

SPECIAL MEETING
LAKE HELEN CITY COMMISSION
February 24, 2014
2:00 PM

MINUTES

CALL TO ORDER:

Mayor Snowden called the Special Meeting of the February 24, 2014 Lake Helen City Commission to order at 2:05 pm.

Present:

Mayor Snowden Buddy Snowden
Vice-Mayor Snowden Ann Robbins
Commissioner Vernon Burton
Commissioner Cameron Lane
Commissioner Rick Basso (late)
City Administrator KC Cichon
City Clerk Wendie Levings

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation and Pledge of Allegiance was led by Commissioner Vernon Burton

COMMISSION DISCUSSION

A. Discussion relating to City Legal Representation

Mayor Snowden opened the discussion. The Mayor Snowden explained the purpose of the meeting was related to two components of the City of Lake Helen both of whom were Charter Officers for the City. Following the 13th Commission meeting the City Attorney Lonnie Groot waited until the end of the evening and presented copies of a letter of resignation for chief legal counsel for the City. He said in light of recent negotiations that named him part of a team to negotiate the contract for the Creative Arts Café that he would hold that position in abeyance. He was asked if he could elaborate about the situation. He said as a chief advisory of the City he could not work in concert with the current administration. There were differences in philosophy and personality.

Mayor Snowden spoke of the time when the City citizens went through the choice for City Administrator / City Manager. He spoke about the charter. We have worked with a past administrator for 15 years and I understand that a new administrator will have different ways. This may be where the issues rose.

Mayor Snowden then explained the timeline of events following the February 13th Regular City Commission meeting. Attorney Groot did rescind the resignation. Mayor Snowden met with the Administrator, Clerk and Finance Manager to request that email contact with the Atty. Groot be professional. Mayor Snowden met again with the Administrator to set a meeting with the Attorney to iron out any differences. The meeting did not end well. The City Attorney changed the date on his resignation from Feb 13th to the 17th.

Comm. Basso arrives and the Mayor Snowden outlined the discussion to that point.

Mayor Snowden continued his account. In light of the recent meeting that did not go well, the Mayor Snowden suggested Administrator convey his communications to the City Attorney in writing. There were additional meetings. The Mayor Snowden suggested another meeting between Administrator and Attorney to be set in a neutral place with the purpose of reestablishing a relationship. A morning meeting in Sanford was settled on. In the interim the City Attorney and City Admin exchanged emails regarding a letter of apology. City Administrator responded to the City Mayor Snowden with concerns regarding the letter of apology feeling that he could not submit it as written.

Mayor Snowden acknowledging the two entities could not talk together at this time. He continued explaining that the Administrator, in examination of legal expenses, directed finance staff to contact Stenstrom, Macintosh...P.A. billing department about questions on billed items. The Mayor Snowden felt, in light of the long standing relationship the City had with Stenstrom - Macintosh, specifically Atty. Lonnie Groot it was an attack on his integrity as a Charter officer of this City. The Mayor Snowden gave time for the commissioners to read copies of emails.

Comm. Basso asked if the content of the emails was important and noted he had noticed a pattern of behavior with the City Admin and others. However, the Administrator has brought exceptional talent into the City. I am blamed as being over-simplistic at times, but to me this is no different than what happened with the former City Clerk and now the City Attorney chooses to resign. Did we make the right decision in hiring the present City Manager? That is what needs to be thought out. My concern is there does not seem to be an effort here to work things out.

Mayor Snowden: It has been expressed to me that the City Attorney loves the community and has respect and has been generous to the City over and above his legal practice.

Comm. Robbins commented on the bill in question noting 11 items that were circled. She reminded the Commission that she scrutinizes bills presented for each commission meeting. About six months ago there was a \$600 charge for Attorney Nix that was brought

to the Commission's attention. I had received many emails that have nothing germane to the city. If we are being charged for that it would be redundant.

Mayor Snowden responded that city was not charged for those types of emails.

Comm. Burton stated this discussion was not about billing it was about the City Administrator not being able to work with the City Attorney. We have lost two employees because they could not get along with the City Administrator. Comm. Burton related the situation regarding the cell tower meeting in which he felt set tenure with the County. At some point we do need to review what the Administrators posture is. The bottom line sometimes cannot be reflected in just numbers.

Comm. Lane indicated he would like to hear Comm. Robbins thoughts.

Comm. Robbins spoke; He is the Administrator and takes time to review the bills. When he sees the city getting in trouble with the budget for the year it is his job to say something. He is trying to do his job.

Mayor Snowden agreed with Comm. Robbins but did not agree with the current method of communication between the Administrator and the City Attorney. We do respect some of the new things the Administrator has brought to the table and I want him to succeed.

Comm. Basso indicated the pattern he was seeing limited the number of choices. He remarked that he would be willing to follow Mayor Snowden's lead.

