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**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD MAY 13, 2020, 5:30 P.M.**

(The following may contain unintelligible or misunderstood words due to the recording quality.)

CALL TO ORDER

CHAIRPERSON BOTEL: So I call the Special City Council meeting of May 13th at 5:30 to order. Madam Clerk, please call the roll.

Roll Call

CITY CLERK ANTHONY: Mayor Ronnie Felder?

MAYOR FELDER: (No audible response).

CITY CLERK ANTHONY: Chair -- Chairperson Julia Botel?

CHAIRPERSON BOTEL: (No audible response).

CITY CLERK ANTHONY: Chairperson Julia Botel?

CHAIRPERSON BOTEL: Here.

CITY CLERK ANTHONY: Chair Pro Tem Douglas Lawson?

PRO TEM LAWSON: Here.

CITY CLERK ANTHONY: Councilperson Tradrick McCoy?

COUNCILPERSON McCOY: Here.

CITY CLERK ANTHONY: Councilperson Shirley Lanier?

COUNCILPERSON LANIER: (No audible response).

CITY CLERK ANTHONY: Councilperson KaShamba Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Present.

CITY CLERK ANTHONY: City Manager Jonathan Evans?

CITY MANAGER EVANS: Present.

CITY CLERK ANTHONY: City Clerk Claudene Anthony is present. City Attorney Dawn Wynn?

30 **CITY ATTORNEY WYNN:** Here.

31 **CITY CLERK ANTHONY:** You may proceed.

32 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

33 **CHAIRPERSON BOTEL:** Yes.

34 **COUNCILPERSON MILLER-ANDERSON:** Mr. -- Mayor Felder is here. I don't --
35 maybe he can't hear. He -- he's here.

36 **CHAIRPERSON BOTEL:** Mayor, we're not hearing you, even though it looks like
37 your mike is on. Maybe your volume is turned down. Shake it.

38 **MAYOR FELDER:** (Shakes head).

39 **CHAIRPERSON BOTEL:** We're -- we're still not hearing you, Mayor. Do you have
40 headphones plugged in maybe and you need to unplug them or -- no. We're still not
41 hearing you.

42 **MAYOR FELDER:** (Shakes head).

43 **CHAIRPERSON BOTEL:** No.

44 **COUNCILPERSON MILLER-ANDERSON:** Okay.

45 **CHAIRPERSON BOTEL:** Okay. We'll --

46 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair, maybe the -- Miss
47 Lanier was -- wasn't -- I don't know if she was present at the time, either.

48 **CHAIRPERSON BOTEL:** Yeah. Miss Lanier -- Madam Clerk, would you please
49 just call Shirley Lanier's name so she can say she's present?

50 **CITY CLERK ANTHONY:** Councilperson Lanier?

51 **COUNCILPERSON LANIER:** (No audible response).

52 **CHAIRPERSON BOTEL:** We're having technical difficulties. We can't hear you,
53 either, Shirley. Shirley, is your -- Miss Lanier, can you hear me? Shake your head if you
54 can hear me. She must not be hearing me. Miss Lanier? Shirley? I don't think she can
55 hear me. Well, I'm going to ask Walter or someone in a position of -- that doesn't have to
56 be part of the meeting necessarily to try to contact by phone Miss Lanier and Mayor Felder
57 and assist them with their technology so we can keep going. So -- because we have a
58 quorum without Shirley so we're okay.

59

60 Did we have any disclosures or does anybody want to make any additions,
61 deletions or substitutions? Okay. So can I get a motion to adopt this agenda?

62 **AGENDA Approval:**

63 **COUNCILPERSON McCOY:** So moved.

64 **CHAIRPERSON BOTEL:** Can I get a second?

65 **PRO TEM LAWSON:** Second.

66 **CHAIRPERSON BOTEL:** Madam Clerk, would you call the roll?

67 **CITY CLERK ANTHONY:** Councilperson McCoy?

68 **COUNCILPERSON McCOY:** Yes.

69 **CITY CLERK ANTHONY:** Councilperson Miller-Anderson?

70 **COUNCILPERSON MILLER-ANDERSON:** Yes.

71 **CITY CLERK ANTHONY:** Councilperson Lanier?

72 **COUNCILPERSON LANIER:** (No audible response).

73 **CITY CLERK ANTHONY:** Okay. We can't --

74 **CHAIRPERSON BOTEL:** You can't. Somebody can call Shirley.

75 **CITY CLERK ANTHONY:** Okay. Pro Tem Lawson?

76 **PRO TEM LAWSON:** Yes.

77 **CITY CLERK ANTHONY:** Chair Botel?

78 **CHAIRPERSON BOTEL:** Yes.

79 **CITY CLERK ANTHONY:** That motion is approved without the consent of
80 Councilperson Lanier.

81 **CHAIRPERSON BOTEL:** So the first item on the agenda -- and -- and may I clarify
82 with Mr. Lawson. Mr. Lawson, could you please clear that your first discussion item is a
83 "Discussion in review of pandemic pay policy." The second item says "Transition from
84 local state emergency provided and review of the pandemic pay policy." Do you want to
85 modify that?

86 **CITY ATTORNEY WYNN:** Excuse me, Dr. Botel? Can they hear me now?

87 **PRO TEM LAWSON:** Yeah, we can hear you, Miss Dawn.

88 **CHAIRPERSON BOTEL:** Yes. Uh-huh.

89 **CITY ATTORNEY WYNN:** Oh, okay. Mrs. Lanier is trying to get on, and I think
90 we can't hear her and we have to -- to iron out these technical difficulties. Maybe we
91 should take a five-minute recess to give her an opportunity to hear the presentation,
92 'cause we know that she's on. We can see her. And I think the same for Mayor Felder.

93 **CHAIRPERSON BOTEL:** And why are there --

94 **CITY ATTORNEY WYNN:** I don't know --

95 **CHAIRPERSON BOTEL:** -- are their (unintelligible) different because they're
96 connected by telephone rather than -- rather than computer? Would that -- why do we
97 see them?

98 **CITY ATTORNEY WYNN:** That's what -- yeah. That's what we need to give, I
99 guess, Walter or Marsha an opportunity to try to figure it out.

100 **CHAIRPERSON BOTEL:** All right. It's 5:17. Let's -- let's go to 5:25 to give them
101 ample time to figure it out. So sorry. We'll resume at 5:25.

102 **CITY ATTORNEY WYNN:** Thank you.

103 (A brief recess was held).

104 **CHAIRPERSON BOTEL:** Miss Lanier? Well, she's fixed her problem but -- oh,
105 good. We're all here. Gang's all here. So item number 1, Mr. Lawson?

106 **PRO TEM LAWSON:** Yes. Madam Chair, you had a question about item number
107 2, correct?

108 **CHAIRPERSON BOTEL:** I -- I -- only insofar as it seems to be duplicative.

109 **PRO TEM LAWSON:** Well, no. The verbiage -- the verbiage is incorrect. The
110 e-mail that was sent on May 11 requested that the verbiage read -- and I would actually
111 like to have this corrected for the record -- "Transition from local state of emergency
112 provided in Section 252.38 Florida Statute, and Sections 15 and 2-29, of Riviera Beach
113 Code of Ordinances to recovery." So being that we set a state of emergency, what does
114 our plan look like of action to the state of recovery that we're going towards. So it's
115 actually listed incorrectly on the agenda versus what was e-mailed to the clerk.

116 **CHAIRPERSON BOTEL:** Thank you. So we'll just strike the section that says
117 "Discussion and review of the pandemic pay policy," since that's item number 1?

118 **PRO TEM LAWSON:** That's correct.

119 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

120 **CHAIRPERSON BOTEL:** Miss Miller -- Miller-Anderson.

121 **COUNCILPERSON MILLER-ANDERSON:** Mr. Lawson, you said 2-20 -- 29 or
122 26?

123 **PRO TEM LAWSON:** 26. 2-26.

124 **COUNCILPERSON MILLER-ANDERSON:** Okay.

125 **CHAIRPERSON BOTEL:** Okay. So item number 1, "Discussion and review of
126 the pandemic pay policy." Mr. Lawson?

127 **PRO TEM LAWSON:** Thank you, Madam Chair. I actually wanted to have this
128 discussion. I know that Councilman McCoy had talked about this at the last meeting.
129 And I wanted to give an opportunity for our staff to give a presentation and to give us a
130 detailed update on what's going on with the pandemic pay. The policy that we have in
131 place, that was implemented so that we could kind of put this discussion item to rest. I
132 also believe that we have received some additional documentation during the week that
133 a few of my colleagues wanted to actually review, as well. So I wanted to take this time
134 for us to review this, to discuss this, and we can move forward from this.

135 **CHAIRPERSON BOTEL:** Thank you.

136 **PRO TEM LAWSON:** So I'm going to actually let Mr. -- I'm going to let Mr. Evans
137 go ahead with his presentation in regard to the policy.

138 **CHAIRPERSON BOTEL:** Thank you, Mr. Lawson. Mr. Evans? Let me first say
139 while you're turning your mike on that I appreciate the voluminous information you
140 provided this week on this topic. Mr. Evans?

141 **CITY CLERK ANTHONY:** Madam Chair?

142 **CHAIRPERSON BOTEL:** Who's speaking?

143 **CITY CLERK ANTHONY:** Claudene.

144 **CHAIRPERSON BOTEL:** Yes, Claudene.

145 **CITY CLERK ANTHONY:** We do have public comments on this item. The
146 acceptance of public comments item -- on this -- public comments on this item is now
147 closed.

148 **CHAIRPERSON BOTEL:** Okay. So Mr. Evans shall we hear public comments
149 first?

150 **CITY MANAGER EVANS:** (No audible response).

151 **CHAIRPERSON BOTEL:** Yes. Go ahead, Claudene.

152 **COMMENTS FROM THE PUBLIC - 7:30 PM Non-Agenda Item Speakers (Three**
153 **Minute Limitation)**

154 Public Comments should be restricted to issues, matters, or topics pertinent to the City of
155 Riviera Beach. Please be reminded that the City Council has adopted "Rules of Decorum
156 Governing Public Conduct during Official Meetings".

157 Public Comments shall begin at 7:30 PM unless there is no further business of the City
158 Council, which in that event, it shall begin sooner. In addition, if an item is being
159 considered at 7:30 PM, then comments from the public shall begin immediately after the
160 item has been concluded.

161 Any member of the public wishing to comment publicly on any matter, including items on
162 the agenda, shall submit their comments by email to City Clerk Claudene Anthony
163 at publiccomments@rivierabeach.org. The email shall contain the applicable agenda item
164 number(s) along with the precise wording to be read into the record; explicit language will
165 not be read. Emails without applicable agenda item number(s) will be read under the
166 general Public Comment Section. Be advised, public comments will be accepted, for each
167 applicable item and the general Public Comment Section, until closure is announced by
168 the Chairperson or the City Clerk.

169 All email addresses and submitted comments are and will be public record. (Chapters
170 119 & 668, Florida Statutes)

171 The City Clerk or designee will read public comments into the record at the appropriate
172 time for no more than three (3) minutes.

173 If you have any questions please contact the City Clerk's Office at (561) 845-4090 or
174 email crobison@rivierabeach.org.

175 **STAFF ASST. HALL:** The first public comment comes from Ernest Bullard: "I
176 work for the Riviera Beach Police Department and I work 40 hours a week. Why do you
177 think it's a good idea to give the city manager and the other highest paid positions in
178 Riviera Beach special pay while not doing anything for employees like myself who
179 continue to man the front lines and work full time within the city?" The next public
180 comment comes from Dana Glorit: "I am working 40 hours a week as police service aide,
181 putting me and my life at risk to make sure that we continue to provide the best service
182 to residents of Riviera Beach. Does my work not count? Am I not valued by my city? If
183 so, why do manager/supervisors get to stay home and work via telephone and get time

184 and a half when I'm working in the city every day? There are captains, majors and above
185 who come to work -- into work every day and are getting time and a half. Why not me?
186 I'm dispatched to calls my entire shift."

187 The next public comment says, "I am an employee of the City of Riviera Beach
188 and we are not receiving pandemic pay, only administrators. I am afraid of retaliation or
189 getting fired, because I disagree with how the City is not considerate of paying us when
190 our lives are at risk every day, coming to work and experiencing working with and around
191 co-workers who have tested positive for COVID-19. This is not fair, and I feel that the
192 employees who are coming to work shall be paid additional time and a half for pandemic
193 pay or same as the -- as the administrators' policy. Please do not disclose my information
194 because I am in fear of harassment."

195 The next public comment came from Concern Smith: "Good evening, City Council
196 and Mayor. I am a concerned employee of the city and have chosen to remain
197 anonymous in fear of retaliation. I wish to comment on the policy that allowed
198 management to receive a pay rate of time and a half during a pandemic while your
199 dedicated union employees were ignored. Our new manager went to the news to show
200 how benevolent the City has been by paying all workers during this pandemic, but he
201 failed to acknowledge that this is standard with other agencies in our area. What is not
202 standard is enacted policy that fills the pockets of 70 employees while saying the rest of
203 us should look the other way and just be happy to be paid at all. Not only have other
204 cities chosen to continue to pay all of their employees regardless of their specific work
205 arrangements, some have even chosen to increase the pay of their essential employees.
206 But no city other than ours has chosen to only increase the pay for management. Some
207 of us are being paid to stay at home in order to be well enough to return when called
208 upon. Some of us are working remotely in order to be well enough to return when called
209 upon. Some of us are working remotely and reporting to the office minimally in order to
210 be well enough to return when called upon. And some of us are reported to work every
211 single day despite the risk in order to keep the city running. None of us chose this but 70
212 employees chose to profit from this. We are asking for the council to address this. We
213 are asking for some compensation to feel like we matter to this city, too."

214 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

215 **STAFF ASST. HALL:** The next public --

216 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

217 **CHAIRPERSON BOTEL:** (No audible response).

218 **COUNCILPERSON MILLER-ANDERSON:** I have a question. So with the public
219 comment cards, Miss Wynn, we take anonymous public comment cards? I'm just thinking
220 how that would work if we were actually in the chambers.

221 **CHAIRPERSON BOTEL:** Good question.

222 **CITY ATTORNEY WYNN:** Well, if we were in chambers --

223 **COUNCILPERSON MILLER-ANDERSON:** And I do -- uh-huh.

224 **CITY ATTORNEY WYNN:** -- the person would be there. I didn't know that we had
225 anonymous public comment cards.

226 **COUNCILPERSON MILLER-ANDERSON:** Okay. I -- I mean, I can certainly
227 understand if an employee feels that they may receive some sort of harassment of some
228 sort. But I just don't want us taking advantage of this platform of, you know, being able
229 to submit -- I mean, that's not being transparent if we don't have names or -- how do we
230 even know this is a real legitimate comment from an employee? We don't know that.

231 **CITY ATTORNEY WYNN:** Right.

232 **COUNCILPERSON MILLER-ANDERSON:** And I don't want us, you know, to be
233 in a position where we have all of these comments and it may not even be real. I certainly
234 can understand if an employee feels they may be harassed. I get that. But at the same
235 time, if we were in the chambers, I don't know how that would play out. And I don't want
236 -- I don't feel it's right that we're taking advantage of the situation right now. And if it --

237 **CHAIRPERSON BOTEL:** My -- my --

238 **COUNCILPERSON MILLER-ANDERSON:** Go ahead. I'm sorry.

239 **CHAIRPERSON BOTEL:** Go ahead. My --

240 **COUNCILPERSON MILLER-ANDERSON:** No, go ahead.

241 **CHAIRPERSON BOTEL:** -- my concern would be looking to the future on any
242 number of other topics where certain members of our community might attempt to put in
243 multiple comments when we know he only represents himself. So that I think that in the
244 future we -- we should really be careful about this, you know, and not take comments that
245 are anonymous. So I don't know how the rest of the council feels. Is this something that
246 we should decide?

247 **CITY ATTORNEY WYNN:** You can decide right now not to take -- if there are any
248 more anonymous comment cards, not to take those.

249 **CHAIRPERSON BOTEL:** I think it's not safe to do, given that we have people who
250 would take -- not -- and I am not saying that these particular people are taking advantage
251 or looking to take advantage. Please don't go -- don't construe that -- what I'm saying to
252 be that. I -- and I --

253 **COUNCILPERSON LANIER:** No. I -- I -- I certainly agree with the question that
254 KaShamba Miller-Anderson, Councilwoman Miller-Anderson posed, was the fact that I --

255 I -- who -- when you're coming up to the planning -- coming up to the podium in a physical
256 setting, a person sees you, a person knows who you are. You have to submit a card that
257 says who you are and then as a good friend of mine, J.B. Dixon said, "Where are you?
258 Where do you live in this city?" So if you can't even provide that basic information about
259 who you are and where you live in this city, or if you're a city employee, then how do we
260 know it's not someone -- we're not saying people do this. All we're saying is that we have
261 to be very careful of people submitting information or submitting questions and, number
262 one, are not city employees; number two, don't live in this city; and number three, have
263 no interest in what the city does and how it does business. So if we're going to take
264 anonymous, you know, cards or comments, then we just need to open the phone lines
265 and say whoever has an issue about the city of Riviera Beach, just call in and you can be
266 online. So, yeah, I agree with that.

267 **CHAIRPERSON BOTEL:** Thank you, Council Lanier. Councilman McCoy?

268 **COUNCILPERSON McCOY:** (No audible response).

269 **CHAIRPERSON BOTEL:** Your mike.

270 **COUNCILPERSON McCOY:** Thank you, Madam Chair. Did I just hear the gentle
271 lady from the Third District say we need to be careful to make sure that the people are
272 city residents or employees? Let me remind you.

273 **COUNCILPERSON LANIER:** No.

274 **COUNCILPERSON McCOY:** You don't have to be either. In fact, if I can reiterate,
275 the First Amendment that states, "Congress shall make no law respecting an
276 establishment of religion or prohibiting the free exercise thereof." So I don't understand
277 how this becomes an issue of a person has to live in the city or be a resident of the city.

278 Quite honestly, we're on a very slippery slope, and I'm going to caution you if you
279 tell somebody that they can't make a comment because they don't feel like they need --
280 because they don't want to say their name, you're violating the constitution. That is the
281 supreme law in this whole entire country. And if you're suggesting to me that a person
282 has to give up anonymity to say who they are without respecting at least the First
283 Amendment that says that you don't have to have any kind of prerequisite; you don't have
284 to say your name or you don't have to establish that you're a city resident, that's just
285 outright and utterly ridiculous to even hear this discussion going on.

286 And especially that the conversation deals around an employee who here is -- is
287 here for public service, is giving their life and their time and to say that they are afraid or
288 in fear of retaliation and possible harassment, that we're going to basically do exactly
289 what the constitution says you shouldn't do? Like, there is no requirement. And if that's
290 the case, then I'm going to put on record now that I think constitutionally, you guys are
291 violating the law to suggest that somebody has to be a resident or even a citizen or even
292 an employee of the city to speak. Because I -- you know, I wanted to make sure I captured

293 that. But to say we have to be careful, no, we have to be careful not to allow people the
294 opportunity to participate in the public process. And clearly, this is an item that I probably
295 received two or three dozen phone calls just about or somebody doing unexpected visits.
296 But to sit here and suggest that I think we're -- we're opening ourselves back up to
297 additional litigation and even more problems that's way more severe than the issue that
298 we're addressing right now. And I reserve my time.

299 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

300 **COUNCILPERSON LANIER:** And -- and -- and yes, Madam Chair

301 **CHAIRPERSON BOTEL:** Miller -- Miller-Anderson and then Miss Lanier. Miller-
302 Anderson.

303 **COUNCILPERSON MILLER-ANDERSON:** So I just want to be very clear. It is -
304 - for me it is not about -- and I know you're addressing Miss Lanier, but for me it's not
305 about whether or not they're a resident, whether they're an employee. I am speaking in
306 terms of setting a precedent. And when we have been in our physical location, we have
307 not allowed people to make numerous public comment submissions . And essentially
308 that's what we would have at this point if we have people that are doing anonymous
309 submissions.

310 The other thing is if it is supposed to be a public record, what -- I mean, they
311 obviously have to have the e-mail address if it was submitted by e-mail. I would assume
312 it was by e-mail. So we at least have an e-mail address. Something needs to be
313 identified. And -- and believe me, I -- you know, I'm not going to make this about retaliation
314 or -- I mean, I -- if you have an issue, I -- I understand that. But I do still feel like we have
315 to not open up a door that we cannot handle when we get back into the chambers. And
316 when we get back into the chambers, I can't imagine someone -- how do you do an
317 anonymous submission? You just maybe give it to someone else and have the other
318 person come up and speak for you? But someone is present. You do see someone.

319 So I just think that we need to make sure that we're not -- you know, don't take
320 advantage of this platform. I mean, I think everyone has a clear understanding of how
321 the employees feel. We have all received phone calls. We have all received e-mails.
322 We currently have an SEIU person on Zoom right -- on -- on our meeting platform right
323 now, which I was not aware of. But they're there. And the thing is, I mean, let's just -- I
324 understand this is one issue. But if we make this decision on this now, we're going to
325 have to apply that to all issues, even when we get back into the chambers. And so just
326 for this one issue, I don't see why we should not try to deviate from that, unless we know
327 we have a legal standing or something that is going to prevent us from saying that we do
328 not have to take anonymous public comment cards.

329 I -- I think the -- the sentiments have been expressed. Not to demean or belittle
330 anyone's, you know, thoughts on this whole process, but I think we have heard -- we've

331 heard from a lot of people. And then the union rep is here. He can -- I mean, if he's on
332 here to speak, then I mean, he would be the one that would represent them. I don't know
333 that that's -- I would assume that's who he is. I don't know who Joseph is. But I would
334 assume that's what he's there for.

335 **CHAIRPERSON BOTEL:** Miss Lanier, I just want to defer to the City Clerk first
336 and then I'll -- I'll -- Miss Anthony?

337 **CITY CLERK ANTHONY:** (No audible response).

338 **CHAIRPERSON BOTEL:** Claudene?

