

CITY OF CLEWISTON
Special Commission Meeting
October 30, 2020

The City of Clewiston Commission held a Special Commission Meeting in the Commission Chambers at City Hall on Friday, October 30, 2020. The meeting was called to order at 10:00 a.m. by Mayor Gardner. Mayor Gardner led the audience in reciting the Lord's Prayer and the Pledge of Allegiance.

Commissioners present: Mayor Mali Gardner, Vice Mayor Michael Atkinson and Commissioner Julio Rodriguez. Commissioner Melanie McGahee attended via telephone. Commissioner Kristine Petersen was absent.

Personnel Present: City Manager Randy Martin, IT Administrator Justin Lucas.

Personnel in attendance by telephone: Finance Director Shari Howell and City Attorney Gary Brandenburg.

Others in attendance: none

Telephone Conference Instructions on How to Watch and/or Participate:

The City of Clewiston City Commission Meeting will be live on the City's Facebook page at <https://www.facebook.com/cityofclewiston> and the City's website at <http://clewiston-fl.gov/meetings>. Public comments or questions may be submitted via email to the City Clerk at cityclerk@clewiston-fl.gov for the Commission's consideration up until 12:00 p.m. on the day of the meeting. Public comments will also be allowed via telephone (863-254-4038, Conference ID 994729 #) at the time the agenda item is being considered when the Mayor invites public comments. Members of the public, when addressing the Commission, via email or telephone, must state his or her name, address, contact information and agenda item they wish to speak about. Be advised that the Commission may take action on items not listed on the agenda. If this occurs, public comments will be received at the time the item is considered provided you speak up indicating your desire to speak when the Mayor invites public comments.

Statement of the Mayor regarding Virtual Public City Commission Meeting:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, as extended by Executive Order No. 20-112, Executive Order No. 20-123, Executive Order No. 20-139, Executive Order No. 20-150, Executive Order No. 20-179, Executive Order No. 20-193 and Executive Order No. 20-246, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Additions/Deletions/Changes and Approval of the Agenda – none

Public Comments – none

RESOLUTIONS

- 1. Resolution No. 2020-75 –** Resolution No. 2020-75 approves the revised Interlocal Agreement between Hendry County and the City of Clewiston for CARES Act Funding. Hendry County has requested a modification to the agreement previously approved by the City Commission on August 24, 2020 to comply with federal and state guidelines.

Mayor Gardner summarized Resolution No. 2020-75 and Manager Martin reviewed the agenda report and memorandum.

Attorney Brandenburg stated the modifications to the agreement previously approved by the Commission mostly apply to contractors in the event the City is buying goods or hiring a

contractor to do certain work. He also stated that there may be an additional audit requirement for the City as the funds exceed \$750,000, which Manager Martin believes the City's current audit contract will take care of that if necessary. He further stated that after reviewing the guidance, his interpretation is that the items requested for reimbursement by the City qualify for reimbursement. He explained the issue is whether or not the items submitted have been substantially changed in their direction from what was in the initial budget to what had to be accomplished during the pandemic. He added that if the City doesn't apply and follow the guidelines, it has no chance of getting reimbursed at all. He feels the Commission should look at this as an opportunity to obtain reimbursement but not a guarantee and make sure that none of these funds are spent until they are in the City's bank account.

Manager Martin reviewed the background for the request from the County that the City approve a revised Interlocal Agreement to finalize the documents necessary for the City to receive the \$890,000 allocation set aside for reimbursement of eligible City expenditures from the CARES Act funding received by the County from the state. The Manager commented that this revised agreement is necessary to comply with more recent guidance received by the County from the state consistent with federal guidance on the distribution and eligibility criteria for the use of these funds. As for the City, the updated guidance has allowed for a less burdensome process in terms of authorizing and expending the reimbursements for CARES eligible expenditures. The City Finance Department has prepared the necessary documents based upon the updated guidance utilizing the public safety eligible expenditures incurred or which will be incurred during the eligibility period (March 1, 2020 – December 31, 2020) to cover the full amount of the County updated allocation set aside for the City of \$890,000.

The Manager noted that he had communicated the City's desire to be considered for any additional funding available as the County process goes forward to complete distribution of any remaining CARES dollars. The updated agreement provides for this consideration to the extent any additional funding becomes available. The purpose and need for this called meeting of the City Commission is to act on the County modified agreement, which with input from the state, includes additional compliance language as referenced by the City Attorney which in large part was either referenced in the previous approved agreement or was included in the County's CARES agreement with the state which was copied to the Commission in August and referenced as Exhibit A in that agreement. In addition to the compliance language updates, the revised agreement changes the reporting deadlines and includes a specific new Exhibit B that commits the \$890,000 County approved amount to Clewiston. There are no changes to the Exhibit A or the previous Exhibit B which is now Exhibit C. It was the opinion of the City Attorney that the requested changes need to be approved by the Commission to protect the City's interests especially given the gravity of the funding. The Manager stated he concurred with the City Attorney's opinion and he therefore recommends approval of the revised agreement. The Manager further advised that the timing of the recommended action is to meet the County established deadline for submission of the City's documented initial request for reimbursement by October 31, 2020. The Manager emphasized that he felt it imperative that the City's executed revised agreement and request for funding be formally submitted expeditiously, so the City can receive reimbursement for the eligible expenditures already incurred as quickly as possible.

Commissioner McGahee asked if Manager Martin was clear that none of this funding would be spent until it is in the City's bank account. Manager Martin confirmed that was correct. Commissioner McGahee then asked for a breakdown of the County's total allocation of the CARES Act funds the County was allocated by the state. Manager Martin stated that he had made a request for that information but had not yet received it.

After no further comments or questions were heard, Mayor Gardner read Resolution No. 2020-75 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-75. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

Comments from City Manager – Manager Martin announced that the drive through trick or treat event will be held tomorrow from 5:00 p.m. to 7:00 p.m. at the John Boy Auditorium.

Comments from City Attorney - none

Comments from the City Commission – Mayor Gardner stated that she hoped to see everyone at the Homecoming Parade today at 2:00 p.m.

Adjournment

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to adjourn the meeting at 10:18 a.m. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

Kristine Petersen, Mayor

Mary K. Combass, City Clerk