Mayor Snowden replied that he would like to hear from the Commission. If we continue in the direction that we are going today I will not sit in this seat because I will not continue to be a figure head in this city if we are going to launch this path and stay on it. I have the highest degree of regard for Admin. Cichon, for his background, determination, education. We have to have the willingness to get along with others. I would appreciate it if the Commission takes some time to review this. Whatever the decision it has to be in the best interest of the Community.

Comm. Basso: We need either to start the process to look for a City Administrator or we need to start the process to look for a new City Attorney or we need to ask our manager one more time if he can do what needs to be done to repair the situation. I do not see a fourth option.

Comm. Burton spoke about the attorney accounting system, obligations of the City Attorney to the City and relationships between the City Attorney and City Administrator.

Comm. Lane: Looking at the City Attorney's correspondence, his key point is about he feels it is his job to decide what is appropriate legal representation for the City. In the past, talking with Admin. Cichon, about legal expenses, I remember it made sense that the Commission should be able to not initiate expenses if they feel it was not required. Then, the email, the City Attorney says it is his job to see what type of legal representation may be

required by the city. I may have been off base in determining the previous agreement with Administration at the time.

Comm. Basso considered the operative word to be 'we' (commission) making the determination as to a consensus of items to be reviewed by the City Attorney rather than the City Administrator making that determination. The Commission needs enlightenment from the City Administrator as to what may need to go to the City Attorney.

Comm. Robbins: Is it the City Attorney's job to tell the City Administrator what his job is?

Mayor Snowden: Our City Charter reflects that the City Attorney is the chief advisor to the city.

There was further discussion as to prioritizing what may be most important.

Mayor Snowden: I think it is clear to Admin. Cichon that the Commission and community as a whole stands firm in their commitment to Atty. Groot. There may be things that could clear up this whole issue, but we have yet to find it. This item will be on the next agenda to be resolved unless there is another measure.

Comm. Basso it is not a good idea to act in a motion today. I would like to put a time, within a week, to resolve this and give everyone an opportunity to bring things to the table.

Admin. Cichon: It has been difficult sitting here and not being able to present information that was not provided in any comments. I have had a difference, as far as processes and procedures, with our legal counsel. Through the emails you mentioned, there were some I chose not to respond so that there would not be a back-and-forth conversation. I have brought concerns about processes and procedures to legal counsel and without changes. I have approved dozens of invoices from legal counsel including one with a charge that was (subsequently) eliminated. I had concern about the (City Attorney) budget for \$35,000. If the trend continued, the year would end with approximately 55,000 in Attorney expenses. This information was brought to the Commission several times.

Admin Cichon spoke of reviewing and approving a dozen invoices, before the last one in question, that may have had items that needed to be addressed. City staff with fiduciary responsibilities reviews invoices and if there are concerns they are brought to that contractor, or consultant or vendor. I have done that throughout my career and I am sure everyone in private life has done that for credit cards or medical bills. For this specific invoice I knew the best thing to do was to get other input. I spoke with Mayor Snowden and then gave it to the finance manager for review. I instructed the finance manager to go through the billing department, as it is my process.. I saw this as an internal matter.

Comm. Basso: It sounds like you are supporting your decision and the process of your decision. I think you chose to deal with the City Attorney the same as a vendor. It is not about the invoice or the day to day minutia it is about 'how did you deal with it'. The result is the City Attorney is resigning so I have to question your process and procedures.

the Mayor Snowden that I would move forward and that, whatever the legal counsel processes are, I will move forward.

Comm. Basso: The problem is the person that sits in your chair needs to have a formula and the ability to work with people.

Admin. Cichon: I did apologize to City Attorney in attempt to try to come to terms but it did not work out. So, I will move forward with agreeing to processes and procedures.

There was a discussion regarding an email sent to the Mayor Snowden and an apology letter.

Comm. Basso: In your position sometimes you have to dance even though you do not like to.

Mayor Snowden: Admin. Cichon went to the meeting with an attempted apology letter that was not acceptable to the Attorney. I was hoping both would apologize to each other and wipe the slate clean.

Comm. Basso: I want the opportunity to help and support you (Admin. Cichon).

Mayor Snowden: I want everyone to fully digest the ramifications of this to reach an understanding. Admin. Cichon could have asked the commission instead of staff (regarding review of bills). We cannot undo what has been done but we can move forward. We have that obligation to serve the community.

Comm. Lane spoke briefly about the Creative Arts Café negotiations.

Comm. Basso indicated he would like another Special meeting to discuss both topics.

There was a discussion regarding meeting dates.

A Special Meeting was set for Thursday, February 27, 2014 at 3 pm.

ADJOURNMENT

Mayor Snowden adjourned the February 24, 2014 Special Meeting at 3:45 pm.