339 **CITY CLERK ANTHONY:** Madam Chair and members of the council, I need to
340 advise that the comments that Miss Hall is reading into the record, they are stating that
341 anonymity. We do have someone that did submit their comment via their telephone
342 number. I don't know if we can read their telephone number into the record, if we're
343 required. I'm -- I'm really not for certain how this will go as far as being asked to remain
344 anonymous. Yes, we do have e-mail addresses, and you have read into the record that
345 e-mails are public record and will be part of the record for this meeting. So those who
346 stated anonymity, they need to understand that this e-mail will be public record and
347 someone can gather their information from the e-mail. Um, that -- that's just my two cents
348 on this matter.

349 **CHAIRPERSON BOTEL:** Thank you. Miss Lanier and then I'll ask our -- our city
350 attorney to weigh in. Miss Lanier?

351 **COUNCILPERSON LANIER:** Yeah. I -- I think the city attorney needs to weigh
352 in. Because if we have public comment cards, if we're in a physical setting, and a person
353 sends a, you know -- get -- fills out a card, gives it to Claudene Anthony and says, Listen,
354 I don't want no one to know who I am. I just want to be able to just state my cause, I don't
355 think there's anything wrong with that. In fact, I -- there are plenty of times I wish I were
356 anonymous in terms of the -- the way things happen and the way things go down.

357 But the thing about it is that we are in a new normal now. That means that the way
358 that you do business is that if you have something to say, not saying that you have to
359 disclose anything, but disclosing the fact that you are a city employee, disclosing the fact
360 that you live in the city, then that means that you have some vested interest in this city.
361 But if you don't have any vested interest in this city, you don't live here, you don't work
362 here, you don't reside here -- not saying you have nothing to say, but this is a public
363 meeting. And then anything that you want to say, I say, Okay. Yes. You can say it. But
364 at what point -- and that's why I'm asking the city attorney to give us some feedback on
365 this. At what point do we say we got 200 anonymous cards that people want to say
366 something about? I don't know where they live. I don't know if they work for the city, but
367 we got 200 so do we read all 200 into the public record? Or how do we do that?

368 **CITY ATTORNEY WYNN:** First let me say that it doesn't matter where the person
369 lives or whether they're employees or residents. Everyone has a right to make a public
370 comment. However, as you stated, Councilperson Lanier, we are in a new normal. This
371 is unchartered territory. You all can adopt a procedure whereby you don't accept
372 anonymous public comment. You have -- the person has to give their name. They have
373 to have some form of identification or you won't read the comments. You can still file
374 them into the record but you -- you can refuse to read the comment.

375 If someone were at a regular city council meeting and they took a card, they filled
376 it out, they said they wanted to speak on item number 1, how would Miss Anthony know,
377 the clerk know, who to even call up to speak? You have to have a name. You have to
378 have some way to identify people. But again it is the -- it is the prerogative of the board,
379 if you -- of the council. If you all want to accept anonymous public comments and read
380 them all into the record -- and they would be on every item if people so chose, then that's
381 your decision, 'cause you all determine the rules of the procedure -- of procedure for the
382 most part.

383 **CHAIRPERSON BOTEL:** So to be clear, Miss Wynn, there's nothing
384 unconstitutional about our requirement to identify themselves?

385 **CITY ATTORNEY WYNN:** Correct.

386 **CHAIRPERSON BOTEL:** Mr. McCoy.

387 **COUNCILPERSON McCOY:** So here's where I'm going to disagree, Miss Wynn,
388 because even you know even in courts of law, individuals have filed legal cases and have
389 litigated under pseudonym names and names such as John Doe and Jane Doe. So an
390 easy example is if you don't have a name for someone that presents, you can name them
391 John Doe number 1 on item number 1. But at least you can --

392 **CITY ATTORNEY WYNN:** But there's a name.

393 **COUNCILPERSON McCOY:** -- to have their comments heard. And you cannot
394 create a prerequisite law to say they have to live in the city, be a citizen, or even have to
395 give their name. Even if -- if you must recall, even from a public records request, you
396 don't even have to establish your name or even where you're coming from.

397 But I'm telling you, if we start down this road, I'm going to vehemently oppose this.
398 And I think you're going to open yourself up for additional litigation. And I would
399 recommend that we use something like John Doe number 1. But this is a real serious
400 issue where you have employees who are saying that they are in fear of retaliation, and
401 we're going to suggest to them -- because you don't want to say your name, the very thing
402 that they're trying to protect -- they're not allowed to make a comment?

403 Well, I'm telling you, y'all might as well get ready for a deposition, because you
404 guys are going to get sued. And I think it's outright unconstitutional and improper. I mean,

405 we're a government. We're elected by the people. And if you sit here and tell me that
406 you can't even have somebody to come in and submit a name -- and then the other part
407 of it is this: Who are we as elected officials to tell somebody what their name is? I've
408 seen the basketball player Ron Artest now changed his name again. So if somebody
409 wants to name themselves Jack Daniels, for instance, you shouldn't require somebody who
410 we really know is not Jack Daniels to give their -- their legal name. There's no
411 requirement. And that's exactly what the constitution represents. You can't abridge a --
412 a person's ability for speaking expression. And I mean, to have this conversation at this
413 point is just outright, I think, inappropriate.

414 **CHAIRPERSON BOTEL:** Thank you, Mr. McCoy.

415 **COUNCILPERSON LANIER:** Now, Mr. McCoy. I do agree. I -- I do agree. I
416 mean, I do agree with what you're saying, but Mr. McCoy --

417 **CHAIRPERSON BOTEL:** Mr. Lawson.

418 **COUNCILPERSON LANIER:** -- when people come in to --

419 **CHAIRPERSON BOTEL:** Lanier. Miss Lanier. Miss Lanier. Miss Lanier, Mr.
420 Lawson had his hand up first.

421 **COUNCILPERSON LANIER:** Okay.

422 **CHAIRPERSON BOTEL:** I know it's difficult to see your colleagues, but he was
423 first. Mr. Lawson and then Miss Lanier and then Miss Miller-Anderson. Go ahead, Mr.
424 Lawson.

425 **PRO TEM LAWSON:** Thank you, Madam Chair. To Councilman McCoy's point,
426 what is stopping us from -- or from any resident coming up and giving an alias or a pseudo
427 address? My concern is that we don't have the ability to dictate what they tell us when
428 they come in front of us, but the fact that they're sending an e-mails with our norm that
429 we haven't established or created, I also hear Miss Miller-Anderson. We have to kind of
430 set a precedence from now and move forward from that. So at -- at first I didn't want to
431 continue this discussion because we have important items and a CRA meeting to get to.
432 But I do believe that we need to come up with a precedence that we're going to set and
433 move forward with it.

434 **CHAIRPERSON BOTEL:** Miss Lanier. Thank you, Mr. Lawson. Miss Lanier.

435 **COUNCILPERSON LANIER:** I just wanted to say that I totally agree with
436 Councilman McCoy and -- and with Councilman Lawson in terms of giving people the
437 opportunity to speak in terms of whatever it is they want to say. But if you're going into a
438 court of law, they have what they call sworn affidavits. That means if you're John Doe or
439 Jane Doe, you have to swear on that affidavit that this is what you want to say. So unless
440 we get into sworn affidavits, unless we get into, you know, the person has an -- you know,

441 has a notarized version of what they want to say, I don't see how is it that we're in a
442 position -- and no other municipality does this -- in a position where we are taking
443 anonymous -- anonymous calls, anonymous written statements from people. And don't
444 get me wrong. I agree. I totally agree that in terms of the First Amendment -- Amendment,
445 whatever you want to say, you know, unless you don't, you know -- of course you can't
446 yell "Fire" in a crowded building, but whatever you want to say, you have the right to say
447 that. But there are stipulations on that right to be able to say whatever it is that you want
448 to say.

449 **CHAIRPERSON BOTEL:** Thank you. Miss Miller-Anderson?

450 **COUNCILPERSON MILLER-ANDERSON:** Okay. So obviously there was a
451 loophole for tonight that we did not see coming. I do not have a problem -- I do have a
452 problem, but I -- because of the situation, I'm okay with going ahead and taking it. But
453 you know what? I want to see -- and the reason I'm saying this is because I -- I just -- I
454 just have an issue and it's not about the employees. I just have an issue with the fact that
455 we are now setting ourselves up for other things down the line. And so I'm just -- I'm okay
456 with it going tonight only because we -- you know what? We need to move on, and -- and
457 it -- it makes no sense in why we're sitting here having a -- having this long discussion
458 over this when if something like that came up, that should have been addressed. That
459 should have been brought to somebody's attention upfront. We shouldn't have been
460 caught off guard with that, because you know that's not something we've ever dealt with.
461 So that definitely should have been brought up before now.

462 But I do want, for our next meeting, for us to have some kind of policy to address
463 this issue with, because if we're going to be on this platform going forward for a little bit,
464 we need to know how to deal with it instead of having to play around with this. So you
465 know what? I'm fine with them going ahead tonight. But for the next meeting this needs
466 to be talked about so that we can handle it the right way.

467 **CHAIRPERSON BOTEL:** Thank you very much. I agree. Miss Wynn?

468 **CITY ATTORNEY WYNN:** I will develop a policy for you for your next meeting. I'll
469 -- I'll disseminate it to you prior to that so that you all can give me individual feedback.

470 **CHAIRPERSON BOTEL:** Thank you. Madam Clerk, how many more letters do
471 we have?

472 **STAFF ASST. HALL:** We have one more. And the last one -- are you ready for
473 me to proceed, Madam Chair?

474 **CHAIRPERSON BOTEL:** Go right ahead. Thank you.

475 **STAFF ASST. HALL:** Okay. The last public comment comes from Kayla
476 [phonetic] Lopez. Her name is Carla [phonetic] Lopez, "And I am a union representative
477 with the Professional Managers' and Supervisors' Association, or the PMSA, the union

478 representing the supervisors employed by the City of Riviera Beach. For the past two
479 months and likely continuing for sometime, the members of PMSA, along with their
480 brothers and sisters, represented by SEIU, have been working in an effort to make certain
481 that the citizens of Riviera Beach can continue to rely on the services provided by the city.
482 On March 20th, 2020, the City implemented a pandemic pay policy that provides additional
483 pay for employees who are working during the pandemic. Regrettably, this policy was
484 implemented without discussion with the PMSA and as a specifically exempt employee
485 represented by PMSA and SEIU and ends up only providing a benefit for the city's
486 administration and few other employees. The pandemic pay policy, by carving out
487 members of PMSA and SEIU, fails to provide a benefit for the workers who keep the water
488 flowing, the toilets flushing, the city's vehicles running and the lights on. Communities
489 around the nation are recognizing their public workers as heroes and making certain that
490 they are working safely and paid appropriately. PMSA asks city council to do the right
491 thing by expanding the coverage of the city's pandemic pay policy to all city workers,
492 including those represented by PMSA and SEIU." Madam Chair, that concludes public
493 comments for this item.

494 **CHAIRPERSON BOTEL:** Thank you very much, Madam Clerk. Mr. Evans?

495 **PRO TEM LAWSON:** Madam Chair?

496 **CHAIRPERSON BOTEL:** Yeah, I'm sorry, Mr. Lawson. Go ahead.

497 **PRO TEM LAWSON:** Thank you, Madam Chair. I was going to ask Mr. Evans,
498 of course, to present. I just had two questions and a comment for Mr. Evans before he
499 actually presents on his topics. Mr. Evans, the first question is, is the pandemic pay policy
500 in line with the hurricane disaster pay policy that we currently have?

501 **CITY MANAGER EVANS:** Yes. The policy was modeled after the 2005 disaster
502 pay policy.

503 **PRO TEM LAWSON:** Okay. And second, so it was a policy that was established
504 from 2005. The city is operating under the approved union contracts. Union employees
505 are not working outside of their usual jobs, correct?

506 **CITY MANAGER EVANS:** That is correct. And we are in compliance with all
507 union contracts to the point where we've also provided for increases that are articulated
508 in the Collective Bargaining Agreements.

509 **PRO TEM LAWSON:** Okay. So I guess the biggest concern and also one more
510 topic, I see that -- Miss KaShamba mentioned that there was a Joseph on the line. I see
511 his name here. But I didn't -- wasn't aware he was going to be on this call. Could we get
512 an introduction as to who he is and if my colleagues will allow -- I believe he's from SEIU
513 as stated, director of SEIU or something?

514 **COUNCILPERSON LANIER:** And -- and not to interrupt you, Mr. Lawson, but who
515 --

516 **PRO TEM LAWSON:** Yeah.

517 **COUNCILPERSON LANIER:** I don't know -- I don't know anybody else that's on
518 here, either. Who -- who's on the call with us?

519 **PRO TEM LAWSON:** And -- and that's what --

520 **COUNCILPERSON LANIER:** Yes.

521 **PRO TEM LAWSON:** And that's what I'm trying to get clarity on. 'Cause I -- I
522 didn't realize there was going to be a representative.

523 **COUNCILPERSON LANIER:** Sorry. Yes. Thank you.

524 **PRO TEM LAWSON:** He has probably transitioned from the first agenda that we
525 didn't adopt and he was probably going to be a speaker there. So I'm assuming that's
526 what he was part of. So if we can get some clarity on who he is, if he's going to remain
527 on the line and present, if that's something that my colleagues would entertain or if he's
528 going to drop off, I wanted to give that opportunity before we have Mr. Evans go in, as
529 well.

530 **CHAIRPERSON BOTEL:** Thank you, Mr. Lawson. Joseph, are you there?

531 **JOSEPH BRENNER:** Hello . Can you see me and hear me? I am here.

532 **CHAIRPERSON BOTEL:** Thank you.

533 **PRO TEM LAWSON:** Thank you. Mr. Brenner, do you have a presentation or a -
534 - are you presenting on behalf of the SEIU?

535 **JOSEPH BRENNER:** Yes, sir.

536 **PRO TEM LAWSON:** Okay.

537 **JOSEPH BRENNER:** I have a -- I have a -- I --

538 **PRO TEM LAWSON:** How long is your presentation?

539 **JOSEPH BRENNER:** I'm sorry?

540 **PRO TEM LAWSON:** How long is your presentation, Mr. -- Mr. Brenner?

541 **JOSEPH BRENNER:** Approximately five to six minutes.

542 **PRO TEM LAWSON:** Okay. Colleagues, would we allow for him to give this
543 presentation since he has been on the line?

544 **CHAIRPERSON BOTEL:** That's fine with me.

545 **COUNCILPERSON LANIER:** No. I -- I -- I don't even know about a presentation.
546 I -- I didn't think there was going to be a presentation tonight. I don't -- I don't know about
547 this. It wasn't a part of the agenda. There was no presentation on the agenda from SEIU,
548 which means that I did not get any information about SEIU's presentation. I didn't -- I
549 don't have anything in my hand for SEIU's presentation. I don't -- I don't know, Mr.
550 Lawson.

551 **PRO TEM LAWSON:** Right. No. And I understand. That's why I was asking for
552 -- for the request of my colleagues, because I wasn't sure about this, as well. I was giving
553 Mr. Evans an opportunity to speak on behalf of it, but I also do believe that SEIU has been
554 e-mailing and sending information over. So if we can afford him the five minutes, I would
555 love to give him that opportunity so that we can kind of hear both sides. I would love to
556 give him that five-minute opportunity to speak if -- if granted.

557 **CHAIRPERSON BOTEL:** Mr. McCoy?

558 **COUNCILPERSON LANIER:** Well, we can call -- we -- we can call for a vote for
559 that because if the vote says that we can hear him, fine. If the vote says no, then not. So
560 I want to call for a vote for that.

561 **PRO TEM LAWSON:** I agree.

562 **COUNCILPERSON LANIER:** Yes, ma'am. Yes, sir.

563 **PRO TEM LAWSON:** I agree. I agree, Miss Lanier.

564 **CHAIRPERSON BOTEL:** Well, if you're making a motion, we can vote on a
565 motion. I suppose if you want to make a motion and get someone to second it, then why
566 don't you make that motion. We'll get a second and we'll vote on your motion.

567 **PRO TEM LAWSON:** Okay.

568 **COUNCILPERSON LANIER:** Because I was not -- oh, go ahead, Mr. Lawson.

569 **PRO TEM LAWSON:** No, no. Go ahead. Miss -- Miss Miller --

570 **CHAIRPERSON BOTEL:** Miss Miller-Anderson? Okay. Go ahead.

571 **COUNCILPERSON MILLER-ANDERSON:** So if Mr. Lawson did not have him on
572 the agenda to do a presentation, was it you, Mr. McCoy, that asked for him to come on to
573 do a presentation?

574 **COUNCILPERSON McCOY:** (No audible response).

575 **COUNCILPERSON MILLER-ANDERSON:** It was you, Mr. McCoy?

576 **COUNCILPERSON McCOY:** Yes.

577 **COUNCILPERSON MILLER-ANDERSON:** Okay. All right. So --

578 **COUNCILPERSON McCOY:** In fact -- Madam Chair?

579 **COUNCILPERSON MILLER-ANDERSON:** Go ahead.

580 **COUNCILPERSON LANIER:** So Mr. McCoy, we -- we -- we -- if you would have
581 told us that he was going to be on for a presentation, I would have been prepared to even
582 ask questions. But I -- I'm not -- I'm not prepared because it was not a part of the agenda
583 item that he would be on to present tonight.

584 **COUNCILPERSON McCOY:** Well, here -- here -- here's -- here's my concern,
585 and I actually had a conversation with the attorney last night. This is directly germane to
586 the conversation of the pandemic pay policy. No. I didn't enumerate a specific separate
587 item for a presentation by SEIU because it falls under the pandemic pay policy. And I
588 think Miss -- Miss Wynn can probably testify to the -- the very case law that I spoke of last
589 night with her. I believe it was Hugh [phonetic] versus someone that you don't actually
590 have to have a specific item placed on the agenda for us to take action on it or for us to
591 have a presentation on it. So it wasn't that I wanted SEIU to have their own item. This is
592 germane to the -- to the subject that I called the special meeting for and that the members
593 of this body chose not to adopt that we very much were aware of last week when we left
594 the city council meeting that there'll be a special meeting called. So, you know, I know
595 it's not something that was very clearly stated but respectfully, this is germane to the
596 conversation.

597 **COUNCILPERSON LANIER:** And -- and -- and -- and, sir --

598 **CHAIRPERSON BOTEL:** And --

599 **COUNCILPERSON LANIER:** -- it -- it may be germane to the conversation and I
600 appreciate that, Councilman McCoy. But I am not prepared to entertain questions from
601 Mr. Joseph here because I was not aware of his presence. Now --

602 **COUNCILPERSON McCOY:** Well, I'll yield my time, then.

603 **COUNCILPERSON LANIER:** -- if you say it's --

604 **CHAIRPERSON BOTEL:** I -- I'd like to --

605 **COUNCILPERSON LANIER:** If you say it's --

606 **CHAIRPERSON BOTEL:** Miss Miller -- excuse me. We haven't heard from Miss
607 Miller-Anderson on this topic. Miss Miller-Anderson?

608 **COUNCILPERSON MILLER-ANDERSON:** So for this -- my question right now is
609 regarding the SEIU contract. With them doing this presentation, Miss Wynn, I -- we're --
610 we're -- is this considered getting into negotiating or they're just presenting their --
611 their -- their point? I -- and -- but for the record --

612 **COUNCILPERSON LANIER:** And that is my point.

613 **COUNCILPERSON MILLER-ANDERSON:** Well, for the record, I see at 5:32 Miss
614 Afifa did send an e-mail I guess with the presentation from SEIU which I just happen to
615 be looking at now. But I mean, I haven't read it.

616 **COUNCILPERSON LANIER:** And --

617 **COUNCILPERSON MILLER-ANDERSON:** So I would imagine that this is what
618 it's about. So my question, Miss Wynn, is this getting into negotiating, or is this just him
619 providing his -- his position?

620 **COUNCILPERSON LANIER:** Yeah. And -- and this -- this is why -- I'm -- I'm
621 sorry, Madam Chair. Let me speak.

622 **CHAIRPERSON BOTEL:** (Unintelligible).

623 **COUNCILPERSON LANIER:** This is my heartburn with this, is because we're
624 talking to an SEIU representative. We're getting into the territory of bargaining and that
625 kind of thing that we have -- we're looking at SEIU's bargaining position. We're looking
626 at -- we're looking at bargaining here. If a presentation is going to be presented to us,
627 he's going to present the best possible way for SEIU. That is bargaining. We cannot do
628 bargaining tonight with a -- a -- an agenda item that -- just talking about pay pandemic
629 policy. We're -- we're getting into the whole ram of bargaining here, people. I'm telling
630 you. This is not -- now, we're going to take a vote on it, we can vote on this. But this --
631 we're getting into -- if we have an SEIU representative here tonight, know what that
632 means? That means that we are opened up for bargaining now.

633 **COUNCILPERSON MILLER-ANDERSON:** Can Miss Wynn answer please?

634 **COUNCILPERSON McCOY:** Well -- well -- well --

635 **CITY ATTORNEY WYNN:** Yes. Madam Chair?

636 **CHAIRPERSON BOTEL:** I -- wait one second.

637 **CITY ATTORNEY WYNN:** I don't -- I was --

638 **CHAIRPERSON BOTEL:** Wynn and then Joseph.

639 **CITY ATTORNEY WYNN:** Okay.

640 **COUNCILPERSON McCOY:** Wait a minute. I -- I don't understand this.

641 **CITY ATTORNEY WYNN:** I'm --

642 **COUNCILPERSON McCOY:** So what we're --

643 **CITY ATTORNEY WYNN:** I --

644 **CHAIRPERSON BOTEL:** Mr. McCoy, wait. You're not recognized. Miss Wynn
645 is recognized. Joseph, what's your last name? I keep calling you Mr. Joseph.

646 **JOSEPH BRENNER:** Brenner, B-R-E-N-N-E-R.

647 **CHAIRPERSON BOTEL:** All right. Miss Wynn, Mr. Brenner and then Mr. McCoy.
648 Miss Wynn?

649 **CITY ATTORNEY WYNN:** I don't know -- I wasn't aware that Mr. Brenner would
650 be on the call, so I don't know what his presentation is. We have always cautioned you
651 all that we don't negotiate in public. Again, I don't know what his intent is.

652 **CHAIRPERSON BOTEL:** Mr. Brenner?

