (FILL OUT PUBLIC COMMENT CARD):
- F. APPROVAL OF MINUTES:
  - 1. **January 8, 2019 – Workshop Minutes (Commission Concerns)**
  - 2. **January 8, 2019 – Workshop Minutes**
- G. CONSENT AGENDA:
- H. ORDINANCE:
- I. RESOLUTIONS:
- J. PUBLIC HEARINGS:
- K. PROCLAMATIONS (approval):
  - 1. **Proclamation – A Tribute of Appreciation for Reverend James White**
- L. PRESENTATIONS:
- M. REPORT OF THE MAYOR:
- N. REPORT OF THE CITY MANAGER:
- O. REPORT OF THE CITY ATTORNEY:
  - 1. **Audit Committee**
  - 2. **Memo – Powers and Duties of City Manager and City Clerk**
- P. OLD BUSINESS:
  - 1. **Marina Lease Update**
- Q. NEW BUSINESS:
- R. CITIZEN COMMENTS/GENERAL CONCERNS:
- S. CORRESPONDENCE/COMMENTS AND CONCERNS OF THE CITY COMMISSIONERS:
- T. ADJOURN:





**CITY COMMISSION OF THE CITY OF PAHOKEE  
COMMISSION WORKSHOP MINUTES  
Tuesday, January 8, 2019**

Pursuant to due notice the Commission Workshop was held in the Commission Chambers at 360 East Main Street, Pahokee, Palm Beach County, Florida on January 8, 2019.

The meeting was called to order by Vice Mayor Murvin at 5:35 p.m.

Official attendance was recorded as follows:

<b><u>Roll Call:</u></b>	Mayor Keith W. Babb, Jr.	Present at 6:00 p.m.
	Commissioner Benny L. Everett, III	Present
	Commissioner Felisia C. Hill	Present at 6:04 p.m.
	Vice Mayor Clara M. Murvin	Present
	Commissioner Diane L. Walker	Present
	City Manager Chandler Williamson	Present
	City Attorney Gary Brandenburg	Present at 5:40 p.m.
	Sergeant At Arms Sergeant Davis-Partridge	Present at 5:51 p.m.
	Interim City Clerk Nylene Clarke	Present

**Topic**

**1. Commission Concerns**

Commissioner Walker requested for the City Commission to consider a monument recognizing all of the athletes and champions of the community. She expressed concerns regarding the following:

- City Manager and the City Manager's duties
- City Clerk and the City Clerk's duties
- speed bumps at Eldorado Drive

Mr. Williamson replied the streets are owned by the County, and the City does not have any control over the maintenance of the streets. He stated the concerns have been sent to District 6 and they are following up on it.

➤ Discussion ensued. Mr. Williamson provided a status of the project to date.

Commissioner Walker inquired about Keen Trailer Park and commented on the condition of the mobile home park.

Mr. Williamson replied Keen Trailer Park is privately owned, but the City has applied the Code of Ordinances to the property and violations have been issued.

Commissioner Walker suggested that there be "no smoking" barriers outside of the Commission Chambers, a ten minute session for concerns of the citizens regarding the meetings, and a way for citizens to be videoed in, if they have concerns.

Mr. Williamson replied the City does not have the technology and it is not a common practice.

Commissioner Walker expressed concern regarding the following:

- City Manager disciplinary action
- City vehicles that are being driven home

She requested for the City Commission to allow citizens to attend conferences.

Mayor Babb decided to adjourn the Workshop for Commission Concerns, in order to officially call to order the Workshop for the January 8, 2019 Agenda. He advised he will allow Commissioner Walker to continue her concerns thereafter.

There being no further business to discuss, Mayor Babb adjourned the meeting at 6:15 p.m.

