

The Quincy Community Redevelopment Agency Regular Board met in special session on Monday, April 29, 2019, 6:00pm, with Chair Sapp presiding and the following **present at roll call:**

Vice-Chair Dowdell, Member Harris, Member McMillan, Member Gay

Also present:

Advisory Chair Hannigon, Member Bass-Prieto, Member Milton-Jackson, Attorney Brown, Manager Robert Nixon, Pam Tribue, community members

Call to Order

Chair Sapp called the meeting to order at 6:00 pm. As per the notice there are three things to be considered today, appointing a CRA Manager, reviewing the contract for the Manager and determining a salary for the Manager.

Two candidates were interviewed last Thursday, April 25, 2019. Both came highly recommended, both appeared to be highly qualified and both did an exceptional job of responding to the questions. Score sheets were done and Attorney Brown can provide a recap if needed. Chair Sapp asked that as the candidates are being considered that the board remember their purpose for being there and make the best choices for the citizens of Quincy, Florida. A leader should be chosen that will get the job done, who is dedicated and who will do so without us having to be questioned every step of the way. The chair entertains discussion or a motion.

Member Harris asked if the tally could be recaptured as he had to leave early at the actual meeting last week. For the purpose of discussion, he asked if he could receive his notes back from the interview.

Chair Sapp as the attorney pulls the requested information the floor is yielded to citizen's comments.

Citizen Comments:

Frieda Bass-Prieto – Until recently served as member of CRA Advisory Board and before that had serious concerns about the manager and the way it was going. Has concerns after a recent look at the court's docket, it appears that our Interim City Manager is representing one of our candidates. She also expressed concerns about some of things that occurred with Mr. Hayes was manager. In particular:

Chair Sapp asked HR Director if she would pull the notes from the questions during the interview. Member McMillan asked if notes from both interviews be made available. Attorney Brown responded and asked that we not use the notes from the first interview. Member McMillan stated he would request that we not use them but they do exist and they did happen. Attorney Brown further explained that meeting was not properly

noticed and with it not being properly noticed he thinks it could compound an issue of impropriety. That information being used to make this decision that was improper. That was part of the reason we had a second interview was to correct that error, so that we could have it. This is his opinion but of course it is the board's decision. It is his recommendation to try not to compound an issue. Member McMillan commented that those interviews happened and it hasn't been erased in anyone's mind that was present for the interviews. If y'all don't want us to have them, so be it. Chair Sapp what would be the purpose of having the notes from the first interview? Member McMillan stated: It's almost like you had an interview and then you go back and discuss, "Well I didn't really like this part and all of a sudden things change on how you interviewed. There are also some Sunshine improprieties and some other improprieties that may exist and he personally feels that this is important. Member Harris stated that he wanted his notes to refresh his memory from the interview as its being discussed. He is ok either way but would like to follow the lead of the attorney. A public records request can be made by anyone but the board decided to move forward without them

The Chair recognized that Mrs. Bass-Prieto had not been given the opportunity to finish her comments.

Bass-Prieto asked for a legal opinion from the attorney whether or not it's a conflict if the City Attorney is representing one of the candidates in a pending felony case. Other concerns about his (Mr. Hayes) previous employment included:

- He left under a cloud.
- There was an altercation between his assistant and his wife at a city function.
- Money left owed to CRA by McArthur's Lawn Service, a company owned by Mr. Hayes, he was actually contracted with the City while serving as CRA Manager.
- There was a question of a \$2,400 advance that was not returned.
- The state of the affairs of the CRA was in a shambles.
- City guidelines were not being followed related to the housing project.
- There was also questionable travel taken
- Fantasia concert lead to a lawsuit for the City.

Overall the big thing is that under Ms. Regina and Mr. Nixon, the CRA has run so smoothly. We've actually completed things, S. Adams, the Kelly lot and roofing projects are moving forward. There have been no conflicts, the money has always been right and there have been no questionable expenses. Thinks the board needs to take into consideration whether or not we move to the past or move into the future. Believes Mr. Nixon would do a much better job, he has proven himself, he jumped in and hit the ground running. Working with him was an absolute pleasure; he addressed anything I brought up.

Attorney Brown responded to the request for an opinion: In his opinion there is not a conflict. The CRA is a separate legal entity from the City so this board, although it's the same five people, they're to act as a separate legal entity and to not allow issues with the City to be determinative of CRA matters. There is a host of case law saying the CRA is a separate legal entity with a couple of exceptions.

HR Director Sherman asked for clarification as to what she needs to retrieve for the board?

Attorney Brown answered yes to the notes from the recent interview and pointed out that they are each individual person's, generated at a meeting and are therefore public records. Each member can get their own but if another member wants copy of the notes taken, he sent out a notice last week indicating that the meeting was taped so they could listen to the tape if desired. That way they could hear directly what was asked and how it was answered without relying on anyone's notes.

HR Director Sherman indicated that on the first round of interviews everything was immediately given to the City Clerk following the interviews so that there would not be one assuming anything inappropriate had taken place. She has maintained the entire files on the first round of interviews. Attorney Brown stated he asked that she keep that without further notice in a seal because that was not a public meeting and we don't want to compound problems, having notes distributed as if it was a public meeting. There are some criminal consequences for operating meetings outside of the Sunshine.

After a short discussion the board decided it was ready to proceed without the notes. Member McMillan indicated he would get the notes later but stated that them not acting on that previous meeting does not mean that the meeting did not occur. Attorney Brown agrees and pointed out there is some case law that says that something like that inadvertently happens if there is a new meeting where they take up the issue again that helps correct that problem and not carry on that error.