653 **JOSEPH BRENNER:** Well, first to that statement I want to say you have to
654 negotiate in public as you're a public entity and all meeting -- all bargaining sessions are
655 public by their very definition. It's illegal not to. But to the point made by the
656 councilwoman, I'm not here to give a union proposal for consideration by the city. I'm
657 here to speak directly to a pay policy as a -- regarding the public comment to that and
658 provide some information that was not provided the last time we discussed at different
659 meeting. So I'm not advancing a very specific proposal.

660 **COUNCILPERSON LANIER:** And that is considered bargaining.

661 **JOSEPH BRENNER:** No, ma'am.

662 **COUNCILPERSON LANIER:** That is considered bargaining.

663 **CHAIRPERSON BOTEL:** Thank you, Mr. -- Mr. Brenner. Mr. McCoy?

664 **COUNCILPERSON McCOY:** Thank you, Madam Chair. So here's where I'm at.
665 And I'm definitely going to reserve an opportunity. I want to make sure that I state this.
666 Miss Lanier, I have to respectfully disagree. If we don't allow SEIU -- we just allow the
667 manager to increase his pay and also increase Miss Wynn's pay, which is completely
668 outside of their contract when they're actually employed at the city under the agreement.

669 And all these folks want is an opportunity to come to the table to let us know as a body
670 that this is the sentiments of the union and what they're feeling about the pay pandemic
671 policy. That's where it begins and ends.

672 And I do want to make a point to bring up the fact that I want to have a very -- a
673 very thorough discussion about the very premise of you're going to use the fact that
674 they're on a collective bargaining agreement, but we got the top two paid -- highest paid
675 individuals of the city who's under a -- an agreement which is nearly -- and as far as I'm
676 concerned, legally enforceable, and we're going to allow them to change their policy and
677 can't even hear from the representative that represent over 200 employees?

678 Clearly this is something that has not went away, even so much -- it's an article in
679 the newspaper about it. But I can tell you one thing: You can vote against it. But I am
680 going to certainly ask that we have Mr. Evans' contract here on the table today, as well
681 as Miss Dawn Wynn's, because clearly, we've allowed a pandemic pay policy that
682 increased their pay that's completely outside of anything in their contract. And here's why
683 I'm going to say that: The very first reason why this needs to happen is because if we
684 stop this pay pandemic policy right now today, Jonathan Evans or Dawn Wynn has no
685 legal recourse against the city. You know why? Because they weren't entitled to it under
686 their current contractual agreement. So to hear you sit here and say that we're going to
687 be opening up negotiations again is basically a slap in the face for all of the citizens when
688 you allow the manager to unilaterally increase his own salary and the salary of the city
689 attorney and then telling these folks they can't even have a discussion publicly when he
690 created this policy privately. That's exactly what you're doing.

691 **COUNCILPERSON LANIER:** No. I -- I -- I am -- I am not saying that, Mr. McCoy.
692 Mr. McCoy, I'm not saying that. All I'm saying is that --

693 **COUNCILPERSON McCOY:** And -- and that's --

694 **CHAIRPERSON BOTEL:** (Unintelligible).

695 **COUNCILPERSON McCOY:** -- that's what the result is.

696 **COUNCILPERSON LANIER:** -- tonight --

697 **CHAIRPERSON BOTEL:** I'm going to start controlling the phones.

698 **COUNCILPERSON LANIER:** -- tonight we're -- we -- tonight we -- we were not
699 prepared.

700 **COUNCILPERSON McCOY:** Okay.

701 **COUNCILPERSON LANIER:** We were not prepared for -- guess what? If you're
702 going to have a --

703 **CHAIRPERSON BOTEL:** You are done with this conversation.

704 **COUNCILPERSON LANIER:** Okay.

705 **CHAIRPERSON BOTEL:** Okay? Thank you. I --

706 **COUNCILPERSON McCOY:** Madam Chair. Madam Chair.

707 **CHAIRPERSON BOTEL:** No more talk --

708 **COUNCILPERSON McCOY:** We are all elect --

709 **CHAIRPERSON BOTEL:** -- Mr. McCoy.

710 **COUNCILPERSON McCOY:** Don't cut off an elected official.

711 **CHAIRPERSON BOTEL:** No. No. I am -- I'm doing just that.

712 **COUNCILPERSON McCOY:** Okay.

713 **CHAIRPERSON BOTEL:** We are going to take it to a vote because --

714 **COUNCILPERSON McCOY:** Well, you don't have the authority to stop someone
715 from speaking, Madam Chair.

716 **CHAIRPERSON BOTEL:** Oh, yes, I do. We're going to stop --

717 **COUNCILPERSON McCOY:** Under what authority?

718 **CHAIRPERSON BOTEL:** Under my authority as the chair. We're going to stop
719 this --

720 **COUNCILPERSON McCOY:** Okay.

721 **CHAIRPERSON BOTEL:** -- conversation and put it --

722 **COUNCILPERSON McCOY:** You're -- you're absolutely wrong and you're
723 incorrect. We're all duly elected members.

724 **CHAIRPERSON BOTEL:** Mr. McCoy.

725 **COUNCILPERSON McCOY:** And at the point where an elected official stops
726 talking, that's when they --

727 **CHAIRPERSON BOTEL:** Mr. McCoy.

728 **COUNCILPERSON McCOY:** -- hear the fall-back. But don't interrupt someone
729 and tell them --

730 **CHAIRPERSON BOTEL:** Mr. McCoy.

731 **COUNCILPERSON McCOY:** -- they're done talking. I think it's rude and
732 disrespectful.

733 **CHAIRPERSON BOTEL:** You're done talking, Mr. McCoy. Yes. You're done
734 talking, Mr. McCoy. We're going to take this to a vote because --

735 **COUNCILPERSON McCOY:** What's --

736 **CHAIRPERSON BOTEL:** -- there's -- there's too much -- there's too much back
737 and forth on this, and I need to know exactly what the sentiment of the whole council is.
738 So Miss Wynn, do we have to have this as a motion or can we just get consensus?

739 **COUNCILPERSON McCOY:** Roll call.

740 **CITY ATTORNEY WYNN:** You need to have a motion.

741 **COUNCILPERSON McCOY:** I request a roll call.

742 **CHAIRPERSON BOTEL:** Okay. Mr. -- who -- who's going to make the motion?

743 **COUNCILPERSON LANIER:** I'll make the motion. I'm making --

744 **CHAIRPERSON BOTEL:** Miss --

745 **COUNCILPERSON LANIER:** -- the motion, Madam Chair, that based on the item
746 of number 1 and -- and having a conversation paydemic -- pandemic pay policy, that we
747 have in our midst a representative from SEIU which I believe is a bargaining issue. And
748 that's something that we cannot do now because we're not prepared for that. So I am
749 making a motion that we do not entertain Mr. Joseph. Sorry, Mr. Joseph. I don't -- Mr.
750 Joseph Brenner, no offense to you. But we're not going to have a discussion about --
751 about negotiations, about a contract that was closed March 31st here in this meeting. So
752 I'd like to make that motion and I can get a second, please?

753 **CHAIRPERSON BOTEL:** Thank you. Do we have a second?

754 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair, the -- what is the exact
755 motion, again, Miss Lanier? To not hear it or to hear it?

756 **CHAIRPERSON BOTEL:** Careful what we vote. Let me restate it for the clarity,
757 purposes of clarity. I believe Miss Lanier is saying -- she's making a motion that we not
758 hear from the representative of SEIU. A positive vote would mean that we're not hearing

759 from him. A negative vote would mean we're hearing from him. So am I correct, Miss
760 Lanier?

761 **COUNCILPERSON LANIER:** (No audible response).

762 **CHAIRPERSON BOTEL:** Yes. Miss Miller-Anderson?

763 **COUNCILPERSON LANIER:** Yes, you are correct.

764 **CHAIRPERSON BOTEL:** Are you seconding, Miss Miller-Anderson?

765 **COUNCILPERSON MILLER-ANDERSON:** I guess, yes, I hear.

766 **CHAIRPERSON BOTEL:** We have a vote and a second. Madam Clerk, will you
767 take the roll? A positive is a yes to --

768 **COUNCILPERSON MILLER-ANDERSON:** No. I did -- who seconded? I didn't.
769 That wasn't a second. I said, "I hear." I understand what you're saying.

770 **CHAIRPERSON BOTEL:** Oh, I'm sorry. I'm sorry. I thought it was a second. Do
771 we have a second?

772 **COUNCILPERSON LANIER:** My -- my position -- my -- my position with this
773 motion is that I am not prepared to negotiate. Because what happens is that when Mr.
774 Brenner -- in all fairness to you, Mr. Brenner -- when you present, I have to be able to ask
775 you questions. I have to be able -- and guess what? If I'm asking you questions, if I'm
776 asking you about what's happening, we are negotiating a contract that's been closed.
777 And I cannot do that tonight.

778 **CHAIRPERSON BOTEL:** Does any --

779 **PRO TEM LAWSON:** Madam Chair?

780 **COUNCILPERSON LANIER:** I am not prepared for that tonight.

781 **PRO TEM LAWSON:** Madam Chair?

782 **CHAIRPERSON BOTEL:** Does anyone want to -- Mr. Lawson?

783 **PRO TEM LAWSON:** If -- if we can see if we have a second first and then I'll make
784 my comments.

785 **CHAIRPERSON BOTEL:** Yeah. Do we have a second? Okay. We don't have a
786 second.

787 **PRO TEM LAWSON:** Okay.

788 **CHAIRPERSON BOTEL:** Mr. Lawson, do you want to make the opposing motion
789 --

790 **PRO TEM LAWSON:** I'm -- I'd like to make a motion --

791 **CHAIRPERSON BOTEL:** -- to hear --

792 **PRO TEM LAWSON:** -- to hear from Representative Joseph Brenner from SEIU
793 to present for five minutes on the points that --

794 **CHAIRPERSON BOTEL:** Thank you. Do we --

795 **PRO TEM LAWSON:** -- SEIU has.

796 **CHAIRPERSON BOTEL:** Thank you. Do we have a second?

797 **COUNCILPERSON McCOY:** Second.

798 **COUNCILPERSON MILLER-ANDERSON:** So (unintelligible).

799 **COUNCILPERSON LANIER:** I want to second that based on information. I want
800 to second it based on the fact that we also have Mr. Jack McLean here from the city's
801 perspective. So if we're going to hear from Mr. Joseph, we also want to hear from Mr.
802 McLean.

803 **CHAIRPERSON BOTEL:** All right. Mr. Lawson, are you willing to modify your
804 motion that we hear not only from Mr. Brenner, but from Mr. McLean?

805 **PRO TEM LAWSON:** Madam Chair, I have no problem with hearing from
806 everyone that's going to put this to rest. I want to get this resolved instead of arguing
807 about who can and cannot speak because we've taken 15 minutes to have everybody
808 discuss their points. So Mr. Brenner, Mr. McLean, Mr. Evans --

809 **COUNCILPERSON LANIER:** Thirty.

810 **PRO TEM LAWSON:** -- and Miss Wynn, anybody else that wants to talk, please.
811 Let's put this to rest and let's get started.

812 **CHAIRPERSON BOTEL:** Miss Anthony?

813 **CITY CLERK ANTHONY:** I was just going to say, Madam Chair, that Mr. McCoy
814 seconded that motion, not Miss Lanier.

815 **CHAIRPERSON BOTEL:** Yeah.

816 **COUNCILPERSON LANIER:** Okay.

817 **CITY CLERK ANTHONY:** If Mr. Lawson is amending the motion to hear from not
818 only Mr. Brenner, also Mr. McLean, is that correct?

819 **PRO TEM LAWSON:** And capped at five minutes each so that they both have
820 the same time to present. And then finally to hear from Mr. Evans to close it out.

821 **CHAIRPERSON BOTEL:** And Mr. McCoy --

822 **COUNCILPERSON LANIER:** Thank you.

823 **CHAIRPERSON BOTEL:** -- of course, do you accept that as your -- maintain your
824 second with that condition?

825 **COUNCILPERSON McCOY:** Yes. Second.

826 **CHAIRPERSON BOTEL:** Madam Clerk?

827 **COUNCILPERSON LANIER:** Thank you.

828 **CITY CLERK ANTHONY:** Councilperson McCoy?

829 **COUNCILPERSON McCOY:** Yes.

830 **CITY CLERK ANTHONY:** Councilperson Miller-Anderson?

831 **COUNCILPERSON MILLER-ANDERSON:** Yes, for the five minutes.

832 **CITY CLERK ANTHONY:** Okay. Miss Miller-Anderson, are you just doing it for
833 the five minutes? Are you doing it for both the -- yes to the motion or --

834 **COUNCILPERSON MILLER-ANDERSON:** Yes.

835 **CITY CLERK ANTHONY:** Okay. Councilperson Lanier?

836 **COUNCILPERSON LANIER:** No.

837 **CITY CLERK ANTHONY:** Pro Tem Lawson?

838 **PRO TEM LAWSON:** Yes.

839 **CITY CLERK ANTHONY:** Chair Botel?

840 **CHAIRPERSON BOTEL:** No.

841 **CITY CLERK ANTHONY:** That motion is approved with Councilpersons Lanier
842 and Botel dissenting.

843 **CHAIRPERSON BOTEL:** Miss Miller-Anderson?

844 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair, I would -- I just want to
845 be clear. So I'm fine with them doing the five minute and this is why: 'Cause see, usually
846 what would happen is they would come up as a three-minute comment, public comment.
847 That's what normally would happen. And they would be able to provide their voice from
848 the union. And I want to be very clear. It's not -- for me it is not about, you know, trying
849 to silence anyone. It's a matter of doing things in order.

850 A lot of this stuff has come to us blindly. I mean, if the man wanted -- Mr. Brenner
851 wanted to present, fine. Let us know we have a presenter that's going to be presenting
852 on their behalf. The other thing is, provide us with the information ahead of time. I mean,
853 nobody is trying to silence anyone. You know? And, you know, Mr. McCoy, I respect
854 your position on a lot of the things that you're saying, but I just want to be very clear that,
855 you know, lodging the threats of, you know, violating and this and that, for me that doesn't
856 move me and that's not determining which way I go with it.

857 I do want to present myself as being fair but there's a way to do things, as well.
858 And, you know, coming with these side presentations and catching people off guard, it's
859 just not -- it's just unnecessary. You know? This thing was sent to us at 5:30. If they
860 wanted us to have the presentation previously, they should have sent it earlier so that we
861 could have seen it. And we would have known that he was going to be doing a
862 presentation. We just looked up and Mr. Joseph was on the call. No one that I'm aware
863 of -- it seems like no one knew that he was going to be on here. And I'm just saying just
864 make sure that everybody is in the loop of what's taking place so nobody's taken -- taken
865 -- put off guard. That's the only thing I'm saying. And I'm fine with hearing a five minute,
866 and I did vote yes for five minutes because I -- I don't think this is appropriate in the
867 manner in which we have it set up.

868 If it was a part of the backup and we knew this person was going to be presenting,
869 then fine. But you know, I mean, I'm all for it. But I do want to be very clear. I've heard
870 from employees. I -- I understand the issue. So I'm not dismissing anyone's position or
871 how anyone feels about it. I get it and I understand that. But we have a lot of extra flair
872 going on that I think is -- is being added to it that, you know, is taking away from what
873 we're trying to do. So if we could just stay focused then we'll -- we'll be fine. I think
874 everybody wants to do the right thing. So all of that other extra stuff, I don't think is
875 necessary.

876 **CHAIRPERSON BOTEL:** Thank you, Miss Miller-Anderson. I, too, want to make
877 a statement about this. I voted no because -- for the same reasons that you just
878 articulated. We had no preparation. There was no backup at all on either the 5:00 agenda
879 or the 5:30 agenda. And frankly, I agree with Miss Lanier that it's tantamount to
880 negotiating in public. Now, I have one more question for Miss Wynn. Miss Wynn, does
881 the council chair have the ability to control the meeting?

882 **CITY ATTORNEY WYNN:** That's a very broad question, Chair Botel. Depends
883 on --

884 **CHAIRPERSON BOTEL:** I mean, does -- does the council chair have the authority
885 to call on members and recognize them before they speak?

886 **CITY ATTORNEY WYNN:** Yes.

887 **CHAIRPERSON BOTEL:** Thank you. Does the council chair have the ability to
888 ask members to stop speaking because she wants to call -- call the -- call the question or
889 move the conversation along?

890 **CITY ATTORNEY WYNN:** Anyone can call the question, yes.

891 **CHAIRPERSON BOTEL:** Or move the conversation. Thank you. Miss Miller-
892 Anderson.

893 **COUNCILPERSON MILLER-ANDERSON:** Just one quick thing: Your -- your
894 voice, you can't hear you a lot of times. So a lot of times when you're trying to get control
895 of the meeting, your voice is not there. I see you, but I don't think every -- you're being
896 outnumbered because --

897 **CHAIRPERSON BOTEL:** (Unintelligible).

898 **COUNCILPERSON MILLER-ANDERSON:** So -- so maybe if you put your
899 earpiece back in it might --

900 **PRO TEM LAWSON:** Madam Chair, try -- try your headphones. Try to put your
901 earpiece in now.

902 **COUNCILPERSON MILLER-ANDERSON:** Yeah.

903 **COUNCILPERSON LANIER:** Yeah.

904 **CHAIRPERSON BOTEL:** (Unintelligible). That works better for me.

905 **COUNCILPERSON LANIER:** Madam -- and Madam Chair, I just want to say one
906 quick question. Just one quick thing. I -- I agree with KaShamba Miller-Anderson, council
907 -- Council Miller-Anderson and with you, Council -- Chair Botel, is that I don't have a
908 problem -- if this agenda was 20 items long, I have no problem with that. None at all. My
909 problem with this is that I've said this time and time again, if I'm going to have a meeting
910 with you guys, and we're going to be talking about what's going to happen, I need to be
911 prepared for it. I need to be able to know that Mr. Brenner was going to talk or Mr. McLean
912 was going to be here. There is no way in the world that when you put this agenda item
913 on the agenda, that you could have just said to -- you could have said in the agenda item,
914 "We're going to have a five-minute presentation from SEIU. We're going to have a rebuttal

915 from our representative. We're going to have some conversation from our city manager."
916 It's easy to put on the agenda. It was nothing I could have done with it. But to have this
917 come to us at this late date to be able to negotiate this now is not how we do business.

918 **CHAIRPERSON BOTEL:** Thank you, Miss Lanier. Is this sound better?

919 **PRO TEM LAWSON:** Yes, much.

920 **CHAIRPERSON BOTEL:** Okay. Good. Thank you. So Madam Clerk, would you
921 set the timer and Mr. Brenner, would you please begin your presentation?

922 **DISCUSSION AND DELIBERATION**

923 **1. DISCUSSION AND REVIEW OF THE PANDEMIC PAY POLICY.**

924 **DOUGLAS A. LAWSON, CHAIR PRO-TEM, DISTRICT 5, 561-845-3685**

925 **JOSEPH BRENNER:** All right. Thank you. So I -- this is in relation to the
926 pandemic pay policy and a public comment that I had made last time. It was not part of
927 the agenda item that was read into the record last meeting you held. But I wanted to
928 illustrate some of the things to reference what was talked about before. And I'm going to
929 share my screen with everybody in just a second here. So if you can see -- can you see
930 my screen now? No?

931 **UNIDENTIFIED SPEAKER:** Yes. Yes.

932 **JOSEPH BRENNER:** Yes. Okay. So we have described why this pandemic pay
933 for Riviera Beach is -- is -- it's quite -- it's frankly unfair to the members of our unions,
934 police and fire and the PMSA, which submitted a comment directly related to this earlier
935 today. It's also bad public policy.

936 It was illustrated before that, you know, we did not bring this policy up. We did not
937 ask for any special pay. This conversation simply started because management
938 implemented their own specific management-only policy. And it's -- like I said before, it's
939 a policy that is only in Riviera Beach. We've not seen it in any other entity across Florida.
940 We represent nine other cities across Florida and several other public systems. So the
941 only city right now doing a special pay is -- is Riviera for management or for non-
942 represented folks.

943 However, one of the things that was mentioned in this is a fallacy, is that the only
944 city keeping people whole is Riviera Beach right now for those who are not reporting there
945 full time. That is categorically incorrect. Across the state and especially in Palm Beach
946 County, we've got many of our entities -- city of Boca Raton, as you see on the screen in
947 front of you, Delray Beach, Boynton Beach, village of Palm Springs, Palm Beach
948 Gardens, as well as the Palm Beach County School District, the largest employer in the

949 area, that is keeping people whole whether they can report for one hour a week or 40.
950 Right?

951 And again, I want to reiterate, we've never asked even for one second for anybody
952 who was not physically reporting in to work in the field to receive any special pay. I wanted
953 to make sure that is perfectly clear to the council. So Riviera's claiming that the city's the
954 only entity that is keeping people whole for not reporting is -- is factually incorrect. It is
955 across the state. Every city I've seen is doing this to this date right now. Now, obviously
956 as the outbreak continues, that might change. But right now Riviera Beach is actually
957 doing what I believe and what I would argue is the right thing in keeping people whole.

958 We would love to connect you to -- any members of management from the -- these
959 cities that we talk to on a regular basis in our conversations with Mr. Evans and his staff.
960 We've -- we've offered that up many times. Obviously for -- there are some entities that
961 are doing specific pandemic pays for their employees who are reporting. Palm Springs,
962 Jupiter, Boca Raton, Palm Beach County Schools are some of them. We're in
963 negotiations with another on exactly what that pay would be. And one highlight to -- to --
964 to -- we really wanted to show management is that city of Boca Raton is explicitly not
965 paying management or any workers who are not reporting in the field. Meaning, if you
966 work from home you make your regular pay. Boca Raton is doing it for only those who
967 are deemed essential in reporting, and those happen to be, you know, many of our front-
968 line workers, a very similar group of workers that we have in the city of Riviera Beach.