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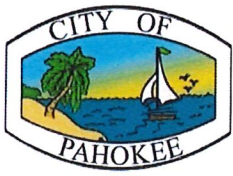
Keith W. Babb, Jr., Mayor

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ATTEST: Nylene Clarke, Interim City Clerk







**CITY COMMISSION OF THE CITY OF PAHOKEE  
COMMISSION WORKSHOP MINUTES  
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	Commissioner Felisia C. Hill	Present
	Vice Mayor Clara M. Murvin	Present
	Commissioner Diane L. Walker	Present
	City Manager Chandler Williamson	Present
	City Attorney Gary Brandenburg	Present
	Sergeant At Arms Sergeant Davis-Partridge	Present
	Interim City Clerk Nylene Clarke	Present

**Topic**

**1. January 8, 2019 Agenda**

Mayor Babb allowed Commissioner Walker to continue her concerns.

Commissioner Walker requested that employees be introduced to the City Commission, in a timely manner, and reiterated her concern regarding the City vehicles.

Vice Mayor Murvin provided an overview of Commissioner Walker's concerns, and requested for the City Attorney to provide a brief outline of the duties of the City Clerk and City Manager.

Mr. Brandenburg provided clarity to Commissioner Walker's concerns regarding the City Clerk and the City Manager.

Mr. Williamson mentioned the City Charter, in light of the duties of the City Manager, and advised he can provide a copy of it.

Commissioner Everett provided feedback on some of Commissioner Walker's concerns, and thanked the City Attorney for bringing clarity regarding the City Clerk's responsibilities.

Mayor Babb provided feedback regarding Commissioner Walker's concerns and advised that some of the items may be incorporated into personnel policy.

Commissioner Everett inquired if it would be illegal for the City Commission to put a moratorium to the City vehicles, prior to a policy being put in place.

Mr. Brandenburg advised the City Commission is supposed to establish the policies and procedures that are applied throughout the City, and it is the City Manager's responsibility to implement those policies and procedures, with respect to all of the employees.

- Discussion ensued. Mr. Williamson will provide a copy of the current vehicle policy to the City Commission, for any necessary revisions.

Mayor Babb inquired if Commissioner Walker's request was for the City Commission to allow board member or citizens to attend conferences.

Commissioner Walker replied either board members or citizens.

Mr. Brandenburg advised the City Commission could adopt a policy to pay the cost to send board members to a conference, if that conference was a particular concern to that particular board. He advised, as a general matter in the budget, he does not think the City can pay the cost of sending citizens, randomly, to conferences they may desire to attend.

- Discussion ensued. Commissioner Everett suggested that the policy be limited to board members.

There being no further business to discuss, Mayor Babb adjourned the meeting at 6:59 p.m.

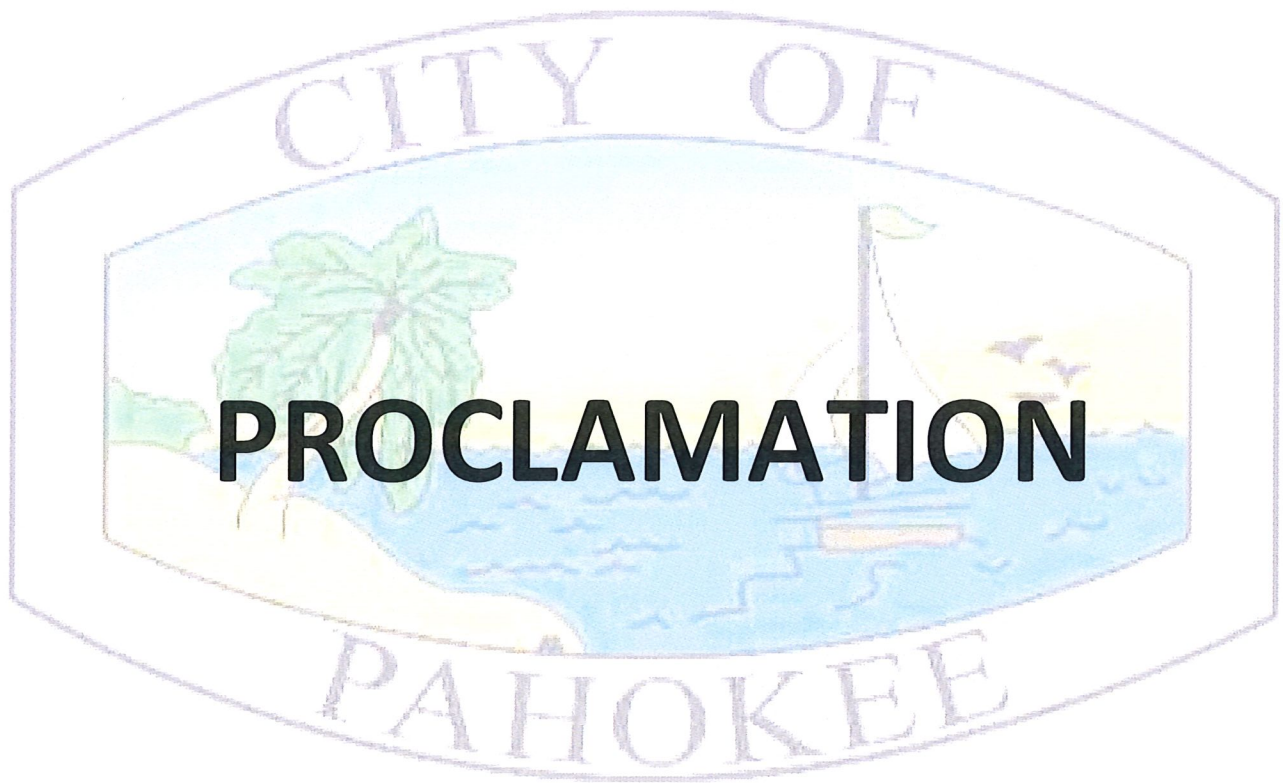
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Keith W. Babb, Jr., Mayor

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ATTEST: Nylene Clarke, Interim City Clerk







*Proclamation*  
*A Tribute of Appreciation for*  
*Reverend James White*

*Whereas, Reverend James W. White has faithfully pastored the United Missionary Baptist Church for 20 successful years; and*

*Whereas, his pastorage began in Bryant, Florida, on the premises of U.S. Sugar Corporation, where housing and a church were made available for laborers to live and worship. When the Corporation decided to close the village and church for further use, United Missionary Baptist Church moved to Pahokee, to continue their worship within our fair City; and*

*Whereas, as pastor, Reverend White was chosen to be President of the Pahokee/ Canal Point Ministerial Alliance, where he led pastors of this community in coming together for the betterment of our citizens; and*

*Whereas, Reverend White has overseen numerous Farm Share giveaways, and has led City Revivals where churches and pastors throughout the City have joined together with their congregation, to show unity in the community; and*

*Whereas, Reverend White has led in the political arena by taking a stand to support candidates that would enhance the livelihood of the citizens of Pahokee.*

*Now, therefore, the City Commission of the City of Pahokee, Florida, do hereby pay tribute to Reverend James W. White for 20 years of dedication and service rendered to United Missionary Baptist Church and this community. Thank you for your honorable position in helping to make our city become the "City of Choice" that we envision it to be.*

