

AGENDA ITEM 2-b

MINUTES OF A SPECIAL MEETING AND EXECUTIVE SESSION* OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD TUESDAY, JUNE 26, 2007, AT 2:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA

(*Executive Session Closed RE: Union Strategies)

Chairman Para stated we'll open the meeting with a roll call and asked for a roll call to be taken, all of the Commissioners were present as follows:

Commissioner William E. Hall
Chairman Kevin J. Para
Commissioner Richard L. Spangler
Commissioner Walter Allen III
Commissioner Jeanne K. Diesen

Others in attendance were as follows: R. Rodi, General Manager/ CEO; P. Perez, Director of Human Resources; D. Simmons, Executive Asst./Recording Secretary; and B. Preston, Interim U.C. Legal Counsel.

(1) General Discussion:

Chairman Para then stated we'll open it up for general discussion.

Mr. Rodi asked Mr. Preston if a formal motion was needed to move into an Executive Session at this time.

Mr. Preston stated a formal motion is required.

Commissioner Hall then made a motion to move into an Executive Session and Commissioner Diesen seconded this motion. The motion then passed unanimously on a roll call vote.

(After the roll call vote on the motion, the Executive Assistant/Recording Secretary left the room.)

(2) Executive Session – Collective Bargaining Strategies:

Executive Session is closed to the public per Section 447.605 of the Florida Statutes.

The attendees were listed on the agenda for this meeting and are shown above, excluding the Executive Asst./Recording Secretary.

Another motion was made and a roll call vote taken by the General Manager/CEO to conclude the Executive Session.

(3) Closing of Special UC Meeting:

Chairman Para then stated to Mr. Rodi, you had some comments.

Mr. Rodi stated I have an item, and commented the person who walked in was the City Clerk which is timing. Right before noon is when I became aware of it, but you have hopefully received an email, where as I'm understanding it on Thursday the City is going to hold a Special Meeting at 4:00 p.m. The Mayor has requested a Joint Workshop, we don't have an agenda yet, to be held after that meeting, which I don't know how long it's going to last. And so receiving this I did two things, I asked Ms. Simmons to send an email out which she's very good at to make you aware, but secondly the last understanding that I've been working from is that it's the whole Commission to meet. I don't know where this is headed but I felt an obligation since we had this meeting to bring it up here for your knowledge and not that this is something that would require a decision at this point but as I understand it that when we have a Special Meeting, I'm permitted after we've conducted our closed business to make you aware of this item. I just felt that it would be wrong for me not to bring it to your attention if you don't know of it already.

Commissioner Diesen stated it's going to be discussed, I assume from the string of emails that we got, that it will be discussed tonight at the City Commission meeting.

Mr. Rodi stated they were talking, the emails said there will be a discussion about the agenda. He stated now I don't know where you all have your input about what's on the agenda and about what you want to talk about, I don't know.

Commissioner Diesen stated so it's going to be, let's see, if they make the decision tonight then it's going to have to be an emergency meeting?

Mr. Rodi stated I don't know, it requires a 24 hour notice.

Commissioner Diesen stated if it can't be called until tomorrow then that would be 24 hours, that's an emergency meeting, requires that doesn't it.

Chairman Para stated it's a special called meeting I think, Mr. Preston isn't it?

Mr. Preston stated no, that wouldn't necessarily be it, it's a workshop being called at this point so they can actually notice that within a 24 hour period, it's not necessarily an emergency meeting.

Commissioner Diesen stated okay, it does seem to be doesn't it however.

Mr. Preston stated it seems to be but it isn't as far as the publication notice that's required.

Commissioner Diesen stated well I guess it will be discussed tonight at the City Commission so we'll stand by.

Commissioner Spangler commented well the meeting might be 10:30 p.m. tonight then and still not be an emergency, is that right, I mean how much notification do we get? And while we're on the subject the big issue has been is everybody going to attend and (final statement not recorded while tape automatically turned over to next side).

(3) Closing of Special UC Meeting (cont.):

(Tape picked up again) Commissioner Diesen stated the information I got said 5:00 to 7:00 and they said they didn't care as long as there was a quorum. That was also in the string of emails if you read them all.