HR Director Sherman said this is her first round dealing with the CRA and positions and not knowing the process but questioned since there are two candidates vying for the position and only one was present. She asked if there was an issue with that? Attorney Brown said no, this is a public meeting that was properly noticed, anyone can show up.

Chair Sapp asked the attorney to clear up the use of the tally sheets when making a determination for the CRA Manager. Attorney Brown stated under the City of Quincy personnel policies which have been adopted to a certain extent where they don't conflict with the bylaws, under those policies if an exam is given, this standardized test and the scoring would determine who is hired. In this situation the board never approve or generate some type test that was to be given, and therefore even though there is a tally based on each member's evaluation of the response to a set of questions that were developed and approved by the board, this is not a test and the results are not binding and do not determine who is the manager. Each board member has their own right to come up with their own decision whether it is based on the resume, application, personal knowledge and/or interview, they are not bound by these tallies. Tonight is what counts.

Member Harris asked if the interview process was actually necessary? Could we have made a decision without the interview process? Attorney Brown answered yes, if you wanted to, probably not the best way. He sent out an email last week explaining this. The board could have made a motion stating that they would conduct interviews, rate everyone and the person with the highest score would be hired as the CRA Manager. That did not happen, so the board has wide latitude in choosing their Manager.

Member Harris agrees and thinks his opinion has changed since the interview process.

Chair Sapp asked if maybe in the CRA bylaws that this be addressed? This is her first time in the process and when she asked previous members of the board they indicated there was not an interviewing process with Ms. Davis. Attorney Brown indicated there was indeed an interview process, they came to a regularly scheduled meeting and were questioned and a decision was made. This is considered an interview. It's not legally required that you predetermine what the process will be and you can tie yourself down. The board can always vote at that time how you want to conduct the process.

Attorney Brown provided the tally as follows:

For Ronte Harris – Rob Nixon 27, Charles Hayes 31

For Keith Dowdell – Rob Nixon 24, Charles Hayes 31

For Chair Sapp – Rob Nixon 32, Charles Hayes 27

Totals: Rob Nixon 83, Charles Hayes 89

He then reiterated that the tally results are not binding.

Motion by Member Dowdell to go with the tally and nominate Charles Hayes as the CRA Manager, seconded by Member Harris. Discussion: Member Harris confirmed the number results of the tally. Member McMillan commented he did not like the whole way that this meeting has been put together, with being crammed in this room and not in the most public and open forum, there is a closed door not exactly letting the public know that we are here, and we choose to do this on a day when one of our commissioners was known to not be available, basically saying that 20% of our City has no say in this. Chair Sapp, objections noted and explained that the door is closed not locked as the chambers is set up for tomorrow's elections. She pointed out that at the special meeting held the prior week only three members attend so 40% of the community was not represented by choice. We scheduled this meeting for today to get this process up and out. She is personally tired of scheduling meetings, cancelling meetings, etc. So when people choose not to come they are saying they don't want to be a part of it. Member McMillan's position is that he said he could not come to those interviews; he had previous obligations with his children. Chair Sapp indicated she did not get a message that he was unable to attend. Member McMillan advised that was because he can't talk directly to the Chair. Chair Sapp said that he did not have to speak directly to her but he could have relayed a message to Ms. Sherman.

Member Harris asked for help with the Sunshine Law. Asked if he can't pick up the phone and tell the mayor that he will not be able to make a meeting? That violates the Sunshine Law? Are we going to vote on my attendance? Attorney Brown stated that's an issue before the board, it's a technicality but it is a meeting. Normally a meeting is scheduled during a regular meeting that way everyone can indicate whether or not they are available. Under the bylaws the chair can call a meeting and if another board member contacts them directly that is considered a violation. If done this could be seen as a way to set up the votes. Member Harris pointed out that he has been required by the state to take ethics training and all conversations with your colleagues is not in violation of the Sunshine Law. Attorney Brown agreed that colleagues can talk about kids, work, church or anything else as long as it does not relate to the board that you sit on. You also have to be careful about meeting between people; you can't tell him something expecting him to relay a message. Member Harris would like to have the

board undergo ethics training as a group to get the same information and be able to ask questions and get on the same page.

Member Dowdell asked if the interviews were scheduled during a regularly scheduled meeting. Attorney Brown did not recall specifically but did say he thinks so. He also clarified that he did not learn about a member not being able to attend a meeting from another member. He sent an email to all members indicating that a board member would not be able to attend the interviews due to a medical issue. He did not get that information from that member so he did not relay any information and would not do that.

Chair Sapp are we ready to vote? All in favor of appointing Mr. Charles Hayes as CRA Manager raise your right hand, Member Dowdell and Member Harris, those oppose same thing, Chair Sapp and Member McMillan, vote is 2-2. Attorney Brown stated motion does not carry therefore there is no decision on Mr. Hayes and the board has a right to vote on Mr. Nixon or it can decide not to.

Motion by Chair Sapp to appoint Rob Nixon as CRA Manager, no second, motion dies due to lack of a second.

Chair Sapp suggested that the board table the discussion on the CRA salary and contract review until the next meeting. Member Harris wants to continue with the remainder of the agenda, that would be necessary so that at least that would be out of the way when a decision is made. Chair Sapp pointed out the second part was to discuss the contract and asked if the other members had a copy of the contract. Member McMillan had his copy but wanted to table the items.

Motion to table the rest of the agenda until there is a full board by Member McMillan, seconded by Member Dowdell, motion carries 3 – 1 with Member Harris voting nay.

Meeting adjourned 5:35pm.