*Done this 12th day of February, 2019*

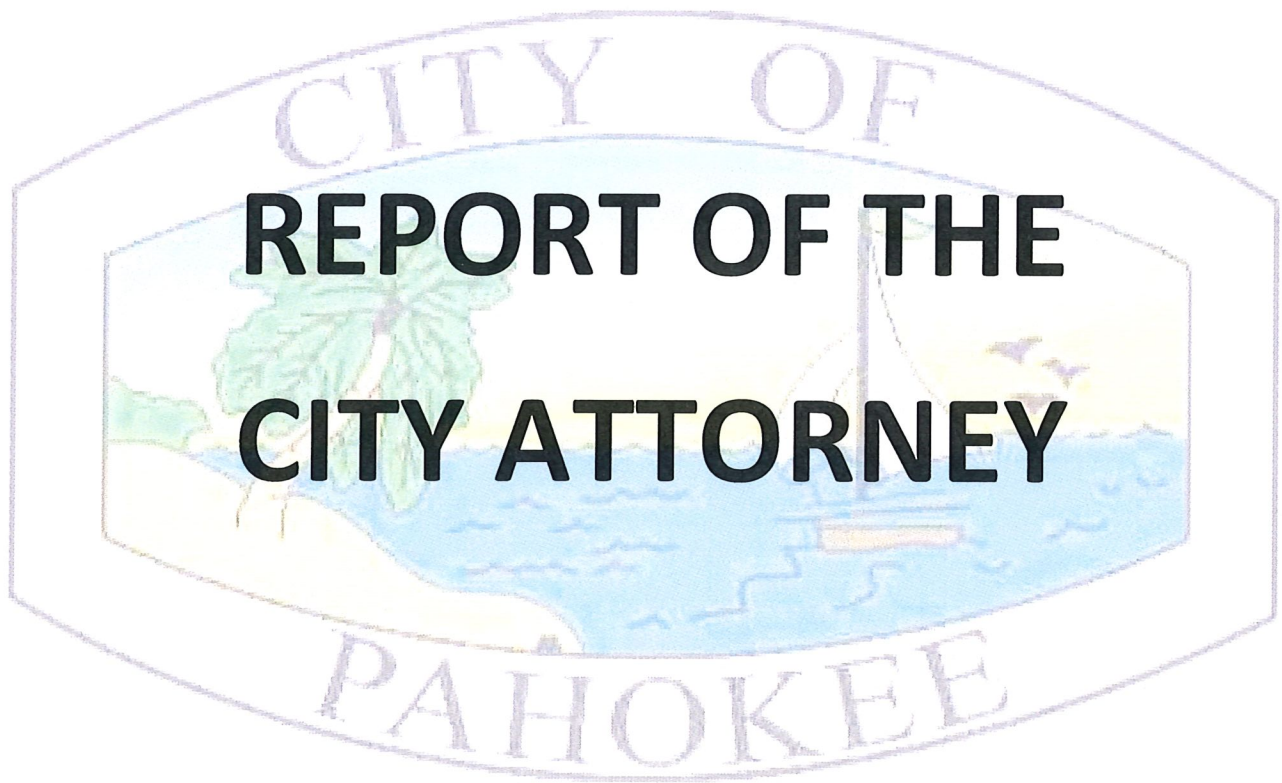
*Keith W. Babb, Jr.*  
\_\_\_\_\_  
*Mayor Keith W. Babb, Jr.*

*Clara M. Murvin*  
\_\_\_\_\_  
*Vice Mayor Clara M. Murvin*

*Benny L. Everett, III*  
\_\_\_\_\_  
*Commissioner Benny L. Everett, III*

*Felisia C. Hill*  
\_\_\_\_\_  
*Commissioner Felisia C. Hill*

*Diane L. Walker*  
\_\_\_\_\_  
*Commissioner Diane L. Walker*



**REPORT OF THE  
CITY ATTORNEY**

**BRANDENBURG & ASSOCIATES, P.A.**

11891 U.S. Highway One, Suite 101  
North Palm Beach, Florida 33408  
(561) 799-1414  
www.BrandenburgPA.com

**Gary M. Brandenburg**

Gary@BrandenburgPA.com

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ATTORNEY AT LAW

**TO:** *Mayor Keith W. Babb  
Members of the Pahokee City Commission*

**FROM:** *Gary M. Brandenburg, Esq.*

**DATE:** *January 24, 2019*

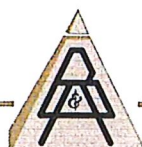
**SUBJECT:** *Powers and Duties of City Manager and City Clerk*

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I have been asked to outline the powers and duties of the City Clerk and the City Manager.

The City Clerk powers and duties are addressed in Section 3.05 of the City Charter. Section 3.05 provides that the city clerk's duties shall be prescribed by ordinance or resolution. Sec. 2-63 of the Code of Ordinances sets out the city clerk's duties and powers. Copies of these sections are attached.

The City Manager is addressed in Section 3.04 of the City Charter, a copy of which is attached. The City's Code of Laws and Ordinances, Sec. 2-101, addresses the City Manager as head of the executive department. Sec. 2-272 of the Code addresses purchasing. Copies of these sections are attached.



Section 3.05. - City clerk; powers and duties.

The city clerk's duties shall be prescribed by ordinance or resolution.