Mr. Rodi commented he never got to read it.

Commissioner Hall stated I didn't either.

Commissioner Spangler stated well we probably care but I mean are we all available?

Chairman Para stated I can make myself available.

Commissioner Spangler stated the only reason, it's kind of strange to me because I was told that we had cancelled the last meeting and I was not aware of that so I looked into it and the first mention I heard of it was Tuesday, the City Commission meeting on the 13th when Commissioner Richenberg said he understood the meeting had been cancelled, and the Mayor said yes it has been. I don't think we knew about it at that time and I looked into it and bottom line on that was we had said three Commissioners definitely could attend, two Commissioners haven't indicated whether they can or not, and that was like eleven days before the meeting. So eleven days before the meeting someone made the decision that the two who were indefinite were no's or something so the meeting got cancelled. I'm just not sure but I know it was not the Utilities Commission.

Commissioner Diesen interjected they never got back and asked.

Commissioner Spangler stated it was not the Utilities Commission that cancelled the meeting, that's just the point that I wanted to make. We are, as far as I know, cooperative.

Chairman Para stated well I think we've demonstrated that. He then asked Commissioner Hall if he would be able to meet Thursday evening.

Commissioner Hall indicated yes.

Chairman Para then asked Commissioner Diesen.

Commissioner Diesen stated yes, unless something unforeseen happens.

Chairman Para commented we pray that doesn't happen. He then thanked Mr. Rodi for bringing this to our attention and we'll await whatever takes place. He commented we are willing accomplices.

Mr. Rodi stated and how do you want the agenda because...

Commissioner Spangler interjected sure we do.

Mr. Rodi continued because I don't know what to do with that other than to send that out to you.

(3) Closing of Special UC Meeting (cont.):

Commissioner Diesen stated well normally we would all have input if this were normal times, however it isn't seems to be.

Chairman Para stated well if I could be just a little bit presumptuous, possibly if the Mayor has called the meeting, and I have not spoken to the Mayor and I'm not presuming anything, I do know that the meeting that was scheduled before was rescheduled for August, correct, rescheduled in that time kind of a time frame.

Mr. Rodi commented it was suppose to be.

Commissioner Diesen stated that was the information that night, at that meeting, the Mayor said we'll just have to wait until August because of the shortness and they're gone in July.

Mr. Rodi stated and there was a subsequent email that came out.

Commissioner Diesen stated that said that, right, correct.

Chairman Para stated so possibly the meeting would be an opportunity for us to create an agenda of sorts, again I'm not defending that position, I'm simply saying that there might be a reason for it. Otherwise we'll see what happens and we'll listen to City Commissioners this evening or whoever wants to attend that.

Mr. Rodi stated I would like to point out too that we would normally have our budget hearings some time in August. I'm not prepared to deal with the budget item at this point, especially if staff's gone and not available.

Chairman Para stated yes, I think that it's appropriate whatever's discussed Thursday evening be something that staff is adequately prepared for and we're certainly noticed on as well so we can be "studied up".

Commissioner Spangler stated so we would communicate to them that we don't want to talk about the budget, that it's premature, but we would continue January's agenda.

Chairman Para stated I don't know, we'll just show up with smiles on our faces.

Mr. Rodi stated I think that's a very unwieldy issue of what's...

Commissioner Diesen interjected that should be on a workshop by itself I would think. Some of those items on that agenda last time would each take three hours if you went through the full discussion process.

Chairman Para commented it was a pretty ambitious calendar I thought, it was eight items or something?

(3) Closing of Special UC Meeting (cont.):

Commissioner Diesen commented yes, I was planning to bring a sleeping bag and at least one lunch.

Chairman Para added I know we can be quite loquacious at times all of us, and added not any of us are political.

Commissioner Diesen stated so we'll stand by tonight and see what happens.

Chairman Para confirmed there was no further discussion/business to come before the Commission, and then adjourned the meeting. The Special U.C. meeting closed at 3:15 p.m.

APPROVED:



CHAIRMAN

ATTEST:



SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their _____
July 16, 2007 meeting.