969 Regarding the FEMA reimbursement, you know, and then here's the only city in
970 Florida that has a management-only pandemic pay policy. Riviera Beach is stemming
971 alone in that aspect. I want to make that crystal clear to the council. The claims that were
972 made, you know, I don't want to go into them too much. I don't have time for it. I would
973 say that the city banking that FEMA will reimburse every bit of this pay, that's a very big
974 risk that the city's taking, because a lot of that will not be reimbursed by FEMA and as --
975 as well as the -- those who are on the phone know. It's a very cumbersome process and
976 it might not cover every bit. And the last thing we want is for our, you know, front-line city
977 workers to face layoffs or possible furloughs similar to what happened a decade ago if
978 the city were to spend resources now that they can't get back for later.

979 So that being said, this is just poor policy, and it is the only place across the entire
980 State of Florida where we've seen a management-only or non-represented-worker only
981 specific special pay program. I don't know if I have any more time left but I'm -- and I'm
982 of course available for any conversations. I welcome Mr. McLean. Dealt with him for
983 many years. Good man. Any back -- back and forth dialogue with Mr. Evans and Mr.
984 McLean, as well. In fact, just having a conversation about this has been what we have
985 asked for three, four weeks ago.

986 **CITY CLERK ANTHONY:** Time.

987 **CHAIRPERSON BOTEL:** Mr. Brenner, (unintelligible). Thank you.

988 **COUNCILPERSON MILLER-ANDERSON:** Can Miss -- can we take his
989 presentation off so we can all get back on the screen?

990 **JOSEPH BRENNER:** Yeah.

991 **CHAIRPERSON BOTEL:** Thank you. Mr. Evans, did you want to speak now or
992 do you want to -- do you want Mr. McLean to speak?

993 **CITY MANAGER EVANS:** If we can have Miss Matumba [phonetic] and -- and
994 Mr. McLean speak. Miss Matumba has been instrumental in crafting the policy and -- and
995 can speak to some of the items. And then Mr. McLean can conclude Miss Matumba's
996 comments.

997 **CHAIRPERSON BOTEL:** Miss Matumba?

998 **MS. MATUMBA:** Good evening, everyone. Can you guys hear me?

999 **CHAIRPERSON BOTEL:** Yes, we can. Thank you.

1000 **MS. MATUMBA:** Okay. So a lot of the information, I know, has already been
1001 shared with the council. But just to provide a brief reiteration, so the pandemic policy was
1002 first created in March -- on March 20th. That's when the first version was enacted. And it
1003 was modeled after the disaster pay policy, which was created in 2005. It's my
1004 understanding that under the disaster pay policy, that folks who were working and the
1005 work that they're doing, that those activities were related to the disaster, were paid time
1006 and a half. And that is the same intent of the current policy.

1007 And so if you have employees that are coming to work and they're doing activities
1008 that are related to the pandemic and they're outside of their normal activities, then under
1009 the pandemic pay policy that was modeled after disaster pay policies, then the reasoning
1010 would be that they might get the time and a half. It's my understanding that the folks that
1011 are coming to work are doing their usual activities, and so they aren't doing anything that
1012 is different than what they would normally be doing. April 1st, the policy was amended,
1013 and it was amended to include the First Families Coronavirus Response Act that provides
1014 six categories where employees have a bank of time that is federally provided for for a
1015 number of reasons. So there are certain reasons where they would get 80 hours of pay
1016 at 100 percent. There are other reasons where they would only get two-thirds of their
1017 rate of pay. And that was the main reason why the April 1st amendment or the revision
1018 occurred. It was always the intent of the city that every employee remain in a paid status
1019 and in a status where they weren't drawing down from their accruals. So that's kind of a
1020 little bit of a background information. Mr. Evans, is there anything else you would like me
1021 to cover regarding the policy?

1022 **CITY MANAGER EVANS:** No, I think that -- that suffices. Mr. McLean, if you had
1023 some additional remarks?

1024 **COUNCILPERSON McCOY:** At what point do we ask questions? 'Cause I -- I
1025 have something specific to what she has.

1026 **CHAIRPERSON BOTEL:** Well, I think we can allow you to ask a question, Mr.
1027 McCoy, without getting too -- too --

1028 **COUNCILPERSON McCOY:** I only get one?

1029 **CHAIRPERSON BOTEL:** You -- knowing you, you'll stretch it. You -- you --

1030 **COUNCILPERSON McCOY:** Well, you know --

1031 **CHAIRPERSON BOTEL:** -- start with -- start with one.

1032 **COUNCILPERSON McCOY:** -- I think --

1033 **CHAIRPERSON BOTEL:** Why don't you start with one and see how it goes.

1034 **COUNCILPERSON McCOY:** So Miss Matumba -- and I don't have one question.
1035 I'm going to go ahead and tell you that now. Miss Matumba, you spoke and you said that
1036 this policy was drafted or styled after the 2005 disaster pay policy, correct?

1037 **MS. MATUMBA:** That's what I said.

1038 **COUNCILPERSON McCOY:** And that disaster pay policy requires that if you're
1039 working related to the disaster, you'll be getting paid time and a half?

1040 **MS. MATUMBA:** That's my understanding of how the disaster pay practice's
1041 policy works, yes.

1042 **COUNCILPERSON McCOY:** What does that mean, that's your understanding?
1043 So you don't know for certain? Have you not reviewed --

1044 **MS. MATUMBA:** Well, that's -- I -- I have reviewed the policy, Councilperson
1045 McCoy, and that -- yes, that -- that is what the policy states.

1046 **COUNCILPERSON McCOY:** So how was this exactly styled or even in
1047 comparison when much of what is occurring now with the 70 individuals aren't exactly
1048 related to COVID-19 and they're receiving time and a half? So where do you draw the
1049 comparison or the analogy of saying that it was styled after that?

1050 **MS. MATUMBA:** Can you repeat that, sir?

1051 **COUNCILPERSON McCOY:** Can you explain how you draw the analogy of this
1052 was styled after the 2005 disaster pay policy when they're substantially different. You
1053 said 2005, you have to be doing something exactly or directly related to the disaster.

1054 **MS. MATUMBA:** Correct.

1055 **COUNCILPERSON McCOY:** And this 2020 pandemic pay policy, you don't have
1056 to be doing something related to the pandemic and you're paid regardless of whether or
1057 not you're doing something related to COVID-19. Where's the analogy there?

1058 **MS. MATUMBA:** No. That -- no, no. I'm -- that -- that's not what I said, sir. What
1059 I said as far as the -- the collective bargaining, the union members, under the disaster
1060 pay practices policy, they would have been paid time and a half for work that they were
1061 doing that was related to the disaster and outside of their normal job activities. And so
1062 what I said was that same intent was placed in the pandemic pay policy. So, for instance,
1063 if you have employees --

1064 **COUNCILPERSON McCOY:** How is that the case? They're not being paid --

1065 **MS. MATUMBA:** -- I'm sorry, sir. Can I finish my statement, please? I just wanted
1066 to finish. Is that okay?

1067 **COUNCILPERSON McCOY:** Okay.

1068 **MS. MATUMBA:** So what I said was under the pandemic pay practices policy,
1069 was that you -- we had employees that were working outside of their normal job activities.
1070 They're doing something related to the pandemic that was outside of their normal
1071 activities. The intent would be that they would get time and a half. It's my understanding
1072 that we don't have employees that are working outside of their normal job activities and
1073 related to the pandemic.

1074 **COUNCILPERSON McCOY:** Okay. Well --

1075 **MS. MATUMBA:** Did I clarify that for you?

1076 **COUNCILPERSON McCOY:** -- we have -- no, you didn't. In fact, it got even more
1077 confusing because we do have employees that's doing things that are outside of their
1078 normal activities, like the twice-a-week distribution or the assisting with the

1079 COVID-19 testing, and they're not being paid time and a half. So how is this any -- any
1080 relation to 2005 disaster pay policy?

1081 **MS. MATUMBA:** I was not -- to be honest, sir, I was not aware that there were
1082 other -- other employees that were doing that.

1083 **COUNCILPERSON McCOY:** Okay. Good. I got -- I got -- I got one more question:
1084 So the 2005 disaster pay policy, did it provide for these 70 positions that we currently
1085 have to be paid time and a half for every single hour that's worked, that's irrespective of -
1086 -

1087 **MS. MATUMBA:** Yes, sir. Exactly.

1088 **COUNCILPERSON McCOY:** -- that's irrespective of whether or not it's related to
1089 the actual disaster?

1090 **MS. MATUMBA:** Yes, sir. It does.

1091 **COUNCILPERSON McCOY:** Okay. So this is the problem. I've never seen that.
1092 And I even went back after I heard Mr. Randy Sherman last week at our Wednesday's
1093 city council meeting to say this was following the 2005 FEMA guidelines. And I'm lost
1094 because I've spent substantial time and I also had someone assisting me. We couldn't
1095 locate that. And I don't see how we can -- can suggest that this is relative to 2005 when
1096 we don't even have 2005 to go off of, and it's definitely not codified in our Code of
1097 Ordinances.

1098 **MS. MATUMBA:** I can provide that policy for you, sir.

1099 **COUNCILPERSON McCOY:** But where's it at? Where's the policy (unintelligible)
1100 at?

1101 **MS. MATUMBA:** I received it from -- I received it from Human Resources. That's
1102 where I received the policy from.

1103 **COUNCILPERSON McCOY:** But am I correct in saying the Human Resource
1104 policy has been codified inside of the Code of Ordinances? So you're saying there's
1105 something else that exists out there with additional policies that's not in our Code of
1106 Ordinances that speaks to pay?

1107 **MS. MATUMBA:** I'm -- the only policy that I'm aware of, sir, is the disaster pay
1108 practices policy that was supplied to me by HR when the pandemic began. And that was
1109 the policy that was used to create the pandemic pay policy.

1110 **COUNCILPERSON McCOY:** Okay. Last question and I'll yield -- and I will
1111 respectfully ask for follow-up later. This 2005 disaster pay policy, do you know the exact
1112 date it was adopted?

1113 **MS. MATUMBA:** I do not know the exact date, sir. But I can get that information.

1114 **COUNCILPERSON McCOY:** I reclaim my time. One more question: Do you
1115 know who adopted the policy? Was this something that was done by the city manager or
1116 was this a city council decision?

1117 **MS. MATUMBA:** If my memory serves me correctly it was approved by the city
1118 council and the city manager. But I would have to go back and look at it to be sure. But
1119 I'm pretty sure it was approved by the city manager. I'm a little bit shakier on if it was
1120 approved by the council. But I will get that information to you, sir.

1121 **COUNCILPERSON McCOY:** Well, before we move on, is there somebody on the
1122 phone that can speak to how this 2005 disaster pay policy was adopted? Okay. Well,
1123 since nobody knows this, then I yield back my time. So thank you.

1124 **MS. MATUMBA:** You're welcome .

1125 **CHAIRPERSON BOTEL:** Miss Wynn, did you want to speak?

1126 **CITY ATTORNEY WYNN:** (No audible response).

1127 **CHAIRPERSON BOTEL:** No? Okay. I thought -- I thought I saw your hand. All
1128 right. Mr. McLean -- Shirley -- Miss Lanier, did you want to speak?

1129 **COUNCILPERSON LANIER:** Yeah. I -- I just wanted to say that first of all, we're
1130 in a meeting now with people who I never -- number one, I don't know. Number two, I
1131 was not prepared for conversations with Mr. -- Mr. Brennan [phonetic], Mr. McLean, Miss
1132 Matumba, for this issue at all. And that means that guess what we're doing now? We're
1133 negotiating a contract right now. And I just want to say that it -- it's -- basically we're
1134 talking about apples and oranges here.

1135 Now we're talking about a situation where, you know, you're making a comparison
1136 about other municipalities. The COVID-19 has not hit this district or this area or this city
1137 the way it has done other cities. So we're really comparing apples and oranges here.
1138 We're in a position now where we're talking about changing a contract. Period. And
1139 those are the things that can't be negotiated, especially when the contract is closed.
1140 Those are things that should be negotiated, you know, among the Mr. McLeans, among
1141 the Mr. Brennans, to be -- to be negotiated between them and then comes to the council.
1142 But we're negotiating for or against them now. And this is something that I really -- and
1143 as I said before, there are people on this call I was not expecting. There -- there's
1144 information. Mr. Brennan submitted a -- and went through a whole PowerPoint. I have
1145 not seen that before. And those are the things I'm talking about. If we're going to have
1146 discussions, everything that Mr. Brennan presented, Mrs. Matumba's response to that,
1147 Miss Wynn's response to that, all of that should have been provided to us before we got
1148 to this meeting and not during the meeting.

1149 **CHAIRPERSON BOTEL:** Thank you, Miss Lanier? Mr. Brennan, I see your hand
1150 raised but I'd like for Mr. McLean to finish up that portion, then we'll go back to some
1151 questions. I'll come right back to you. Mr. McLean?

1152 **MS. MATUMBA:** May I just interrupt for one second?

1153 **JACK McLEAN:** Yes, Madam Chair. I'm sorry.

1154 **CHAIRPERSON BOTEL:** Who is speaking? Miss Matumba?

1155 **MS. MATUMBA:** Miss Matumba. Thank you. I just wanted to look up that answer
1156 for Mr. McCoy right away. So there are two policies that are disaster pay practices
1157 policies. One refers to nonexempt employees and one refers --

1158 **COUNCILPERSON McCOY:** Can you repeat that?

1159 **MS. MATUMBA:** I'm sorry, sir?

1160 **COUNCILPERSON McCOY:** I had difficulties. Can you repeat that?

1161 **MS. MATUMBA:** Can you hear me -- can you hear me better now?

1162 **COUNCILPERSON McCOY:** Yes.

1163 **MS. MATUMBA:** Okay. So there are two disaster pay practices policies. One
1164 that pertains to nonexempt ploys and the other one that pertains to exempt employees.
1165 The policy that pertains to exempt employees, the effective date is August 11th, 2005. It
1166 was approved by the director of Human Resources. Looks like that was a Miss Dorothea
1167 [phonetic] Perry. It was also approved by the city manager. Looks like that person was
1168 a Mr. Williams -- Mr. William Wilkins or Williams.

1169 **UNIDENTIFIED SPEAKER:** Wilkins. Wilkins.

1170 **MS. MATUMBA:** Wilkins. Thank you for the correction. And I'll go ahead and
1171 forward these policies to you right now, sir. The nonexempt disaster pay practices policy,
1172 the effective date on that is October 21st of 2005. And the same signatories are on this
1173 policy, so I will go ahead and forward those to you. And I will forward them to the rest of
1174 the council, as well.

1175 **CHAIRPERSON BOTEL:** Thank you, Miss Matumba. Thank you. Mr. McLean?

1176 **JACK McLEAN:** Yes, Madam Chair. I'll be brief on it. And -- and to the -- and to
1177 the whole council members. So I'd like to kind of just go ahead and let me just piggyback
1178 off of what normally happens with the policies, and then I'll talk to the points that were
1179 raised by Mr. Brennan who I've had a chance to negotiate and work with over the years.
1180 And I have the same high regard as he's making for me.

1181 I will state that those policies that were just articulated are -- the practice has been
1182 that the HR department would design and -- and do those policies, and they would come
1183 back to the council and for the council to approve. So I would suggest that we perhaps
1184 go back and have the clerk or someone else search for that, 'cause I know that was the
1185 way we did the furlough policy. That was also looked at and finally, I think, signed up by
1186 the council, too.

1187 And to these meetings being public meetings, yes, they are indeed, as Mr. Brennan
1188 said, public meetings. Negotiations are public and every session we have is public. But

1189 this forum is not designed for negotiation. And in fact, 447 lays out the format for having
1190 negotiations. And it has the chief executive officer, the city manager, leading up that
1191 negotiation effort with guidance from the council, and we go through a process of
1192 negotiating the exchange of documents back and forth. Once the manager and the union
1193 reaches an accommodation on an issue, those are bundled up in a package, and those
1194 come back to the commission for the commission or the council here to sign off on those
1195 items. That is the process. But yes, those individual processes of exchanging documents
1196 is public. But this forum that we're in now is not the structure that 447 lays out for
1197 negotiations.

1198 Yes. This is a form of negotiation because we're talking for matters that are outside
1199 of the contract. The contract has been struck. The parties have bargained for it. I did
1200 speak to Mr. Brennan. I may -- let me just say that we actually had a meeting with HR
1201 and a number of other people to talk about this whole issue early on about maybe a --
1202 maybe about three to four weeks ago. In that meeting, Mr. Brennan, I asked a question.
1203 "Mr. Brennan, are you saying that this is part of the negotiations?" He says, "No, it is not
1204 part of the negotiations," because he realizes -- that's an experienced person -- that the
1205 contract does not provide a (unintelligible).

1206 Now, unlike the PBA -- Mr. Brennan, I -- I didn't put my hand up. It's kind of
1207 distracting. If you'd just wait to let me finish with the presentation. Unlike the PBA
1208 contract, the PBA contract did not even encompass the emergency policy referenced
1209 earlier by Miss Matumba. It was not part of the contract. It was not contemplated. And
1210 my understanding is from the PBA when they actually sent the letter to the manager
1211 raising that issue, that they have not actively pursued that issue.

1212 Well, they certainly have not been contacting me, and I've been in contact with the
1213 president, with the chief negotiator at the table since we've negotiated this current
1214 contract, and no one has raised the issue of the pandemic pay policy after that initial letter
1215 that was sent out by Mr. Catangia [phonetic]. So just wanted to kind of speak to that issue
1216 on -- on bargaining, the structure and the public nature of bargaining.

1217 The other thing I did want to point out is there are other employers who have
1218 policies that cover the executive personnel. So the city is not alone in that. So there are
1219 other places, both county and some cities that will cover executive personnel, as well as
1220 others in terms of -- of extra compensation is what we talked about, over time
1221 compensation.

1222 **COUNCILPERSON McCOY:** Are we at five minutes, Mr. McLean?

1223 **JACK McLEAN:** Sorry. Yes, sir?

1224 **COUNCILPERSON McCOY:** Are we at five minutes? I -- I --

1225 **JACK McLEAN:** I certainly hope not but I'll --

1226 **CITY CLERK ANTHONY:** We're not.

1227 **JACK McLEAN:** -- be glad to yield. Okay. I want to (unintelligible) trying to take
1228 up any time but --

1229 **COUNCILPERSON McCOY:** According to my time we're way beyond it.

1230 **CHAIRPERSON BOTEL:** Madam Clerk? Excuse me, Mr. McCoy.

1231 **JACK McLEAN:** I'm sorry. (Unintelligible).

1232 **CHAIRPERSON BOTEL:** Madam Clerk, are we at five minutes?

1233 **CITY CLERK ANTHONY:** No, Madam Chair.

1234 **CHAIRPERSON BOTEL:** Thank you. Deduct the last couple of seconds. Thank
1235 you.

1236 **JACK McLEAN:** Okay. And I'll -- I'll -- I'll get outside this very quickly, Councilman
1237 McCoy. So the last thing that I just wanted to go ahead and say, point out about it is that
1238 the -- so the SEIU actually, outside of all the other unions, has protection here. And that
1239 is through the policy. Now, the issue is one of relatedness, and that's what I heard before,
1240 whether or not it's related to a disaster, related to COVID. There are ways that you can
1241 be related to COVID. I'm aware of that there have been extra sanitation policies that have
1242 been implemented by some cities and some governments where people are going around
1243 actually sanitizing the place on a regular basis, doorknobs or -- or wiping down counters
1244 and all that. That's directly related to that. So it's a relatedness issue.

1245 Just as it is with the disaster of whether or not it is related to the hurricane for us
1246 up here on this end with Hurricane Michael. And for you, a different hurricane. But -- so
1247 it's -- so that issue is just one of relatedness as to whether or not the policy is triggered in
1248 terms of, you know, the -- the extra compensation. The other issue was one raised about
1249 FEMA. Yes, there is the opportunity to get money from FEMA. FEMA is not an easy
1250 process as Councilman McCoy stated. But I don't know if -- if -- I'm -- I'm not sure. I didn't
1251 draft the policy. Miss Matumba worked on the policy. But the policy itself as to whether
1252 or not you can get FEMA is an opportunity for you to recover those funds. But it's still a
1253 policy decision of the council as to whether or not you want to go ahead and have the
1254 policy in place, whether you get money from FEMA or you do not get money from FEMA.
1255 So -- but the forum here -- and I mentioned to Mr. Brennan before, the -- the forum here
1256 -- and he has the right to speak --

1257 **CITY CLERK ANTHONY:** Five minutes is up.

1258 **JACK McLEAN:** -- (unintelligible). But it does not -- it's just not the forum for trying
1259 to negotiate something different in the contract. Thank you.

1260 **CHAIRPERSON BOTEL:** Thank you. Thank you, Madam Clerk. I think that's the
1261 time. I'm going to call on Mr. Brennan and then Mr. Lawson and then Miss Lanier. Mr.
1262 Brennan? Briefly. Miss Miller-Anderson was very clear about us taking five minutes
1263 a piece. So let's make this very brief and then we'll hear from Mr. Evans. Mr. Brennan?

1264 **JOSEPH BRENNER:** Yeah. So I wanted to just reiterate. The union is not making
1265 a proposal to the city council that we demand this be implemented. We're simply calling
1266 in to question the efficacy of the city implementing a very specific pay policy for a very
1267 specific group of people who, as we all know -- and as it's been referenced before and
1268 shown before, are not receiving such similar payments across the entire state.

1269 And I will say this just to speak to that, you know, to -- or the -- the claims on, you
1270 know, bargaining: This is not bargaining. We recognize that. Each of the places that
1271 discussed this with us, city of West Palm Beach, Palm Beach Schools, Delray, Boynton,
1272 Village of Palm Springs, Palm Beach Gardens, each brought this to our attention even
1273 though we're in the same position as Riviera, in the middle of a contract year. Some of
1274 whom like Boynton Beach said, There's nothing we can do. Some of whom said, Hey,
1275 would you guys be interested in this. So it's simply a dialogue between the unions and
1276 having this conversation. Again, we know that this is not bargaining. We -- it's an issue
1277 of public fairness.

1278 **CHAIRPERSON BOTEL:** Thank you, Mr. -- thank you. Mr. Lawson.

1279 **PRO TEM LAWSON:** Thank -- thank you, Madam Chair. As Mr. McLean stated
1280 that the negotiations will be done with our city manager with guidance from the council.
1281 So with us taking the opportunity to hear the points -- and that's why I want to hear the
1282 points of all parties so that we can give the guidance to Mr. Evans so he can begin
1283 negotiations moving forward once the contract does come about. As of right now we're
1284 hearing the points of why we're getting the e-mails, why there's a discrepancy with
1285 everyone through the city and our employees, why they're reaching out to us and moving
1286 forward.

1287 I understand, Miss Lanier, that your concerns are the people that are on the call
1288 that we may not know. I didn't know Mr. Brenner was going to be on it. I -- I'm glad Miss
1289 Matumba could give her points and Mr. McLean. But these are the times we have to take
1290 to actually hear the points and have the conversation. Due to Sunshine, we don't have
1291 the opportunity to have these discussions outside of this. So I understand we could have
1292 put on the agenda that Mr. Brennan was going to speak on the points of what the union
1293 had to represent. But the same opportunity that we afforded Mr. Evans, I wanted us to
1294 allow or to take a vote so that we could hear from all sides, so we could educate ourselves
1295 on making a decision as policymakers.

1296 So I want us to stop trying to stifle the -- the opinions and the voices of anyone and
1297 have the discussion when we have an opportunity so that we can move forward. Now, I
1298 understand your concern is simply just to have it on the agenda so you can be prepared.

1299 I completely agree with you there, and that's what we can do moving forward as a council,
1300 that before we take any -- any outside presentations, let's make sure it's presented to the
1301 entire board so they can be ready and prepared for it. But I'm glad that they only took the
1302 three -- three to five minutes to present, which is the normal time that they would be
1303 allotted if we were in regular council meeting. So I'm glad that we could hear from
1304 everyone else. Go ahead, Dr. Botel.

1305 **CHAIRPERSON BOTEL:** Thank you, Mr. Lawson. Miss Lanier?

1306 **COUNCILPERSON LANIER:** I just wanted to say that, you know, you can say
1307 what you want to say, but this is -- this is really bargaining here. The -- and it appears
1308 that Mr. Brennan says that there is not an issue with the policy that they're asking for in
1309 terms of providing pandemic pay or time and a half for his employees.

1310 Now, let me be clear. PMSA, SEIU, I have been a part of each of those unions in
1311 my professional career. So I understand, and I'm always -- I'm the first one to recognize
1312 and to say that the city employees are doing a wonderful job. And I know this to be true.
1313 I know that this city is functioning because of city employees, not because of me. Not
1314 because of the council. But because of the people who work every single day for this
1315 city.

1316 But I want to be fair here, and to be fair, we're not going to go into negotiations
1317 with -- with PMSA or with SEIU at this moment. It appears that the issue here is that the
1318 city manager enacted this policy and not the SEIU. That is not SEIU's bargaining chip.
1319 Your bargaining is closed. You cannot come in and tell us or tell the city manager how to
1320 do pandemic pay. And I understand your position. Trust me, Mr. Brennan. And I
1321 appreciate the fact that you were here tonight. I really do. I appreciate the fact that you're
1322 here tonight and that you're bringing up the issues of the people who are in SEIU, who
1323 are in PMSA. I really appreciate that.

1324 But because of the fact that we're in a position now that the city manager has --
1325 has enacted a pandemic policy pay, it's not about SEIU or PMSA pay. It is about the city
1326 manager's pay. So let's be clear on that. Let's be clear about what the real issue here is
1327 tonight. And if we need to be -- if we need to move further and, you know, open
1328 negotiation, then so be it. But it is not the forum to do that tonight. Because we've had
1329 issue -- we've had conversations from a city manager. The -- the -- the city attorney has
1330 weighed in. The assistant city attorney has weighed in. Mr. McLean, who's our
1331 representative for the city, has weighed in. Mr. Brennan, you have weighed in.

1332 We are not saying that you're not correct. All we're saying is that we want to be
1333 prepared to be able to have a conversation about how we move forward with this issue.
1334 And please, do not get me wrong. And I -- I'm telling you, everybody knows that I'm all
1335 for city employees because guess what? I am a county employee under PMSA. I was a
1336 -- I was a city employee under SEIU. I know that when you are trying to do the best that

1337 you can and people are coming in and saying that this person gets more than you get
1338 more, I understand that. But this is not the forum for it.

1339 So let us be clear about the fact that the issue here is the fact that the city manager
1340 made that pandemic pay policy or at least ratified it among previous 2005 guidelines. So,
1341 you know, let's -- let's -- let's be clear about what's really going on here. And Mr. Lawson,
1342 Councilman Lawson, Councilman McCoy, I totally agree with you. That we need to be
1343 able to figure out something here. But the way this is now --

1344 **CHAIRPERSON BOTEL:** Thank you, Miss --

1345 **COUNCILPERSON LANIER:** -- it's -- it's not going to happen tonight.

1346 **CHAIRPERSON BOTEL:** Thank you, Miss Lanier. I think we should hear from
1347 Mr. Evans. It is a quarter to 7. We have one more item on this agenda and then we have
1348 a CRA meeting. So if we could just hear from Mr. Evans now and we can then move
1349 along. Mr. Evans?

1350 **CITY MANAGER EVANS:** Thank you, Madam Chair, members of the council.
1351 We've heard comments from SEIU with respect to sample policies that they have provided
1352 us, which they provided us on I believe Wednesday, May 6th. We have had discussions
1353 with our finance director to look at some modification with respect to the pandemic pay
1354 policy to look at something similar to other entities. Also with regards to, you know,
1355 communications with the press, I can tell you I never reached out to them. They reached
1356 out to me. And if there is concerns with respect to employees that are doing COVID-
1357 related activities, and they're not being compensated for that, then that's stuff that we
1358 need to know to ensure that they're compensated fairly and equitably.

1359 I think we should also not discount the fact that when we are compared to other
1360 entities, I could also do a Listserv to the City Managers' Group and find out additional
1361 information. Deerfield Beach had a similar policy to ours and they sun-setted their policy.
1362 Also the other side of it is the city of West Palm Beach is effectively keeping their
1363 employees whole because they're having them come into work. Where in our situation,
1364 a lot of our employees are not coming in to work. We also have situations where
1365 individuals are working 24 hours being compensated for 40 hours. So we're trying to --
1366 as it relates to our facilities that you all are keenly aware of the challenge we have with
1367 our facilities, we cannot, in good conscience, bring our entire workforce back because our
1368 facilities are inadequate. So in the abundance of caution we ask for our employees to go
1369 ahead and remain on a remote status and implemented a telecommuting policy that was
1370 never in place before that gives the flexibility to people that are in the collective bargaining
1371 units, as well as outside of the collective bargaining units.

1372 The intention was never to -- some nefarious plot to slight any employees. We've
1373 done a lot of great things to help facilitate our employees through this transition. Our
1374 employees, unlike other agencies, don't have to draw down their time to make them

1375 whole. Other government entities say you get two-thirds pay, and you have to draw down
1376 your sick and vacation time to be whole. We have not implemented that. We have
1377 actually allowed for more flexibility than the CARES Act provides for. So we as an
1378 employer have done everything we can to separate as many people from being in some
1379 of those facilities because they were woefully inadequate for what we're going to try to
1380 do.

1381 With regards to your management team, the 70 employees that are on the list, that
1382 -- that's -- there's no backup. There's no additional team. So when we ask for -- you
1383 know, when we look at some of our operations where we can go in an A shift, B shift, C
1384 shift, we don't have that particular depth. And the other thing I do want to point -- and I'll
1385 close my comments -- is we activated the same policy when we activated for Dorian.
1386 Everyone that was on that list that is the 70 individuals that was called into question, it's
1387 the same exact activation and the same compensation that was rendered in Dorian back
1388 in 2019 when we did our activation. So we have modeled the policy. The intent was to
1389 create the policy similar to the policy in 2005, and nobody anticipated how to be able to
1390 address this. And so it's at ebbs and flows.

1391 We have a conversation with SEIU on Saturday to have some discussions with
1392 them and then hopefully bring back something that looks at the organization holistically.
1393 And we have weekly conference calls with the employees. If there's ever a conversation
1394 or a concern, they know that they can approach me and we don't retaliate in this agency.

1395 **CHAIRPERSON BOTEL:** Thank you, Mr. Manager.

1396 **PRO TEM LAWSON:** Madam -- Madam Chair?

1397 **CHAIRPERSON BOTEL:** Yeah.

1398 **COUNCILPERSON MILLER-ANDERSON:** Madam --

1399 **UNIDENTIFIED SPEAKER:** (Unintelligible).

1400 **COUNCILPERSON LANIER:** But Madam -- Madam -- Madam Chair --

1401 **CHAIRPERSON BOTEL:** I have you -- I -- you know --

1402 **COUNCILPERSON LANIER:** -- no, Mr. Brennan cannot speak again. That -- he
1403 got his five minutes.

1404 **UNIDENTIFIED SPEAKER:** No.

1405 **CHAIRPERSON BOTEL:** No, I'm not -- I'm not -- Miss Lanier, I'm not calling on
1406 him. Mr. Evans, I have a question. Is it your intent then to meet with SEIU on this coming
1407 Saturday to begin to work out some of these issues that their membership has raised?

1408 **CITY MANAGER EVANS:** S -- SEIU, PMSA, uh, PBA and IA --

1409 **CHAIRPERSON BOTEL:** And PMSA --

1410 **CITY MANAGER EVANS:** -- FF, all of them, yes.

1411 **CHAIRPERSON BOTEL:** So you're going to meet with all of them. So you're
1412 going to attempt to resolve all these issues on this coming Saturday?

1413 **CITY MANAGER EVANS:** On -- on this Saturday or sooner. But I would --

1414 **CHAIRPERSON BOTEL:** Okay.

1415 **CITY MANAGER EVANS:** -- I should be able to have some clarity to provide to
1416 the board prior to your meeting on Wednesday.

1417 **CHAIRPERSON BOTEL:** On Wednesday. Okay, great. Miss Miller-Anderson
1418 had a question.

1419 **COUNCILPERSON MILLER-ANDERSON:** And -- and I -- no, you just addressed
1420 it. But I just wanted to make it clear that, you know, with Mr. Brennan -- Mr. Brennan on
1421 the call, if we were in the chambers, he would do his presentation and then that would be
1422 it. It wouldn't -- there's no back and forth going on. And so, you know, I'm not --

1423 I'm -- we just gotta make sure we don't -- we don't deviate from how we normally do things,
1424 and that is not appropriate for Mr. Brennan to continue to go back and forth. He did his
1425 presentation and then that's it. Okay. Thank you.

1426 **CHAIRPERSON BOTEL:** So unless, Council, I'm going to call on Mr. McCoy, and
1427 then we should -- with the understanding that Mr. Evans is going to have these
1428 conversations with all of the associated parties. I'm satisfied that this process is ongoing
1429 and that some resolution will be found. Mr. McCoy?

1430 **COUNCILPERSON McCOY:** Okay. Well, it's not that simple because I'm not
1431 even speaking from the collective bargaining standpoint. I have some questions about
1432 the policy itself. You know, I brought this up last week, and we chose to not finish the
1433 subject because of the time that passed. But Mr. Evans, I -- I'm -- I'm doing a side by
1434 side, but even before I get to that portion of the comparison, you know, I'm looking at the
1435 memo. And I don't understand. Like, it appears that we are now not only giving time and
1436 a half, but we're doing time and a half on top of regular base pay for employees who
1437 report to work and perform hurricane-related tasks, is what it says here. Received -- "In
1438 addition, employees will receive base pay as straight time." So, like, I -- I don't understand
1439 how -- how that's possible that we're not just paying time and a half, we're basically paying
1440 double. And I'm referring to the page 3 of the 44-page memo that you sent us. So is it -
1441 -

1442 **CITY MANAGER EVANS:** Which -- which 44-page memo 'cause I've sent you a
1443 couple of them.

1444 **COUNCILPERSON McCOY:** You sent it on the 27th.

1445 **CITY MANAGER EVANS:** Okay.

1446 **COUNCILPERSON McCOY:** And it says, "The pandemic pay policy was modeled
1447 after the long-standing FEMA-approved disaster pay policy." I -- and then number 4
1448 reads, "Full-time employees who work and perform hurricane-related tasks are
1449 compensated for all time worked at time and one half," period. In addition, employees
1450 receive bay pay as straight time." Can you clarify what that means? Because I don't
1451 know if that's the case here, but I'm trying to understand how was that portion relative to
1452 the pandemic pay policy now when you're referencing the hurricane-related task.

1453 **CITY MANAGER EVANS:** Miss Matumba, correct me if I'm wrong. It's the same
1454 -- it -- I think the wording is different, but it's the exact same model with regards to --

1455 **MS. MATUMBA:** It's a -- it's a similar model. Employees that are working -- and
1456 essentially for the 70 employees that we were talking about are only getting paid time and
1457 a half. No one should be getting paid time and a half plus their regular rate. That is how
1458 it is outlined in the disaster pay practices policy, that it was time and a half for actual hours
1459 worked plus their regular rate. That is not how it is, though, in the pandemic pay policy.
1460 It's only time and a half for actual hours worked.

1461 **COUNCILPERSON McCOY:** So it's referenced here -- am I not understanding
1462 something? Number 4, page 3, the April 27 -- well, it was received on April 27.

1463 **MS. MATUMBA:** I'm sorry. I'm not sure which document you're referring to.

1464 **COUNCILPERSON LANIER:** What -- what (unintelligible), Mr. -- Mr. --
1465 Councilman McCoy, what number are you talking about?

1466 **CHAIRPERSON BOTEL:** It's -- excuse me -- Miss Lanier, it's pandemic pay policy
1467 updates, April 27th, and he's talk about -- and -- and I'll read item number 4:

1468 "Full-time employees who report to work and perform hurricane-related tasks are
1469 compensated for all time worked at time and a half. In addition, employees receive base
1470 pay at straight time." And he wants clarification.

1471 **MS. MATUMBA:** That's for a hurricane.

1472 **COUNCILPERSON McCOY:** So if I -- if I'm -- if I'm clear, that -- all that pretty
1473 much means is double time.

1474 **CHAIRPERSON BOTEL:** I -- I think what Miss Matumba is trying to say, Mr.
1475 McCoy, is that this was -- she's referenced this in this memo because that was the
1476 hurricane policy. Am I right, Miss Matumba?

1477 **MS. MATUMBA:** That's correct.

1478 **CHAIRPERSON BOTEL:** Yes.

1479 **MS. MATUMBA:** That's the hurricane policy. That's not under the pandemic pay
1480 --

1481 **CHAIRPERSON BOTEL:** The pandemic pay policy.

1482 **COUNCILPERSON McCOY:** Okay.

1483 **MS. MATUMBA:** It's similar but that is where there's a difference.

1484 **COUNCILPERSON McCOY:** Okay. So this question I also have. So I was looking
1485 at the memo that you -- well, I guess the -- the pandemic pay -- I'm sorry, the disaster pay
1486 policy from 2005, both of them. And I think that's right around the time when we had all
1487 of those hurricanes. And my question is why is it that -- well, my first question is were we
1488 under a state of emergency during that time is why this is deferred to the manager?

1489 **MS. MATUMBA:** That, I cannot answer, sir. I was not here in 2005, and I don't
1490 feel comfortable providing an answer to that question.

1491 **COUNCILPERSON McCOY:** Okay. Well, perhaps I should ask this question. Mr.
1492 Evans, under what authority do you have the ability to create these policies?

1493 **CITY MANAGER EVANS:** It -- it was consistent with the actions and the policies
1494 that were adopted by previous administrators as city-wide policies, and I did have the
1495 conversation with Legal with regards to city-wide policies from an administrative
1496 standpoint, that that was in -- within the scope and responsibility of the administrator.

1497 **COUNCILPERSON McCOY:** And I'm -- and the conversation yielded then what?
1498 She said that you -- you do have the ability to do that?

1499 **CITY MANAGER EVANS:** That is correct, sir.

1500 **COUNCILPERSON LANIER:** Madam Chair?

1501 **COUNCILPERSON McCOY:** Okay. So --

1502 **COUNCILPERSON LANIER:** Madam --

1503 **COUNCILPERSON McCOY:** -- if -- if -- if we decide hypothetically that we don't
1504 believe that this policy is good for the city and we choose to take -- well, we choose to

1505 disagree, what -- how would we do that? Is that through a legislative action by making a
1506 motion and a vote?

1507 **COUNCILPERSON LANIER:** Yes. Yes.

1508 **COUNCILPERSON McCOY:** I'm asking the manager.

1509 **CITY MANAGER EVANS:** Yes, sir.

1510 **COUNCILPERSON McCOY:** Okay.

1511 **CITY MANAGER EVANS:** Yes, sir.

1512 **COUNCILPERSON McCOY:** Well, if that's true, how is it that in the same fashion,
1513 like I'm looking at the -- the list that you provided responsive to the public records request.
1514 You guys as administrators have no entitlement to this, correct, because this is outside
1515 of your contract, right?

1516 **CITY ATTORNEY WYNN:** The pandemic pay policy?

1517 **COUNCILPERSON McCOY:** Correct. Well, I'm speaking to Mr. Evans. And --

1518 **CITY ATTORNEY WYNN:** Okay.

1519 **COUNCILPERSON McCOY:** -- Mr. Evans' contract but, yeah, you could certainly
1520 ask -- answer that question if you -- if you know the answer, Miss Wynn?

1521 **CITY ATTORNEY WYNN:** Yes. For instance, my -- my contract says that, "The
1522 City shall provide Miss Wynn with all the benefits --"

1523 **COUNCILPERSON McCOY:** No. No. His. I'm speaking to his contract, because
1524 I haven't --

1525 **CITY ATTORNEY WYNN:** Oh, I'm sorry.

1526 **COUNCILPERSON McCOY:** -- looked at yours yet. But clearly I'm trying to
1527 understand how is that he can unilaterally basically exponentially, at the rate of, what I'm
1528 looking at \$60,000, give himself additional pay outside of his contract, and how is that
1529 okay? And under what authority?

1530 **CITY ATTORNEY WYNN:** I'm not sure. But I believe that that same provision
1531 that's in my contract is in Mr. Evans' contract. But I'd to get back to you on that.

1532 **COUNCILPERSON McCOY:** Mr. Evans?

1533 **CITY MANAGER EVANS:** I -- I'd have -- I don't have my employment contract in
1534 front of me.

1535 **COUNCILPERSON McCOY:** Okay. So --

1536 **COUNCILPERSON LANIER:** Madam Chair?

1537 **CHAIRPERSON BOTEL:** Mr. McCoy, would you yield to Miss Lanier?

1538 **COUNCILPERSON McCOY:** Yes.

1539 **CHAIRPERSON BOTEL:** Thank you. Miss Lanier.

1540 **COUNCILPERSON LANIER:** Mr. McCoy, do you know that we spent four, five,
1541 six days on Mr. Evans' contract, and everything that is a part of his contract, we should
1542 really know because we spent almost a week and a half on his contract to be able to bring
1543 it for a vote. That's the first thing. Number two, he is the city manager. He has the right
1544 to be able to enact policies for us to be able to say yea or nay. He cannot do anything --

1545 **COUNCILPERSON McCOY:** That's not what happened here. We didn't get a
1546 chance to say yea or nay.

1547 **COUNCILPERSON LANIER:** This is -- let me -- let me finish, Mr. -- let me finish
1548 now. He cannot do anything. He cannot do anything that we do not approve of. So you
1549 have to be clear --

1550 **COUNCILPERSON McCOY:** This is the case right here, Miss -- Miss -- Miss
1551 Lanier.

1552 **COUNCILPERSON LANIER:** Well -- well, tell me your case, Mr. McCoy. I -- I'm
1553 -- I'm not following. Just tell me what you mean.

1554 **COUNCILPERSON McCOY:** That -- that's exactly what I'm trying to ask if you
1555 can allow me to continue.

1556 **COUNCILPERSON LANIER:** Okay. Okay. Okay. Go ahead. Let me just
1557 (unintelligible).

1558 **COUNCILPERSON McCOY:** And you're right. We should know the contract, and
1559 I would defer to perhaps -- I don't -- Miss Miller-Anderson who actually was very much
1560 involved. But I'm actually looking at it. And I'm just understanding is this something that
1561 we should expect any time the manager determines, or was it the declaration of a state
1562 of emergency that gave him the ability to do this? Or like -- like, going forward --

1563 **COUNCILPERSON LANIER:** Yeah. It's a state of emergency, Mr. -- Mr. McCoy.

1564 **COUNCILPERSON McCOY:** Wait. Hold on, Miss Lanier. I would respectfully ask
1565 the manager to ask that question because that's just what I asked him a moment ago.
1566 And he deferred to saying Miss Wynn said that they can do that. And I don't understand

1567 how we can set a contract because if I tell you right now that we were to vote unanimously
1568 or by majority vote that we want to end this pandemic pay policy citywide, Mr. Evans nor
1569 Miss Dawn Wynn has any ability or recourse legally to come after the city, because it's
1570 not in their contract in the beginning. Am I correct, Miss Wynn?

1571 **COUNCILPERSON LANIER:** Now, say that again, Mr. McCoy. Say it again. Let
1572 me understand that.

1573 **COUNCILPERSON McCOY:** But -- but wait, let -- let me -- let me -- let me
1574 rephrase this question.

1575 **COUNCILPERSON LANIER:** Yes. Yeah. Yeah. Miss -- let me hear it again.

1576 **COUNCILPERSON McCOY:** Miss Wynn -- okay. Let me finish, Miss Lanier.

1577 **COUNCILPERSON LANIER:** No, no. I'm -- I'm -- I'm trying to understand you
1578 because I -- I'm following you but I can't really understand what you're saying.

1579 **COUNCILPERSON McCOY:** Okay. I'm going to say it slow. All right? I'm looking
1580 at Section 2 of the city manager's employment contract. And it's entitled Salary and
1581 Evaluation. And it goes on to say --

1582 **COUNCILPERSON LANIER:** Okay.

1583 **COUNCILPERSON McCOY:** -- his base salary is \$200,000.

1584 **COUNCILPERSON LANIER:** Okay.

1585 **COUNCILPERSON McCOY:** Letter B says, "The City agrees to increase said
1586 base salary and/or other benefits of the city manager in such amounts and to such extents
1587 as the city council may determine desirable on the basis of an annual performance
1588 evaluation of the city manager," period. "Such evaluation shall be in such form as the city
1589 -- city council deems appropriate using goals and objectives established by the city
1590 council and city manager within 60 days of the city manager's date of employment,"
1591 period. "Said goals and objectives to be amended by the parties as necessary," period.
1592 "An evaluation shall take place annually, measuring progress towards meeting the goals
1593 and objectives," period.

1594 Section C, "On or before May 1st, 2020, and thereafter annually, the city manager
1595 shall initiate the evaluation process on such approved goals and objectives from the
1596 applicable rating period by submitting to the council a self-appraisal of said performance
1597 -- previous performance. The appraisal shall address performance related to each of the
1598 goals and objectives agreed upon for said period's performance." Letter D, "Nothing in
1599 this section shall require the city to increase the base salary or other benefits of the city
1600 manager," period. "However, the city manager shall be entitled -- entitled to receive
1601 across the board, slash, cost of living increases that may be granted to the general

1602 employees from time to time," period. "Furthermore, the City's failure to conduct a
1603 scheduled evaluation cannot constitute noncompliance with a material provision on the
1604 part of the city manager." So that ends the salary section.

1605 So I'm going to restate my question: If we choose by majority vote to terminate
1606 the pandemic pay policy, does the city manager or the city attorney have any -- well, I
1607 can't speak to the city attorney 'cause I don't have her contract in front of me -- have any
1608 recourse against the city for -- for monies at this point that would be due under the
1609 pandemic pay policy that is not in the contract?

1610 **COUNCILPERSON LANIER:** But Mr. McCoy --

1611 **CHAIRPERSON BOTEL:** To whom are -- wait. Excuse me, Miss Lanier. To
1612 whom are you addressing that question, Mr. McCoy?

1613 **COUNCILPERSON McCOY:** Miss Wynn.

1614 **CHAIRPERSON BOTEL:** Okay.

1615 **COUNCILPERSON McCOY:** 'Cause clearly what -- what --

1616 **CHAIRPERSON BOTEL:** Miss Lanier -- Miss -- Miss --

1617 **COUNCILPERSON McCOY:** -- I'm not understanding is --

1618 **CHAIRPERSON BOTEL:** -- Wynn -- excuse me, Mr. McCoy. Miss Lanier, will
1619 you let --

1620 **COUNCILPERSON McCOY:** -- at the point --

1621 **CHAIRPERSON BOTEL:** -- will you let him finish that, please.

1622 **COUNCILPERSON LANIER:** No, no. Go -- no, he --

1623 **COUNCILPERSON McCOY:** Right. Because here -- here's my question.

1624 **COUNCILPERSON LANIER:** -- (unintelligible) --

1625 **COUNCILPERSON McCOY:** At any point does --

1626 **CHAIRPERSON BOTEL:** I'll call on you when (unintelligible).

1627 **COUNCILPERSON McCOY:** -- the city manager decide to --

1628 **COUNCILPERSON LANIER:** Okay.

1629 **COUNCILPERSON McCOY:** -- increase his -- his salary outside of what's inside
1630 of the written verbiage in the contract? Because clearly, when I'm seeing a spreadsheet
1631 of pandemic pay just shy of \$60,000 for less than two months. So my question is, is this
1632 something -- and Shirley Lanier -- Councilwoman Lanier, please, I want to make sure that
1633 I understand this from Mr. Evans and Miss Wynn, because I asked the question before
1634 and the answer was the city manager has the authority. So what you're saying to me,
1635 Miss Wynn and Mr. Evans, is he has the authority to arbitrarily and unilaterally decide
1636 when his salary increases under a pandemic pay or any other policy that he decides to
1637 adopt?

1638 **CITY ATTORNEY WYNN:** City manager has the -- has the authority to adopt
1639 policies for the good of the city. That's the first thing. If you all want to make a motion
1640 and vote to end the pandemic pay policy, the pandemic pay -- pay policy ends.

1641 **COUNCILPERSON McCOY:** Okay. But my question is, this proposal that I'm --
1642 I'm -- I'm suggesting to you right now, the pandemic pay proposal, is not called for in the
1643 manager's contract.

1644 **CITY ATTORNEY WYNN:** That's correct. Not specifically because it wasn't
1645 developed.

1646 **COUNCILPERSON McCOY:** Okay.

1647 **CITY ATTORNEY WYNN:** We didn't have a pandemic pay policy.

1648 **COUNCILPERSON McCOY:** Well -- well, any -- any disaster policy, for that
1649 matter. The 2005, if we rely on the 2005 disaster pay policy, would he be able to increase
1650 his salary based on the 200 5 disaster pay policy?

1651 **CITY ATTORNEY WYNN:** Yes, because Section D in his contract says that, "A
1652 city manager shall be entitled to receive across the board or cost-of-living increases that
1653 may be granted to general employees from time to time."

1654 **COUNCILPERSON McCOY:** But it's not (unintelligible) employee.

1655 **CITY ATTORNEY WYNN:** That would include the disaster pay policies. It is. It
1656 is.

1657 **COUNCILPERSON McCOY:** So -- but -- but -- but Miss Wynn, the general
1658 employees are those employees that are in -- a part of these collective bargaining
1659 agreements. Am I not correct? Because when you do across the board COLA increases,
1660 isn't that a part of the negotiation through SEIU and PF -- PFSMA [sic] and -- and IAFF
1661 and PBA?

1662 **CITY ATTORNEY WYNN:** Yes. Those are negotiated.

1663 **COUNCILPERSON McCOY:** Okay. So if you do that, if you do COLA --

1664 **CITY ATTORNEY WYNN:** And at that time -- generally what has happened in the
1665 past is that the manager would be granted the higher of whatever bargaining unit receives
1666 as a -- as an across-the-board living increase.

1667 **COUNCILPERSON McCOY:** I'm not speaking general. I'm speaking in regards
1668 to the contract, Miss Wynn. Because here -- here's the problem: If we let it go this time
1669 and we recover and everything goes back to normal, November of 2020, does the
1670 manager have the ability, and under what authority can we have this situation occur again
1671 where he's getting more than what the contract calls for? Under what circumstance, is
1672 what I'm asking. A declaration by the manager himself?

1673 **COUNCILPERSON LANIER:** Madam Chair?

1674 **CHAIRPERSON BOTEL:** Wait one minute (unintelligible).

1675 **CITY ATTORNEY WYNN:** I don't know what November 2020 -- what that
1676 reference is to.

1677 **COUNCILPERSON McCOY:** (Unintelligible) any -- any date in the future.

1678 **CITY ATTORNEY WYNN:** In the event we have a disaster, a hurricane, yes. The
1679 manager is covered.

1680 **COUNCILPERSON McCOY:** A natural disaster?

1681 **CITY ATTORNEY WYNN:** Under the disaster pay policy.

1682 **COUNCILPERSON McCOY:** So -- and he'll be entitled to that?

1683 **CITY ATTORNEY WYNN:** Yes.

1684 **COUNCILPERSON McCOY:** Even though that's not a cost-of-living increase?
1685 Because here -- here's what I'm saying: You can't do it for one and not do it for the other.
1686 So just like we draw a reference -- and I know I heard Miss Lanier and I also heard Mr.
1687 McLean refer to we're not in SEIU's bargaining right now. It's closed. And for that matter,
1688 we're not in the contract negotiation with the manager. So in the same fashion you can't
1689 tell employees who are bound by a contract under SEIU that their bargaining is closed,
1690 but we allow the manager, who also was under a contract, to be able to increase his
1691 salary. I don't want to just say increase it --

1692 **COUNCILPERSON LANIER:** But --

1693 **COUNCILPERSON McCOY:** -- increase it exponentially. Like, how did you -- I -
1694 - I don't understand how you can argue both cases. You can't.

1695 **COUNCILPERSON LANIER:** Mr. McCoy? Mr. --

1696 **COUNCILPERSON McCOY:** What --

1697 **COUNCILPERSON LANIER:** -- Councilman McCoy, can I just say one thing,
1698 please, sir?

1699 **CHAIRPERSON BOTEL:** One minute, Miss -- one minute, Miss Lanier. Mr.
1700 McCoy, are you -- are you about -- are you --

1701 **COUNCILPERSON McCOY:** I'm looking for an answer. Like, how -- how does
1702 that work? Like, you --

1703 **COUNCILPERSON LANIER:** Can I -- can I say one thing, Mr. McCoy?

1704 **CHAIRPERSON BOTEL:** I'm going to -- Mr. McCoy, I'm going to -- I'm going to -
1705 -

1706 **COUNCILPERSON LANIER:** Would you yield to me please, sir?

1707 **CHAIRPERSON BOTEL:** -- I'm going to recognize Miss Lanier. She has a
1708 question. Miss Lanier?

1709 **COUNCILPERSON LANIER:** I -- I'm -- I'm -- I think that I understand what you're
1710 saying, Councilman McCoy. I do. I really do. But we -- the -- the policy that the -- Mr.
1711 Evans and everybody else under -- considered to be executive staff, is under the state of
1712 emergency clause.

1713 **COUNCILPERSON McCOY:** That -- I asked that question first.

1714 **COUNCILPERSON LANIER:** So -- but -- but listen. But if we want to delete that,
1715 if we don't want to pay them that, we have to kill the state of emergency clause first. We
1716 have to kill the state of emergency --

1717 **COUNCILPERSON McCOY:** Wait. Wait, Miss Lanier. But that's -- Miss Lanier,
1718 that's not the answer I got from the manager. I asked under what authority. Mr. Evans,
1719 he referred to Miss Wynn and said he had a conversation with her and she agreed that it
1720 was within his purview. She didn't reference the state of an emergency. So that's what
1721 I'm saying --

1722 **COUNCILPERSON LANIER:** But the (unintelligible) -- right. The directors get it,
1723 you know, and all others get it.

1724 **COUNCILPERSON McCOY:** But Miss -- Miss Lanier --

1725 **COUNCILPERSON LANIER:** (Unintelligible) for the time worked over 40 hours.

1726 **COUNCILPERSON McCOY:** -- but the same is not (unintelligible).

1727 **CITY MANAGER EVANS:** Madam Chair, if I may.

1728 **COUNCILPERSON McCOY:** That's why I asked the question.

1729 **CHAIRPERSON BOTEL:** Excuse me. Mr. Evans.

1730 **CITY MANAGER EVANS:** It -- it -- it -- it's all under the -- it's all under the auspice
1731 of a pandemic. We're talking about a pandemic. We're currently in a pandemic. So the
1732 -- when the disaster pay policy is implemented, it's implemented when there's a disaster.
1733 Pandemic pay is for when there's a pandemic. So it's exclusive to those particular
1734 situations. If the -- if the city council had some concerns with regards to those policies,
1735 those are things that we can look to modify, change, adapt, you know, rewrite, etc.

1736 **COUNCILPERSON LANIER:** (Unintelligible).

1737 **CITY MANAGER EVANS:** The other side of it is --

1738 **COUNCILPERSON LANIER:** Suspend the policy.

1739 **CITY MANAGER EVANS:** -- we -- or suspend. And we have actually, based on
1740 the policy that was adopted in 2005 -- have received reimbursements from FEMA
1741 associated with that policy. And so we have --

1742 **COUNCILPERSON McCOY:** But it's not -- it's not the policy, Mr. Evans.

1743 **CHAIRPERSON BOTEL:** Mr. McCoy, can you let him finish, please, Mr. McCoy?

1744 **COUNCILPERSON McCOY:** I'm -- I'm trying to find out if you're going to answer
1745 the question.

1746 **CHAIRPERSON BOTEL:** Mr. McCoy.

1747 **COUNCILPERSON McCOY:** (Unintelligible) not a -- a -- a person that -- that -- I
1748 mean, we're -- we're city council members, and I'm trying to get some understanding like
1749 at what point can this happen again? Does it have to be a declaration --

1750 **CHAIRPERSON BOTEL:** Mr. Evans --

1751 **COUNCILPERSON McCOY:** -- of a state of emergency? Or is this something,
1752 Miss Wynn, that the manager can choose to do unilaterally? Just like I -- that's why I
1753 draw a reference back to 2005 to ask was this done during a state of emergency. Was
1754 the 2005 disaster policy, was that done by city council or was it done by administration?
1755 So, like, you're not going to sit here and tell me that we got two agreements. The manager
1756 can enjoy the benefits of the pandemic pay policy even though he's under a contractual

1757 agreement, but the SEIU members can't enjoy the benefits of pandemic pay policy
1758 because they're under an agreement. You have two similar things. And you know what?
1759 I don't really want to put -- and I'm not trying to put us in a situation of I gotcha. But like,
1760 I would like for us to be fair and consistent. And if it requires us to go back and revisit
1761 this, I think it's important. But you can't use this contract thing on one hand and not on
1762 the other.

1763 **CITY MANAGER EVANS:** Well, Mr. --

1764 **COUNCILPERSON McCOY:** And I'm still waiting on an answer. Under what
1765 authority?

1766 **CITY ATTORNEY WYNN:** The disaster pay policy was adopted in 2005, signed
1767 by Bill -- Bill Wilkins and Miss Perry, which leads me to believe that it did not go to city
1768 council. It was in 2000 -- October 21st, 2005, which was around the time of Hurricane
1769 Wilma. And what, a year or a couple years after Hurricanes Frances and Jean? So I
1770 would believe, not having been here then, that it was adopted pursuant to that. Just like
1771 the pandemic pay policy was adopted pursuant to this pandemic. Something -- something
1772 we've never seen before.

1773 **COUNCILPERSON McCOY:** Reclaim my time. So I -- I want to ask you --

1774 **COUNCILPERSON LANIER:** But the controlling policy --

1775 **COUNCILPERSON McCOY:** -- can -- can you go back and --

1776 **COUNCILPERSON LANIER:** -- is the pandemic policy.

1777 **COUNCILPERSON McCOY:** -- bring us something in writing that would explain
1778 the disparate treatment and what entitlement the manager has, not just in this situation,
1779 but going forward? Because literally, we're in South Florida. I think there was already a
1780 tropical disturbance, if I'm not mistaken, at -- that have come up on the radar. We're
1781 inevitably going to have storms and hurricanes. And I don't want to have a situation where
1782 I keep getting people to tell me the same exact thing, that the manager is enjoying a
1783 benefit, even though he's a contractual employee just like SEIU members and they're not
1784 being treated the same. That's just simple. I want that in writing to say that this is
1785 something that --

1786 **COUNCILPERSON LANIER:** So -- so what do you want, Mr. -- Councilman
1787 McCoy? So what -- what --

1788 **CHAIRPERSON BOTEL:** Wait, wait.

1789 **COUNCILPERSON McCOY:** -- the manager is doing --

1790 **CHAIRPERSON BOTEL:** Miss Lanier.

1791 **COUNCILPERSON LANIER:** Mr. McCoy?

1792 **CHAIRPERSON BOTEL:** Miss Lanier. Miss Lanier, wait a minute.

1793 **COUNCILPERSON McCOY:** -- (unintelligible) of the --

1794 **COUNCILPERSON LANIER:** So --

1795 **COUNCILPERSON McCOY:** -- (unintelligible).

1796 **CHAIRPERSON BOTEL:** Mr. McCoy, my understanding is that Mr. Evans is going
1797 to meet with all of the associated entities.

1798 **COUNCILPERSON McCOY:** No, no, no, no, no. No, no, no, no, no, no. No, no.
1799 I'm not talking about S -- we're not just discussing the -- the bargaining.

1800 **CHAIRPERSON BOTEL:** No. No, no, no, no, no. I'm not -- I'm not, either.

1801 **COUNCILPERSON McCOY:** I want (unintelligible) --

1802 **CHAIRPERSON BOTEL:** Okay. You're -- you're talking about --

1803 **COUNCILPERSON McCOY:** You've got two contracts, right?

1804 **CHAIRPERSON BOTEL:** You're talking -- you're talking about a disparity in
1805 treatment. And it's my understanding -- Mr. Evans, correct me if I'm wrong -- that you're
1806 going to address this disparate when you meet with these entities. Am I right?

1807 **COUNCILPERSON McCOY:** No. That's not what I'm asking for, Miss --

1808 **CHAIRPERSON BOTEL:** I'm not asking you, Mr. McCoy.

1809 **COUNCILPERSON McCOY:** They --

1810 **CITY MANAGER EVANS:** None of the things that --

1811 **COUNCILPERSON McCOY:** -- I -- I'm really just asking the question I haven't
1812 gotten the answer to.

1813 **CITY MANAGER EVANS:** -- I -- I -- I -- I think --

1814 **COUNCILPERSON McCOY:** And you're just trying to manipulate what I'm asking.
1815 And I think you're absolutely --

1816 **CHAIRPERSON BOTEL:** I'm not manipulating you, Mr. McCoy.

1817 **COUNCILPERSON McCOY:** Yes. Okay.

1818 **CHAIRPERSON BOTEL:** I'm trying to get an answer from Mr. Evans now and so
1819 are you. Mr. Evans?

1820 **COUNCILPERSON McCOY:** Well -- well, clearly Miss Wynn is probably the
1821 person that's going to be best suited to answer this question. I want an explanation in
1822 writing how Mr. Evans can enjoy the benefits of the -- of the pandemic pay policy as a
1823 contractual employee, but the other contractual employees don't have that ability to do it.
1824 And under what circumstances.

1825 **COUNCILPERSON LANIER:** Mr. -- Mr. McCoy, the -- the --

1826 **COUNCILPERSON McCOY:** Is it a -- the -- the disaster --

1827 **COUNCILPERSON LANIER:** -- the city manager has the authority --

1828 **COUNCILPERSON McCOY:** -- the declaration of the state of emergency --

1829 **COUNCILPERSON LANIER:** -- under the pandemic pay policy.

1830 **CHAIRPERSON BOTEL:** Okay. Let -- let -- let's -- let's let Miss -- Miss Wynn
1831 answer that.

1832 **COUNCILPERSON McCOY:** Hell, I've been asking for 20 minutes.

1833 **CITY ATTORNEY WYNN:** Oh, that's -- that's going to take some research. I'm --
1834 I was trying to get some clarification on the question, and I believe it's what entitlement
1835 does the manager have to enjoy benefits of the pandemic pay policy as a contractual
1836 employee when other contractual employees -- and by that you mean bargaining
1837 members don't have, correct?

1838 **COUNCILPERSON McCOY:** Yes. And -- and -- and I -- I want to make sure,
1839 because first it was stated by Mr. Evans that he consulted with you, and you guys
1840 determined that it was something that was within his discretion as the manager. Which
1841 brings up a completely other separate conflict of interest concern that I have, but I just
1842 want to first resolve -- is it the discretion of the manager? Is it the state of emergency?
1843 Is it a disaster? Like, what exactly is it? Because I gave you the date of November 2020
1844 just for example purposes. If we say November 2023 or August/November 2023, does -
1845 - this something that we can expect that people are going to knock on our personal doors
1846 at home to tell us about the manager getting a benefit under -- as a contractual employee
1847 that's not enjoyed by everybody else? Is that something that I guess we establish what
1848 I'm asking for, Miss Wynn?

1849 **CITY ATTORNEY WYNN:** Yes. I understand the question.

1850 **COUNCILPERSON McCOY:** Okay. That's all I have. Thank you, Madam Chair.
1851 I yield back.

1852 **CHAIRPERSON BOTEL:** Thank you. It is 7:13 p.m. We have one other item on
1853 this agenda. I have been informed that Mr. Scott Evans is very ill. He was ill earlier in
1854 the day. He thought he was better but he's not. He's not feeling well at all, so Miss
1855 Jenkins is going to take that meeting for him. But I'm wondering if it is the will of the
1856 council to put this second item -- to deal with it now or to have our CRA meeting and then
1857 deal with it after. Can I hear some feedback from folks about what -- how they want to
1858 deal with this, the fact that it's 7:14 and our CRA meeting was supposed to start 14
1859 minutes ago. Let's start with --

1860 **JACK McLEAN:** Madam Chair? Madam Chair?

1861 **CHAIRPERSON BOTEL:** Who's speaking?

1862 **JACK McLEAN:** This is Jack McLean. Do I have permission to --

1863 **CHAIRPERSON BOTEL:** Oh.

1864 **JACK McLEAN:** -- to leave the meeting now?

1865 **CHAIRPERSON BOTEL:** Please do, Mr. McLean. Thank you. And thank you,
1866 Mr. Brennan, for your attendance.

1867 **JACK McLEAN:** Thank you. Thank you.

1868 **CHAIRPERSON BOTEL:** And thank you, I guess, Miss Matumba can leave, as
1869 well. Shall we address the second item on this agenda, which is -- I'll read it for you
1870 edification. "Transition from a local state of emergency provided, etc., etc., and Sections
1871 15 to the Riviera Beach Code of Ordinances to recovery." Should we address that item
1872 now?

1873 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

1874 **CHAIRPERSON BOTEL:** Yes, Miss Miller-Anderson.

1875 **COUNCILPERSON MILLER-ANDERSON:** I don't -- maybe with Mr. Lawson,
1876 since it's his item -- I mean, I don't know what -- what is it about? What were we -- what
1877 are you wanting us to do with it tonight? What are we supposed to be talking about? So
1878 I can't really should we address it tonight or not.

1879 **CHAIRPERSON BOTEL:** And Miss Anthony --

1880 **PRO TEM LAWSON:** Thank you. I --

1881 **CHAIRPERSON BOTEL:** Mr. Lawson, could I just see what Madam Clerk has to
1882 say? Madam Clerk?

1883 **CITY CLERK ANTHONY:** Madam Chair, don't forget you still have the public
1884 comments section.

1885 **CHAIRPERSON BOTEL:** Yes. Okay. Thank you. Mr. Lawson?

1886 **PRO TEM LAWSON:** Thank you, Madam Chair. This topic item was to discuss
1887 us going into phase one, being that Palm Beach has decided to move into phase one,
1888 and what does our transition look like. What is the transition from our state of emergency
1889 into regular operations. Moving into what can be some type of normalcy, what steps are
1890 we going to take at the city.

1891 From my understanding is Dr. Botel went to the council -- went to the county
1892 meeting and advised on direction of opening our beaches. Yet this wasn't a discussion
1893 that we had as a council at the meeting on Wednesday. So I want to make sure that we
1894 as -- we as a council have the discussions prior to us making decisions and we know
1895 exactly what's going on, and that we also understand what transition from our state of
1896 emergency into some type of normalcy is going to look like time frame wise. How long
1897 are we going to continue to pay our employees and they're sitting at home? Are we going
1898 to provide some type of -- some type of at-home material? Are we going to give them
1899 laptops? Are we going to continue to operate that function? Are we going to open our
1900 beaches in the facet of -- on May 18th or are we going to continue to hold them closed?
1901 What are going to be some of the steps that we're taking as a city so that council can be
1902 aware. 'Cause I was not aware that Dr. Botel was speaking at the county meeting until I
1903 saw her on TV.

1904 **CHAIRPERSON BOTEL:** Let me say, Mr. Lawson, thank you for reminding me
1905 that I was there. I spoke not in -- not on -- at the request of council. I made it clear that I
1906 was not there not representing Riviera Beach City Council. As a matter of fact, one of the
1907 county commissioners asked me if I was there on behalf of city council and I told him no,
1908 we did not have a vote for me to be there. I was there simply as -- well, I'm a councilperson
1909 but not representing --

1910 **PRO TEM LAWSON:** For -- for --

1911 **CHAIRPERSON BOTEL:** -- not representing the city.

1912 **PRO TEM LAWSON:** For clarity, Madam Chair, you said that you were there on
1913 behalf of our city manager.

1914 **CHAIRPERSON BOTEL:** I said the city manager asked me to be there. Yeah,
1915 he did. He -- he talk -- told me about it.

1916 **PRO TEM LAWSON:** Who -- who -- who works for the council. So from
1917 understanding that you went and --

1918 **CHAIRPERSON BOTEL:** I -- I -- I -- no, no, no, no, no, no.

1919 **PRO TEM LAWSON:** Madam Chair.

1920 **CHAIRPERSON BOTEL:** Mr. -- Mr. Lawson, let me make it clear. I was asked
1921 pointedly whether or not I was representing council. I said no. The -- they -- I was asked
1922 if council had a vote -- had voted to approve of my comments and I said no. So it was
1923 very clear and you can go back and look at the tape if you like. I -- I was not represent
1924 council at that meeting. But that's neither here or there.

1925 **PRO TEM LAWSON:** So I -- I --

1926 **CHAIRPERSON BOTEL:** Is it your desire --

1927 **PRO TEM LAWSON:** -- I --

1928 **CHAIRPERSON BOTEL:** -- let -- let's move on to the question at hand. Is it your
1929 desire --

1930 **PRO TEM LAWSON:** Madam Chair, I --

1931 **CHAIRPERSON BOTEL:** -- that we -- is it --

1932 **PRO TEM LAWSON:** Madam Chair, I'm sorry. I would like --

1933 **CHAIRPERSON BOTEL:** -- your desire that we -- that we have --

1934 **PRO TEM LAWSON:** I would not like to move on. It's not neither here nor there.
1935 When you spoke at the meeting you were specific that you were there on behalf of the
1936 city manager, not be on the council. They were specific in asking you if you had taken a
1937 vote, and you said no, that the city manager asked you to go. So what I'm telling you now
1938 is that we want to have some understanding and transparency with what we're doing as
1939 a council because on Wednesday we had the discussions where we could have
1940 discussed opening these beaches, which I'm adamantly against.

1941 So now as your colleague I want to have these discussions and continue to move
1942 forward prior to decisions being made behind closed doors. So now in the general public
1943 we can have these discussions to talk about what we can do moving forward, 'cause I
1944 want to understand what the transition looks like going from a state of emergency in to
1945 the actual road to recovery.

1946 **CHAIRPERSON BOTEL:** Mr. --

1947 **PRO TEM LAWSON:** So now I do not -- Madam Chair, I'm going to continue.

1948 **CHAIRPERSON BOTEL:** Go ahead.

1949 **PRO TEM LAWSON:** I do not --

1950 **CHAIRPERSON BOTEL:** Yeah. Go ahead.

1951 **PRO TEM LAWSON:** I do not appreciate watching a council -- a county meeting
1952 and seeing a -- a point being taken that you are representing the Singer Island, which is
1953 a part of the city, on behalf of a council that has not taken a vote, nor are you telling me
1954 that you represented the council, yet you've said that our city manager sent you who
1955 works for this council. So these are my concerns that I want us to address so we can be
1956 on the same page. So, yes, I would like have this discussion tonight. I don't care how
1957 long it takes.

1958 **CHAIRPERSON BOTEL:** Okay.

1959 **COUNCILPERSON LANIER:** Yes. Let's move on with that discussion. Number
1960 2.

1961 **CHAIRPERSON BOTEL:** All right. Okay. Fine. And I, again, make it clear that
1962 it was very clear, and there was no -- there was no behind-closed-doors meetings. I take
1963 exception to the fact that there -- it was an intimation that there was some kind of a closed-
1964 door meeting. There were no closed-door meetings. I presented what my constituents
1965 on Singer Island feel very strongly about, and that is that the beaches open. And so I --

1966 **PRO TEM LAWSON:** Madam Chair, they are our constituents.

1967 **CHAIRPERSON BOTEL:** -- was there -- excuse me. Excuse me. I -- I'd like --

1968 **PRO TEM LAWSON:** They are -- they are the city's constituents.

1969 **CHAIRPERSON BOTEL:** -- I'd like to finish --

1970 **PRO TEM LAWSON:** Please.

1971 **CHAIRPERSON BOTEL:** -- Mr. Lawson. I let you finish. I was there representing
1972 the constituents on Singer Island who feel very strongly that the beaches should be open.
1973 And I'm -- I think it's appropriate that we have that conversation now. So shall we allow -
1974 - do you want to -- you -- you've already made a statement, Mr. Lawson, as to how you
1975 feel about that. How would you like to proceed with the rest of this conversation? It's
1976 your -- it's your agenda item.

1977 **PRO TEM LAWSON:** I've asked Mr. Evans to provide some type of updates for
1978 us in regards to what we're going to do, transitioning from state of emergency, so that we
1979 can have a time frame of what we're going to do to transition out of state of emergency
1980 into normalcy within the council, if we're going to be opening the beaching on May -- on
1981 the 18th, coming Monday. What's going to be the steps and process that are being put in
1982 place and what are going to be the operations that we do for our local businesses.

1983 **CHAIRPERSON BOTEL:** Thank you. Miss -- Madam Clerk, do we have public
1984 comment?

1985 **CITY CLERK ANTHONY:** Yes, Mr. Chairman. The acceptance of public
1986 comments on this particular item is now closed.

1987 **CHAIRPERSON BOTEL:** Thank you.

1988 **CITY CLERK ANTHONY:** Are we going to proceed with public comments at this
1989 time?

1990 **CHAIRPERSON BOTEL:** Yes, please.

1991 **CITY CLERK ANTHONY:** Okay. Miss Hall?

1992 **STAFF ASST. HALL:** Okay. The first public comment comes from the e-mail
1993 Mega Sun Dog: "Municipal beach parking should be available to Riviera Beach residents
1994 only. Other cities have followed this policy. Riviera Beach, should you access to parking
1995 as a way to manage the crowds on the beach." The next public comment comes from
1996 Nicole Hirsowitz: "To whom it may concern, I am happy the beaches will be open but
1997 worries a lot of people from all over will be coming to our beach. Will there be ID checks
1998 to ensure that there is not people from Miami or Fort Lauderdale coming in? I'm worried
1999 for the beaches to be crowded, and then you'll close it again due to people making poor
2000 choices."

2001 The next comment comes from Marina Shootman [phonetic]: "Hello. My name is
2002 Marina Shootman. My fiancé and I live on the Singer Island in a condo on the beach.
2003 Since mid March we have not been able to use our private beach due to COVID-19
2004 restrictions. It's incredibly frustrating when you pass Water Glades Condo going north
2005 and you see 25 to 30 cars parked of people who do not live on Singer Island going fishing,
2006 kayaking and paddle-boarding. We have complied and refrained from breaking the beach
2007 restrictions. Although the private beach is an excellent way for the residents in my
2008 building to social distance, we abided and waited for the beach to open up. The beach is
2009 our back yard. We pay taxes on this property. I urge you to follow the beaches to reopen
2010 on Singer Island (unintelligible). This closure has gone on long enough. It's
2011 disheartening as a taxpaying resident who just wants to social distance in her backyard
2012 and can't without fear of breaking the law for doing so. Thank you for your time."

2013 The next public comment comes from Ray Lowe: "Dear council members, I am in
2014 favor of opening our public and private beaches. I know you are aware of the science
2015 regarding sunlight and the virus so I'm going to suggest a practical and safe way of
2016 opening our beaches. Social distancing should be required and can be enforced by our
2017 police and lifeguards on the public beach. This can be accomplished by restricting
2018 parking for the public beach much as it is now -- (skip in recording) -- (unintelligible) with
2019 chairs and cabanas placed at lease six feet apart. However, police patrol should provide
2020 further incentive to maintain social distancing. I think we can trust our neighbors to follow

2021 these simple guidelines and refrain from what we've seen at other beaches. Thank you
2022 for your -- for the time to hear me out and hopefully you will reopen the beaches under
2023 these restrictions."

2024 The next public comment comes from Lori Everett: "As a resident of Singer Island,
2025 I believe we are sensible enough to use your own beaches responsibly. We can maintain
2026 social distancing while enjoying the sun, surf and fresh air that provides a healthy
2027 environment for us all. Many of us have been cooped up in our homes for eight plus
2028 weeks, and this will give us an opportunity to be outside while still practicing effective
2029 measures to keep everyone safe. The private beaches never get crowded so distancing
2030 outside of the condos is not an issue. I don't know if it is feasible to open those while
2031 keeping the public beaches closed, but that is one option. People that come to visit our
2032 beaches tend not to be responsible. I'm not looking to deprive others, but if that is the
2033 only way to allow those of us that pay a premium to live here to utilize those resources,
2034 then I don't know if there would be a need for masks on the beach. I haven't seen the
2035 research for that. It will likely be harder to enforce. Someone can drive by and see if
2036 social distancing is taking place. It will be more time-consuming for masks and you may
2037 have more push-back. In short, it is overall beneficial for our community to have the
2038 Singer Island beaches open."

2039 The next comment comes from Lance King: "I believe that if you open the beaches
2040 to everyone, then too many people will show up and not follow social distancing guidelines
2041 as proven by other beaches around the country. I recommend that you do this in phases.
2042 I don't know where we currently are, but this is how I think it should be done: Number
2043 one, open only the private beaches for two weeks. Number two, if everyone is following
2044 the guidelines, then open the public beaches for two weeks but do not open parking lots:
2045 Riviera Beach Mall area, Ocean Reef Park, MacArthur Park, Phil Foster Park, etc. People
2046 who can walk or bike to the beach in those parks can go, but there will be no automobile
2047 traffic. Number three, if everyone is following the guidelines then open half of the park's
2048 parking lots for two weeks. And number four, if everyone is following the guidelines, then
2049 open the rest of the park parking lot. If at any time the city sees that people are
2050 overwhelmingly not following social distancing guidelines, then back up a step for two
2051 weeks. Let law enforcement help decide if we need to take a step back. This way it really
2052 is up to the people to decide what happens. If everyone follows guidelines, then we move
2053 forward. If not, then we back up to make people learn that this is serious. Also please
2054 be sure to post at the beaches what guidelines people should follow, how far apart should
2055 people be, how big a crowd is allowed, will masks be required, etc. Thank you for your
2056 time reviewing my suggestion." The next comment comes from -- looks like a business.
2057 It's DAS Craft Beer Pizza: "Like so many businesses nationwide, the restaurants at
2058 Ocean Walk on Singer Island have been devastated by mandatory shutdowns and
2059 occupancy limitations put in place during the COVID-19 pandemic. The initial reopening
2060 seating limits have been placed at 25 percent with outside seating guidelines that require
2061 far greater normal space to satisfy social distancing requirements. Please allow all the
2062 restaurants at Ocean Walk to utilize the 2400 through 2600 blocks of N. Ocean Avenue
2063 for outside seating on weekends from 4 p.m. to 10 p.m., Friday, Saturday and Sunday

2064 evenings, as well as Monday, June 1st. This will be accomplished by closing N. Ocean
2065 Avenue in the evenings but accommodating beach-goers by keeping the N. Ocean
2066 Avenue parking area open during the day. We would like to begin this on Friday, May
2067 15th, and continue until the social distancing guidelines can be reduced. Restaurants
2068 would provide their own tablets [sic] and chairs. Spacing between tables would allow the
2069 six-foot minimum requirement, and no parties of more than 10 people can be seated at
2070 the same table. Restaurants would allow all patrons of Ocean Walk to utilize their indoor
2071 restaurant facilities and be responsible for trash collection and disposal. This is not
2072 intended to be a block party of any sort, but merely an outdoor seating area for friends
2073 and family to safely enjoy a dinner out. Without something like this open-air dining that
2074 allows restaurants to seat more customers, it will be very difficult to generate the revenue
2075 needed to survive."

2076 The next comment comes from Chris Zedwick [phonetic]: "Dear City Clerk, I would
2077 like to have the attached letter read during the comments. And it reads, Members of
2078 Riviera Beach City Council, I ask -- I beg you to reopen the Riviera Beach beaches.
2079 County officials made a motion to reopen beaches to Palm Beach County residences and
2080 left it up to each municipality to -- to decide when to open. I would strongly encourage
2081 you to follow their decision and open the Riviera Beach beaches on May 18th and adopt
2082 the temporary order limiting access to Palm Beach residents only. Your order, if you
2083 choose to adopt one, may want to be limited in time frame until the Broward County
2084 beaches open. Basically you have one area to patrol: the Ocean Walk Beach access.
2085 Palm Beach County has control over access to Phil Foster and Ocean Breeze Park as it
2086 is their jurisdiction and it's their order. They are only allowing access to Palm Beach
2087 County residents. I don't think there will be a crowd control problem during the week;
2088 however, there will be a problem on the weekends until Dade and Broward Counties move
2089 to phase one which we are currently in. I would suggest a similar setup to patrol the
2090 beach access with the police as when I received a free mask at Ocean Walk. Thank you
2091 for that. Have a checkpoint for identification at the entrance of Ocean Walk, and if
2092 someone is going to shop or eat at a restaurant, direct them to designated parking areas.
2093 Also tell them there will be a second checkpoint at the beach entrance near the water
2094 fountain to enter the beach. There are a few police cars at the beach now restricting
2095 beach access. Rather than restricting access, these officers could check ID and allow
2096 Palm Beach County residents only. The beach is open air. UV light is much safer than
2097 the Publix deli or Costco check-out/check-in line. We need this. Our child, besides riding
2098 her bike around the block, has not left the house in two months. We need sunlight, natural
2099 vitamin D -- vitamin D and a sense of normalcy in an outdoor space."

2100 The next public comment comes from John Miller: "City Manager, Mayor and City
2101 Council, I'm John Miller, 1290 Manor Drive. Please strongly consider supplementing our
2102 first responders' compensation during this pandemic. Our police, fire and rescue are out
2103 front 24/7 protecting and serving our citizens of Riviera Beach. I'm not knocking the
2104 approved manager's salary increase, but no one is more -- more worthy of a hazard
2105 increase than all of our first responders. The previous mention possible 5 percent
2106 increase for this group is totally inadequate, especially in light of time and -- time and a

2107 half pay for all managers. I do understand our managers are out there daily helping our
2108 citizens, but in closing, no one is out front with the public more than all that protect and
2109 serve."

2110 The next public comment comes from Ann Ferondo [phonetic]: "To the council, I
2111 understand your hesitance -- hesitancy about opening the municipal beaches due to
2112 congestion concerns and rightly so. However, I'm confident that your team will work out
2113 the logistics, especially if you limit the beach-goers to Palm Beach Residents only until all
2114 beaches south of us are open. Most everyone is programmed to some degree to social
2115 distance at this point, so I'm sure the public will understand the need to do so. My concern
2116 as a condo owner on Singer Island for the last 15 years is the closure of the beach in our
2117 own back yards. Associating our -- associating our private access beach and the
2118 municipal beach just doesn't make sense. It's like comparing the public park to a back
2119 yard. Yes, anyone has the right to walk on the beach but if they don't have access, then
2120 there won't be crowds. The area of the island that we live on is heavily guarded and
2121 secure with no public access. We can only get on our beach -- we can only get on our
2122 beach with a coded locked gate. There's no way the beach in our own back yard will ever
2123 be a danger to us. There is never any congestion or crowds ever. I have never seen
2124 more than a handful of people sitting on the beach, even in the peak of season. It's
2125 essentially deserted. It's ludicrous to heavily police this area as they are now doing. We
2126 don't have crowds; therefore, there is no concern for the spreading of the coronavirus.
2127 That is the problem, isn't it? Crowds? I don't have a problem with police patrolling to
2128 make sure there is appropriate social distancing. But to threaten us while we are sitting
2129 alone with a fine or court order makes no sense. The beach is healthy -- is a healthy
2130 environment for mind, body and spirit. Everyone knows this. Please, I implore the council
2131 to use common sense when considering taking away our freedom to use our back yard.
2132 We pay a lot of taxes for the privilege of living on the beach. If for some reason the
2133 municipal beaches need to remain closed, continue to -- to patrol the private access
2134 beaches, but just to observe social distancing, not to arrest us for no good reason."

2135 The next public comment comes from Marianne Storad [phonetic]: "Hello. My
2136 husband and I live on Singer Island. We are full-time residents that have lived here for
2137 five years. One of the reasons we moved was the right on the beach -- to be right on the
2138 beach, and we pay for the privilege of our semi-private beach. I believe that the public
2139 beaches need to remain closed, and the parking lots should be blocked off to discourage
2140 crowding. If people insist on ignoring social distancing, they should be fined. We need
2141 to discourage overcrowding. People should show proof via official ID, not a utility bill that
2142 some out-of-state resident can easily show since they reside in two places. This will only
2143 encourage people from hot spots to come down here and infect the rest of us. I have
2144 already seen the behavior of ignoring the quarantine. Our -- our BOD [phonetic] had to
2145 call the police two times on such people. I can only imagine if the pool and beach was
2146 opened. Please open private beaches and enforce the rules. I hope this makes sense."

2147 And the final public comment comes from J.B. Dixson, and it reads, "Just four days
2148 from now, on Monday, May 18th, the Palm Beach County -- Palm Beach County plans to

2149 open its beaches again in Riviera Beach that includes our own municipal beach on Singer
2150 Island plus the county beaches of Phil Foster Park on the mainland and Ocean Reef Park.
2151 The John MacArthur Park on Singer Island will also open on the same day. With four
2152 waterfront and oceanfront parks within our very small city, I'm very concerned about the
2153 very real possibility that overwhelming crowds of people who are not residents of our city
2154 or county will descend on us from other cities and counties whose beaches remain closed.
2155 This has already happened north of here in Martin County where its beach opened to
2156 such uncontrollable crowds that they had to close the beach again to everyone except
2157 their own residents.

2158 "Another example of this happening is in Naples on the other side of the state.
2159 Naples reopened its beach and then had to close it down again because of horrendous
2160 crowds that did not observe safety measures. As a resident of Singer Island myself, I can
2161 tell you that the majority of Singer Island residents want our island beaches closed to all
2162 but to people who actually reside in Palm Beach County. Our roads are too narrow and
2163 our parking capacity too limited to accommodate people from neighboring counties who
2164 are rushed to our shores because their own beaches remain closed. The residents of
2165 city -- Singer Island remember all too well a recent 4th of July weekend when they could
2166 not even reach their own homes because of traffic jams that clogged our bridges and
2167 roads, not to mention cars parked illegally everywhere, often unsafely, on private
2168 property, on swales, even in private parking lots. Police and sheriffs were outnumbered
2169 and could not control the situation. Please make sure that that problem does not occur
2170 again this coming Monday. Make a policy and publicize it widely that only Palm Beach
2171 County residents will be allowed admission to our beaches. Then use our police and our
2172 city employees to check identification before allowing cars to enter Phil Foster Park on
2173 the mainland or across Blue Heron Bridge and the Burnt Bridge on Monday and days
2174 thereafter if necessary." That concludes public comment, Madam Chair.

2175 **CHAIRPERSON BOTEL:** Thank you, Madam Clerk. Miss -- (skip in recording) -
2176 -

2177 **CITY MANAGER EVANS:** -- in the area of the beach. We know the mean high
2178 water line is, you know, the state property, and then we have municipal -- our municipal
2179 beach. To your point, one of the things that we have been adamantly opposed to is
2180 differentiating the difference between public and private beaches. Some communities
2181 have allowed for access to private beaches, but that's something that, from a policy
2182 perspective and an equity perspective, we did not agree with.

2183 And so when the order came out we made it abundantly clear that all beaches are
2184 beaches. And so we have taken that stance and remain to -- to stay on that particular
2185 point. If we're going to open the beaches, it will be accessible to all residents of the
2186 community. But you do have some condos that have property lines that actually encroach
2187 on the sand area. In some cases there may even be some that get close to that high tide
2188 line, as well.

2189 **PRO TEM LAWSON:** Okay. So I guess just for clarity purposes, essentially the
2190 beach, there's no private beach on the island except for the line that is immediately
2191 adjacent to the condos and the hotels. Yet the actual shoreline and water line is not
2192 private. So it would be all public and state?

2193 **CITY MANAGER EVANS:** They're -- they're -- it -- it would be -- those are waters
2194 and properties of the state once you get into the wet sandy areas, yes. And -- and some
2195 cases you do have -- and I would have to look at a survey. You may have situations
2196 where people do own or their condos do own out into the water. But if there's customary
2197 public use or access that has been provided for, then it's accessible to the general public,
2198 etc.

2199 **PRO TEM LAWSON:** Okay. And --

2200 **CHAIRPERSON BOTEL:** Mr. -- Mr. Lawson, I will just add that there are, however,
2201 many people on the island who have the firm belief, in fact, who have threatened to take
2202 us to court over this --

2203 **PRO TEM LAWSON:** (Unintelligible).