**Code cross reference—** City clerk, § 2-61 et seq.

## Sec. 2-63. - Powers and duties generally.

The city clerk shall have the following duties and powers:

- (1) *Seal, custody.* To have custody of the city seal;
- (2) *Attendance of commission meetings; minutes.* To attend the meetings of the city commission and to keep regular minutes thereon;
- (3) *Ordinances; attesting, filing and indexing.* To attest all city ordinances and file all ordinances and resolutions and keep a proper index to all ordinances and resolutions adopted by the city commission;
- (4) *Notices, giving.* To give all notices required by the various city ordinances, such as notice of elections, notice of applications for bids, and also advertise other matters required by ordinance not specifically delegated to some other city official;
- (5) *Recommendations as to operation of office.* To make recommendations from time to time, as to any suggested improvements in the operation of the office of city clerk;
- (6) *Clerical assistance.* To provide clerical assistance to the city commission and commissioners;
- (7) *Administer oaths and issue subpoenas.* To administer any oath or affirmation necessary or expedient in any proceeding, matter, or thing of a municipal nature. To take affidavits for the issuance of warrants for any person or corporation charged with a violation of any city ordinance and issue under the city seal any warrants, subpoena, or other writs or other process, necessary or expedient in any suit, cause, hearing, investigation, or other matter pending or about to be commenced before the city commission or any agency of the city;
- (8) *Appointment of deputy clerks.* To appoint deputy clerks as needed. Such appointments shall be approved by the city commission by resolution;
- (9) *Supervision.* The clerk shall serve under the direct supervision of the city commission, and both the city manager and the city commission shall evaluate the clerk;
- (10) *Supervisor of elections.* The city clerk shall be the supervisor of elections for all municipal elections. The city clerk shall appoint all election officials other than the canvassing board;
- (11) *Perform other duties prescribed.* To perform such other duties as from time to time may be delegated by the city commission.

(Ord. No. 88-6, § 1, 5-24-1988; Ord. No. 89-9, § 1, 8-8-1989; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2017-08, § 2, 11-28-2017)

Cross reference— City elections to be conducted under supervision of city clerk, § 8-3.



**Section 3.04. - City manager; powers and duties.**

The city manager when necessary shall appoint, suspend, demote, or dismiss any city employee under his jurisdiction in accordance with law and the personnel rules, and may authorize any department head to exercise these powers with respect to subordinates. The city manager shall direct and supervise the administration of all departments of the city and shall attend all city commission meetings unless excused by the commission and shall have the right to take part in discussions, but not to vote. He shall see that all laws, Charter provisions, ordinances, resolutions, and other acts of the commission subject to enforcement by him are faithfully executed. The city manager shall prepare and submit the annual budget, budget message, and capital program to the commission, shall keep the commission fully advised as to the financial condition and future needs of the city, and shall make such recommendations to the commission concerning the affairs of the city as he deems desirable. The city manager shall designate a qualified city employee to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager. The commission may revoke such designation at any time and appoint another eligible person, other than a currently sitting commissioner, to serve as acting city manager.

**Code cross reference—** City manager, § 2-91 et seq.

Sec. 2-101. - Executive department.

The city manager shall serve as head of the executive department and shall oversee the operation of all other departments of the city. All matters of city operations shall come under the jurisdiction of the city manager and the executive department. All department heads within the city shall be responsible for the managerial duties and operation of their respective departments and shall answer to the city manager. The city manager may, with commission approval, reorganize the administration, operation, and supervision of the departments.

(Ord. No. 2009-10, § 2, 10-27-2009)

## Sec. 2-272. - Purchase orders.

The power to make purchases or contract for the furnishing of goods or services for and on behalf of the city is hereby authorized as follows:

