

A special meeting of the City of Madeira Beach Board of Commissioners was held immediately following the 2:00 p.m., Board of Commissioners Workshop Meeting on March 27, 2018 in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida. Mayor Black called the meeting to order at 4:03 p.m.

MEMBERS PRESENT: Maggi Black, Mayor
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3
John Douthirt, Vice-Mayor/Commissioner District 4

MEMBERS ABSENT: Commissioner Lister

CITY STAFF PRESENT: Jonathan, Evans, City Manager
Ralf Brookes, City Attorney
Clara VanBlargan, City Clerk

1. CALL TO ORDER

Mayor Black called the meeting to order at 4:03 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

3. NEW BUSINESS

A. Authorizing the city manager to expend up to \$150,000 toward expenditures of the April 17, 2018 Recall Election

City Manager Jonathan Evans explained that because the special recall election is on April 17th some residents are worried that their ballots may not be received in time to vote and then get them mailed back by the April 17th deadline. To overnight ballots to all the registered voters could cost up to \$96,000. The purpose of the overnight costs is to show that the City acted to count all votes. He asked for Commission approval authorizing him to expend the funds toward the expenditures of the recall election, he said there would be an itemized list for reference, and there may be a special meeting needed to facilitate a recall election.

Mr. Evans said the recall election is a new process. He introduced Attorney Andrew Dickman and said he was present to explain the recall process and address questions by the Commission regarding that

Ms. VanBlargan said she would have to check on the details regarding this topic. On April 2nd the military ballots will be mailed and on the 3rd all other ballot will be sent by regular mail. Currently,

the contract with the Pinellas Supervisor of Elections is for \$10,600 to assist the City in the recall election. There may need to be another contract if the ballots need to be sent overnight.

Mr. Evans said that is why the City is treating this process with importance and are planning for each situation so that they meet all due requirements.

Mr. Dickman introduced himself and his associate Mr. Matthew McConnell. He said that he was there to assist in any situation where there would be a conflict of interest in the case that the Clerk would be brought to trial. He wasn't there with any specific allegiance to any group and that there was a lawsuit that had been brought against the special recall and a hearing set on April 3rd. He would bring as much information to light and would research any questions that he cannot answer at this time. The State Legislature has established Section 100.631, titled Municipal Recall which provides the process for all recalls and preempts local law. It establishes required recall procedures.

Mr. Dickman said the date for recall has been set. April 3rd is the hearing and there are several motions pending and the election will be held on the 17th. They do not know how the judge would rule.

Vice-Mayor Douthirt asked if the Commission members needed to get signatures within their district or at large. Mr. Dickman commented that candidates for Mayor and district commission seats must gather petition signatures by citizens.

Vice-Mayor Douthirt commented that the Charter stated that signatures must be gathered by district. Mr. Dickman said the name of the candidate of the district must be listed and signatures are gathered at-large.

Mayor Black said the qualifying days were Monday through Friday of that week and she wasn't sure if candidates were coming in. She asked if candidates only need to get signatures during the qualifying week or immediately once their names had been submitted.

Mr. Dickman said he would have to work with the Clerk to get that information.

Ms. VanBlargan mentioned that they can start right now if they have filed their DS DE-9. Three candidates have filed and have been circulating their petitions. Two have turned in their petitions.

Vice-Mayor Douthirt asked again about the district signatures. Ms. VanBlargan clarified that those running for office must have resided in their district for six months and in the City for at least two years prior to filing their candidacy. Signatures do have to come from their district. They are being nominated by their district.

Mr. Evans said they were asking for permission to spend up to \$150,000 towards the upcoming recall election if it is necessary. The 2018 recall would include itemized lists and will provide the Board with information as it comes in. They will move forward as quickly as necessary.

Commissioner Hodges motioned to authorize the City Manager to transfer the amount of \$150,000 for the April 17, 2018 recall election. Commissioner Oakley seconded the motion.

ROLL CALL VOTE:

Commissioner Hodges	“YES”
Commissioner Oakley	“YES”
Vice-Mayor Douthirt	“YES”
Mayor Black	“YES”

The motion carried 4-0.

Mayor Black opened to public comment.

John Hendricks, 569 Normandy Road, commented on the recall election and said he felt the City was prolonging the process. He said the requested money was being spent frivolously to keep Commissioners in office and believed they should resign immediately.

Vice-Mayor Douthirt made a motion that they withdraw their complaint. Commissioner Hodges seconded the motion.

ROLL CALL VOTE:

Vice-Mayor Douthirt	“YES”
Commissioner Hodges	“YES”
Commissioner Oakley	“YES”
Mayor Black	“YES”

The motion carried 4-0.

Linda Hein, 150th Avenue, said the recall was frivolous. People have fought the Commission, but the majority of citizens voted for the Commission. The 40% that did not vote for them should be ashamed for causing this recall.

Finance Director Walt Pierce clarified that roughly \$400,000 has been spent on litigation in any given year and this is not abnormal.

Doreen Moore, 13019 Boca Ciega Avenue, asked why this couldn't be rectified without the recall and if a judge could grant them more time. She asked if those that issued the recall can be held liable for costs by the City if they lose in a court of law.

Deby Weinstein, 441 109th Avenue, asked how this situation got this far. There is no reason for the recall.

Bill Gay, 104 50th Avenue, requested a copy of the \$400,000 spent on legal costs.

Mr. Pierce said the actual costs of the \$150,000 transfer would be presented in May. The money comes from Fund Balance and is not budgeted.

4. ADJOURNMENT

Mayor Black adjourned the meeting.



Maggi Black, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk