



CITY OF RIVIERA BEACH
FINANCE AND ADMINISTRATIVE SERVICES

FINANCE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

DATE: MARCH 10, 2017
TO: ANDREW DEGRAFFENREIDT, CITY ATTORNEY
FROM: RANDY M. SHERMAN, DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES
CC: DANNY JONES, CITY MANAGER
SUBJECT: CHAIR T.D. DAVIS REQUEST TO RECEIVE UTILITY SPECIAL DISTRICT STIPEND RETRO-ACTIVE TO OCTOBER 1, 2015

I am in receipt of your memos dated February 27, 2017 and March 7, 2017 regarding Chair Davis' request to receive the Utility Special District (USD) Stipend retro-active back to October 2015. Neither memo addresses the concern that I have raised, so please allow me to further explain what it is I need in order to honor such a request.

Attorney Ryan wrote the Resolution 13-15UD providing for the Stipend. Attorney Ryan also provided guidance on how the Stipend should be implemented. Attorney Ryan's position was that the Charter governing the USD permitted compensation. Therefore, the USD would make compensation available, but each Board member would be required to say "Yes, I want the compensation", or "No, I do not want the compensation". Compensation was not being imposed, it was being made available. This requires a simple Yes or No answer.

At this time, I am being requested to take an action contrary to the instructions from the City Attorney. You are correct in your understanding that Mr. Davis never executed a waiver, however, he also never elected to receive the stipend as required by Attorney Ryan. Since I am the final level of authority before this payment would be made, I am hard pressed to change what has previously been done without a clear statement or legal sufficiency from you. At some point this may be in front of the Inspector General or possibly the State Attorney General and I will need to be able to provide support as to why I retro-actively changed the process and payment requirement.

I take no position on whether or not Mr. Davis should be paid. If you can provide a statement of legal sufficiency, I will gladly see to it that the payment is made. Please be mindful of the fact that every other elected official has made their written election and that a budget adjustment would be necessary to make the payment as neither the Stipend or the associated Florida Retirement contribution are budgeted for the retro-activity.

If you are comfortable to simply stamp and sign this memo for legal sufficiency that would meet my needs.

RMS/sde