- (1) *Authorization of procurement officers.*
  - a. The city manager is empowered as procurement officer for the city.
  - b. Other employees may be granted limited purchase authority upon written warrant of the city manager.
  - c. The finance director will act as procurement officer in the event of the absence of the city manager.
  - d. A majority of the city commission may appoint one (1) of the members of the commission to act as a procurement officer, in the event of the absences of the city manager and the finance director.
- (2) *Establishment of a purchase order system.*
  - a. All purchases made by the city shall have a purchase order number issued by the procurement officer, excluding minor purchases made from petty cash and those purchases declared exempt by this section.
  - b. Purchase orders shall contain the following: Name of the business or firm, description of the purchases, amount of purchase and signature of the authorized procurement officer or purchasing agent.
  - c. The finance director shall cause to be maintained a purchase order record and shall therein record all purchases made by the city.
- (3) *Purchase limitations.* No purchase exceeding ten thousand dollars (\$10,000.00) shall be made without the approval of the city commission.
- (4) *Competitive bids and exemptions.*
  - a. All purchases exceeding ten thousand dollars (\$10,000.00) shall be awarded after receiving bids. Local businesses shall be afforded equal opportunity to bid on every city purchase. The city manager, on a case by case basis, may determine that the type of purchase will require workers that are present and available in the local Pahokee workforce. The city manager may set a goal for the use of city residents.
  - b. Purchase orders involving an obligation of the city for a sum in excess of ten thousand dollars (\$10,000.00) shall be signed by the city clerk, after award by the city commission upon invitations to bid, published once a week for two (2) successive weeks in a newspaper of general circulation in the city and approval by the city commission of the lowest responsible bidder. The published notice shall set forth the time and place that the sealed bids will be opened and shall either set forth the specifications or disclose where the specifications may be obtained.

- c. Sole source items shall be exempt from competitive bids.
  - d. Items on the state or other governmental bid lists shall be exempt from competitive bidding.
  - e. Proprietary purchases may be exempt when the vendor will supply the item/service at prices equal to or less than the price quoted on state, federal, or other governmental bid lists.
- (5) *Professional services.* Contractors or agreements for the furnishing of professional services to the city, such as engineers, architects, accountants, attorneys, and other professional fees, shall be excluded from this section but shall be by contract approved and authorized, executed by the city commission from time to time in the manner required by law.
- (6) *Exempt purchases.*
- a. Exempt purchases not requiring the use of a purchase order or the express approval of the city commission, but which are included in the budget resolution are utilities, departmental salaries, salary increases, bonuses, insurance, intergovernmental transfers and court ordered payments.
  - b. Any time in any budget year the city commission may make emergency purchases to meet a pressing need for the protection of the public health, safety, or welfare, other than for regular or recurring requirements, upon signature of the city clerk, and approval of a majority of the city commission in session.
  - c. Emergency purchases not exceeding fifteen thousand dollars (\$15,000.00) may be made by the city manager or the procurement officer to meet a pressing need for the protection of the public health, safety, or welfare of the community. The city commission shall ratify every emergency purchase as soon as it is reasonably possible.
- (7) *Determination of lowest responsible bidder.* All purchases shall be made in such a manner as to invite free competition and to secure the best products, services and properties at the lowest responsible price practicable, taking into consideration all applicable facts. In determining "lowest responsible bidder," in addition to price, the city shall consider:
- a. The ability, capacity and skill of the bidder to perform the contract or provide the services required;
  - b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
  - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
  - d. The quality of performance of previous contracts or services;

- e. The previous and existing compliance by the bidder with laws and ordinances relating service;
- f. The sufficiency of financial resources and ability of the bidder to perform the contract or provide the service;
- g. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
- h. The ability of the bidder to provide future maintenance for the use of the subject of the contract;
- i. The number and scope of conditions attached to the bid;
- j. Whether the bidder has met the goal set by the city manager for use of local people under subsection (4)a of this section;
- k. Whether the bidder has a place of business within the Glades Area of Pahokee, Belle Glade, and South Bay (local bidder). The city commission may give preference to a local bidder if and only if the local bidder's bid is within five (5) percent or five thousand dollars (\$5,000.00), whichever is less, of the lowest bid;
- l. This subsection is void if the project is funded by a federal or state grant that requires low bid be based on cost only.

(Code 1984, § 2-202; Ord. No. 88-14, § 1, 11-8-1988; Ord. No. 88-14, § 1, 10-24-1989; Ord. No. 96-6, § 1, 6-25-1996; Ord. No. 2002-02, § 1, 4-9-2002; Ord. No. 2009-09, 10-13-2009)