2204 **CHAIRPERSON BOTEL:** -- that -- that their -- that the private beaches are their
2205 back yards and so, therefore, they should be allowed to use them as anybody would their
2206 own back yard. So I'm just -- just to clarify that we may consider that -- you know, we
2207 may consider as a -- as a city that the beaches are the beaches. But those people who
2208 live on the island, who have access -- for example, let -- let me give you an example. The
2209 Marriott, let's say. The Marriott up there, the resort Marriott, the large one. They have
2210 chairs that are out there, and they would -- they feel that they have a lot of control over
2211 what happens in that area. They feel that that's their private area and so they want to be
2212 sure that we honor that. Just -- just -- I'm not saying that -- you know, I'm just telling you
2213 that's their -- that's their feeling. So that's where you get the --

2214 **PRO TEM LAWSON:** Okay.

2215 **CHAIRPERSON BOTEL:** -- distinction between public and the private.

2216 **PRO TEM LAWSON:** Right. And that's -- I just wanted to make sure that we had
2217 clarity, because there's also residents that don't live on Singer Island that believe none of
2218 the beaches are private. So --

2219 **CHAIRPERSON BOTEL:** Right. Right.

2220 **PRO TEM LAWSON:** -- I just want to make sure that all residents have clarity
2221 across the board that there's no privatized beaches anywhere. There's certain -- up to a
2222 certain point on the actual back yard is actually owned by the private owners. But the
2223 actual beach and the beach line is state property and municipal. So I want all of our
2224 residents --

2225 **CHAIRPERSON BOTEL:** We --

2226 **PRO TEM LAWSON:** Go ahead, Madam Chair.

2227 **CHAIRPERSON BOTEL:** -- we differentiate between the wet sand -- typically the
2228 mean high water line is the area demarcates the public area. So no one can ever, ever
2229 stop you from walking along what we think of as the wet sand area, because that's the
2230 line that demarcates the mean high water line.

2231 **PRO TEM LAWSON:** Right.

2232 **CHAIRPERSON BOTEL:** Right.

2233 **PRO TEM LAWSON:** Right. And then also, Mr. Evans, second question before
2234 you actually present, 'cause I do believe you have some things you want to review. Are
2235 we able to limit access for residents or for citizens that do not live in Palm Beach County?
2236 'Cause I know that a lot of people have made the point to limit any individuals that aren't
2237 from Palm Beach County. Can we limit that access to our beaches?

2238 **CITY MANAGER EVANS:** No, you cannot.

2239 **PRO TEM LAWSON:** Okay.

2240 **CITY MANAGER EVANS:** Because of the situation where the city and probably
2241 most government entities here in Palm Beach Counties has -- has received monies from
2242 the state or federal government for renourishment purposes and so once you collect those
2243 --

2244 **PRO TEM LAWSON:** Uh-huh.

2245 **CITY MANAGER EVANS:** -- monies, that means that effectively you have to allow
2246 for anyone to access the beach, in addition to one of the concerns and -- and the County
2247 has already opined on it as far as their legal counsel.

2248 **PRO TEM LAWSON:** Right.

2249 **CITY MANAGER EVANS:** That says that they cannot put in place the language
2250 that Martin County put in place, but that -- that language Martin County put in place is
2251 under challenge right now, I think, by --

2252 **PRO TEM LAWSON:** Right.

2253 **CITY MANAGER EVANS:** -- by two individuals. So you -- you have that, and then
2254 plus you have your constitutional right, unlawful search and seizure if you challenge
2255 people without probable cause and those types of things. So that's a major concern, and
2256 that's something that we would like for our residents to utilize the beaches exclusively,

2257 but we can't conceivably be able to police that all and tell folks that, you -- you know, you
2258 need to turn around and go back to your vehicle if you don't live in Palm Beach or Riviera
2259 Beach.

2260 **PRO TEM LAWSON:** Right. So now to your -- to your point, Madam Chair, this
2261 was not my statements or comments to say that there was a cynical plot to have any
2262 discussions behind closed doors, is the terms we use. What I meant by saying with that
2263 is that it was not discussed at the meeting, at the meeting that we had on Wednesday.
2264 And my opinion about this is that if we don't have a process in place and phases that
2265 we're going to open our beaches, if we limit our access or find out all the points, then I
2266 cannot support a claim to say, Hey, let's open our beaches, on the 18th when Mr. Evans
2267 and his staff have done such an amazing job with providing P -- with providing masks to
2268 our community. We're providing testing to our community. We're keeping our numbers
2269 the lowest in Palm Beach County. I do not want to see an outbreak here in our community
2270 because we opened our beaches, and something similar in Naples happens where we're
2271 calling an emergency meeting to shut it back down. So I want to make sure that we have
2272 a plan in place that we know what's going on so that we can all be on the same page with
2273 moving forward with the beaches. And it was not a slight at you, Madam Chair. So I do
2274 apologize if that's how you took it.

2275 **CHAIRPERSON BOTEL:** Thank you, Mr. Lawson. I appreciate that. I sincerely
2276 do. I think we should allow Mr. Evans to express his opinions. I know that he does have
2277 some plans in place. I, too, would not want to put any of our citizens in danger in any
2278 way. I -- I feel strongly that we should open the beaches but absolutely, if we have the
2279 right kinds of protocol in place to make sure that everyone is safe. So let's hear it for Mr.
2280 Evans. Thank you, Mr. Evans.

2281 **PRO TEM LAWSON:** Thank you.

2282 **ITEMS TABLED**

2283 **REGULAR**

2284 **2. TRANSITION FROM LOCAL STATE OF EMERGENCY PROVIDED IN**
2285 **SECTION 252.38 FLORIDA STATUTES, AND SECTIONS 15 AND 2-26, OF THE**
2286 **RIVIERA BEACH CODE OF ORDINANCES TO RECOVERY. DISCUSSION AND**
2287 **REVIEW OF THE PANDEMIC PAY POLICY.**

2288 **DOUGLAS A. LAWSON, CHAIR PRO-TEM, DISTRICT 5, 561-845-3685**

2289 **CITY MANAGER EVANS:** Oh, well, thank you. I have the -- the fortunate
2290 opportunity to serve on the Beach Task Force that was established by Palm Beach
2291 County. And I can tell you throughout this pandemic that has been the number one issue
2292 that I have received e-mails about with regards to the beach, who has given you the
2293 access and the authority to effectively close private beaches, etc.

2294 In this committee we've had discussions about the beach and how can we as
2295 municipalities look to safely reopen the beach. The tentative date that was set is May
2296 18th; however, there is conversations that some folks are looking to postpone it till the
2297 Tuesday after Labor Day. There is a Board of County Commissioners meeting on Friday
2298 that will further define and communicate exactly what the plan will be for the county. We
2299 as a city are in a bit of a conundrum from the standpoint is you have a county beach. You
2300 also have a situation where you have another municipality that also is on the island. And
2301 so then you have our -- and then we have six access points.

2302 So uniform and consistency is important, and that's been what I've communicated
2303 to the beach committee. From probably about West Palm Beach north, the municipalities
2304 are in favor of seeing the beaches reopened. The cities closest to Broward and Miami
2305 Dade are opposed to seeing the beaches opened without any restrictions. The
2306 restrictions that we're looking at is putting in place social distancing, making sure that we
2307 have appropriate beach attendance, utilizing our marine patrol, even utilizing the drone
2308 to take a look at the area and communicate with staff that's on the front lines that are
2309 monitoring what's going on. But I -- I want you to hear the plan that Miss Aladia

2310 Franks -- and this is just a testament to the exceptional work that's being done by the
2311 team -- that she has put forth to make sure that our beaches here in Riviera Beach are
2312 going to be the best managed beaches in all of Palm Beach County. We have a situation
2313 where we're going to have real-time updates every hour on the hour on the website telling
2314 you what the capacity is. We're going to give you almost -- (skip in recording) -- Miss
2315 Franks?

2316 **ASST. DIR. OF PARKS AND REC. FRANKS:** Thank you, Mr. Evans. Good
2317 evening, Mayor, Council, and our residents. Of course I'm Aladia Franks. I'm the
2318 Assistant Director of Parks and Recreation. At the direction of the city manager and our
2319 SIS [phonetic] team I was -- (skip in recording) -- the capacity of the beach is 2,500. The
2320 staff is recommending 1,800 to ensure that social distancing is on the east side of the
2321 dunes. This recommendation, of course, is at the discretion and approval of the mayor
2322 and our council.

2323 The City personnel will be utilized to monitor and to ensure the CDC guidelines are
2324 being adhered to. We will utilize our city staff, ocean rescue, the marine patrol, parks and
2325 recreation, public works and police department. The first (unintelligible) will be the beach,
2326 which is east of the dunes, and this is the area in which the beachgoers will be able to
2327 access the beach. Staff will (unintelligible) signage if the lot is full. Zone C is our parking
2328 lot which is west of the Ocean Mall. We will also have two attendants there to monitor.
2329 Our zone D is west of the -- (skip in recording) -- single use, only double -- not doubles,
2330 only single-use (unintelligible). Zone G will be our restrooms. Our north restrooms will
2331 be -- and our south restrooms, we will have maintenance workers that are scheduled to
2332 service the -- (skip in recording) -- for the beach. These controls will be in place to make
2333 sure that we monitor 1,800 capacity and ensure that we have social distancing.

2334 Fencing will be utilized to close off the north and south sides of those beach access
2335 points. Staff will be identified by colorful T-shirts that will, of course, be using as -- to mark
2336 it, mask on, hash tag six feet, hash tag social distancing, hash tag wash your hands, hash
2337 tag be safe. (Skip in recording) -- trying to just make sure that we also can monitor the
2338 1,800 capacity. As far as the signage, we'll be using City Hall marquee sign,
2339 (unintelligible) or social media. We will have A-frame style signs and -- (skip in recording)
2340 -- in English, Spanish and Creole that will have a message board to reiterate the rules of
2341 social distancing. A closure, as well -- as far as staff they will be utilizing our John Deere,
2342 our golf carts, walkie-talkies and we'll also have a water station to keep staff hydrated,
2343 and radios. The -- (skip in recording) --

2344 **CHAIRPERSON BOTEL:** Thank you, Miss Franks.

2345 **COUNCILPERSON MILLER-ANDERSON:** Madam Chair?

2346 **CHAIRPERSON BOTEL:** Yes, you're recognized.

2347 **COUNCILPERSON MILLER-ANDERSON:** I just wanted -- I just wanted to -- not
2348 -- thank you, Miss Franks. It's not related to that at all. It's about I don't -- I don't
2349 understand how we can cut these mikes off -- or cut the cameras off and just have one
2350 or two people. If somebody pops here and see only one or two people on as a council, I
2351 have a problem with that. I don't want to be caught up in no situation that I don't need to
2352 be in. At one point I was the only councilperson being shown. So we cannot --

2353 **CHAIRPERSON BOTEL:** Miss Miller-Anderson --

2354 **COUNCILPERSON MILLER-ANDERSON:** We can't do that. I'm -- I'm sorry. I
2355 don't like that.

2356 **CHAIRPERSON BOTEL:** The only person being shown in that last few minutes
2357 was Miss Franks. None -- none of the other council was being shown on the television
2358 screen. We -- we were --

2359 **COUNCILPERSON MILLER-ANDERSON:** But that's -- I mean, but I -- it doesn't
2360 matter. If -- if he goes and change it to everyone, then everyone will see that it is only
2361 Miss Franks that is there, as well as Miss Wynn and myself.

2362 **CHAIRPERSON BOTEL:** Thank you. We'll -- we'll try to stay on it.

2363 **COUNCILPERSON MILLER-ANDERSON:** We have to have -- we -- I mean, we
2364 can pop off, but we just need to see it so that we have three people left on the dais
2365 invisible. That's all.

2366 **CHAIRPERSON BOTEL:** Yeah. Thank you.

2367 **COUNCILPERSON MILLER-ANDERSON:** That's all I'm saying.

2368 **CHAIRPERSON BOTEL:** Thank you.

2369 **COUNCILPERSON MILLER-ANDERSON:** 'Cause I -- I'm not -- I'm not getting in
2370 trouble over foolishness. I'm telling y'all. I'm not.

2371 **CHAIRPERSON BOTEL:** Thank you. Thank you. Mr. Evans? Did you have
2372 more to add?

2373 **CITY MANAGER EVANS:** Just -- (skip in recording) -- and the folks on the beach
2374 committee is that we are going to coincide with the -- the process that the county deploys,
2375 because we -- we don't want to confuse the public, if the county decides -- (skip in
2376 recording) real-time updates from staff to where we can effectively --

2377 (skip in recording) -- be sunbathing or what have you. Assuming that that is the direction
2378 the county goes. The county may decide and have a change of heart and decide to put
2379 in restrictions where you have to -- (skip in recording) --

2380 **CHAIRPERSON BOTEL:** -- made any determination as to how or when or if they
2381 would close the beaches down again by some metric. Do you anticipate --

2382 **CITY MANAGER EVANS:** We're going to close it down in the abundance of
2383 caution. But we would certainly like to see a model that is uniformed for all the beaches
2384 here.

2385 **CHAIRPERSON BOTEL:** Thank you. Mr. Lawson?

2386 **PRO TEM LAWSON:** Thank you, Madam Chair.

2387 **CHAIRPERSON BOTEL:** You're recognized.

2388 **PRO TEM LAWSON:** Thank you. Mr. Evans, in regards to our staff, our beaches'
2389 life guards, how are we protecting them in the event that they're going to be pretty much
2390 policing the beaches. Anyone that's drowning, they're pulling out of the water. How are
2391 we protecting them from being infected?

2392 **CITY MANAGER EVANS:** And -- and Chief Curd is on the line and -- and Chief
2393 Curd is responsible for ocean rescue. Chief, if you can communicate to that, how we will
2394 be addressing that as it relates to our lifeguards? Chief?

2395 **INTERIM FIRE CHIEF CURD:** Hello, and thank you, Mr. Evans, Council, good
2396 evening. Chief Curd, Interim Fire Chief. We've had a lot of discussion and looked at
2397 several different -- (skip in recording) -- by the county. Obviously the safety of our ocean
2398 rescue staff is one of the most important concerns as we reopen the beaches. Staff on
2399 the beachfront will be fully equipped with the PPE needed and (unintelligible) masks.
2400 We're also looking at options for facial coverings. They refer to them as fishing buffs that

2401 they can use while they're in close proximity with each other inside the lifeguard stand.
2402 But if they do have to come into contact with any of the -- the

2403 beach-goers, they will have -- (skip in recording) -- swim a hundred yards into the water
2404 and then affect a rescue with a mask on, impossible. If you had to have a fishing buff
2405 around your neck, a facial covering, and you have a flailing victim and you have something
2406 around your neck that can be grabbed on and pulled on, not a good scenario. So there
2407 will be full PPE available.

2408 If there's rescue that is needed, staff can go out -- obviously going to be looked to
2409 deploy Peterson buoys and some of the other buoys they have where if the victim is
2410 conscious they will be able to -- they'll grab on to or hold on to that as they pull them
2411 ashore. But if the victim is unconscious, we're going to have to come into pretty close
2412 contact with these individuals. But once they're brought to shore, the other staff will be in
2413 full PPE to begin treatment. And then that lifeguard would then don the appropriate PPE
2414 to assist. There is no -- there is no good answer. Mr. Lawson, but we're -- we're -- (skip
2415 in recording) --

2416 **PRO TEM LAWSON:** -- state of emergency back over to council. But I would
2417 actually request that we move this item and continue it at the meeting next Wednesday.
2418 The most important and most pressing was going to be the beach discussion. But being
2419 that we do have a CRA meeting, I would see if we could add this item to the agenda for
2420 next week, allow for Mr. Evans to vet the ideas of the businesses that will be opening up,
2421 what processes we can assist with implementing for them, and also the staff pay. How
2422 much longer are we going to continue to keep staff paid and not working. What is going
2423 to be that process. What's going to be the steps. And then also state of emergency. At
2424 what time frame are we looking to transition out of state of emergency. So those are things
2425 that I think we can wait till next week, being that we've already taken up a lot of time. And
2426 I do want us to get on to the CRA but the -- (skip in recording) --

2427 **CHAIRPERSON BOTEL:** -- of the Ocean Walk Mall to be closed. Art Peacock
2428 who put in a public comment card about this, and the other restaurants at the Ocean Walk
2429 Mall are very interested in maximizing the amount of distance there is, physical distance
2430 between tables. And in order to do that to the best of their ability, they could put their
2431 tables out into the street. Can we agree, and if I -- well, I would ask someone to make a
2432 motion or I'll pass the gavel and make it myself -- that we allow that to happen as
2433 described in his public comment card. Does everybody understand what he's asking?
2434 Miss Lanier?

2435 **COUNCILPERSON LANIER:** No. I -- I just wanted to say that the county's policy,
2436 you know, and all intents and purposes, you know, we -- we may have to follow what the
2437 county has going on. But I don't see cutting off, you know -- closing any streets for a
2438 particular business. If we're going to open, we're going to open.

2439 **CHAIRPERSON BOTEL:** Yeah. This is -- this would not be for a particular
2440 business. It's for the -- the whole business -- that whole mall area, all of the restaurants
2441 over there. And in fact, we -- we received something recently from the county -- I don't
2442 have it at my fingertips -- asking that, in fact, all municipalities in the county afford their
2443 restaurants this ability to move out into the outer spaces around their restaurants. I mean,
2444 we could make it a blanket -- a blanket that, you know -- I don't know what -- what other
2445 situation would exist in the city of Riviera Beach where people have that ability to move
2446 outside of their own space. But certainly we can -- if -- they're -- they're asking for this
2447 consideration and they're asking for it to be in advance of next week's -- next week's
2448 meeting so that they could begin to do this right away. Mr. Evans?

2449 **CITY MANAGER EVANS:** (Skip in recording) -- that we need to do and some
2450 other communities are doing at a special event. So we can probably put something
2451 together for you to consider at your next meeting on Wednesday.

2452 The other side of it is I would like, if the board can give staff direction, whether you
2453 agree with following the county with respect to whatever direction they take on the
2454 beaches or we'd prefer to have the beaches closed, some guidance with -- with respect
2455 to that would be much appreciated.

2456 **CHAIRPERSON BOTEL:** Perhaps someone would make a motion that we join
2457 with whatever the county decides to do. Could someone make a motion to that effect?

2458 **COUNCILPERSON McCOY:** Well, I'm -- I'm concerned, Madam Chair. Are you
2459 asking us to blindly make a motion on what they may or may not do, and we're going to
2460 adopt that?

2461 **CHAIRPERSON BOTEL:** No. No, no. No, no. I'm asking you to make a motion
2462 that we -- at this point the county is opening the beaches. That -- that's the decision that
2463 they voted on the other day. It was a five to -- no, it was a four-to-three decision.

2464 **CITY MANAGER EVANS:** Three.

2465 **CHAIRPERSON BOTEL:** The county decided to open the beaches with no
2466 restrictions as to whether or not there would be only walking and swimming and no sitting
2467 down. They did not impose those restrictions. So I'm asking that we make a motion to
2468 adopt what the county adopted at their last meeting.

2469 **COUNCILPERSON McCOY:** But they're revisiting the same issue. So if --

2470 **CHAIRPERSON BOTEL:** I don't know that.

2471 **COUNCILPERSON McCOY:** How -- they're reconvening Friday. Am I right?

2472 **CHAIRPERSON BOTEL:** Well, (unintelligible) --

2473 **CITY MANAGER EVANS:** Chief Curd has a comment.

2474 **CHAIRPERSON BOTEL:** Chief Curd?

2475 **INTERIM FIRE CHIEF CURD:** Council, if I could just make one comment before
2476 you go into making a final decision. There will be subsequent conversations held by Palm
2477 Beach County in determining a reopen date. I caution your decision that if we do not join
2478 in with what the county's doing, we have two beaches in Riviera Beach that are county
2479 beaches. If we do not open our beach, they will go to Phil Foster Beach and they will go
2480 to Ocean Reef. But if we open our beaches, we can control and provide safeguards for
2481 our community that will not be done at those county beaches.

2482 Don't be mistaken. When the county beaches open, our community will be going
2483 to the beach, whether it's our beach or a county beach. But if we open up our beaches,
2484 I feel we can protect them and give them the best chance of being safe. That's all I have.

2485 **CHAIRPERSON BOTEL:** So to clarify for Mr. McCoy's purposes, what -- what the
2486 -- what the motion would be would that -- would be that we would do what the county
2487 does. Is that right, Chief Curd? That's -- you're recommending that we do what the county
2488 does, regardless of what the county decides on Friday or --

2489 **INTERIM FIRE CHIEF CURD:** Whether -- whether we agree with it or not --

2490 **CHAIRPERSON BOTEL:** -- whether we agree with it -- whether we agree with it
2491 or not.

2492 **INTERIM FIRE CHIEF CURD:** -- we should do what -- what the county does.

2493 **CHAIRPERSON BOTEL:** So can someone make a motion that we will do what
2494 the county --

2495 **COUNCILPERSON McCOY:** But I don't understand. If we agree? I don't agree.
2496 And you haven't enumerated exactly what provisions, whatever county order or county --
2497 (skip in recording) -- is and you're asking us to basically agree without knowing exactly
2498 what all of that is? I mean, that really doesn't make a lot of sense to me. In fact, wait.
2499 You were at the meeting, correct? Can you give us an update on exactly what it was that
2500 was voted on in the --

2501 **CHAIRPERSON BOTEL:** Yes. I'd be happy to. There was discussion as to
2502 whether or not the -- there were two amendments that would have been -- that could have
2503 been adopted by the county. They could have limited -- actually it was really one big idea.
2504 They could have limited the activity on the beaches to only walking, walking -- going to
2505 the water, coming out again, etc. They could have said nobody can sit down. Nobody
2506 can sit on a chair. Nobody can sit on a blanket or a towel. They chose not to make those
2507 limitations. They also -- let me think, now. Commissioner McKinley --

2508 **COUNCILPERSON McCOY:** Well, I mean, because we don't know. I mean, can
2509 we be given that information and reconvene next week on it or what -- whatever the --

2510 **CHAIRPERSON BOTEL:** Well, no. We don't -- we -- we -- we -- well, unless we
2511 meet on Friday, because the county -- the likelihood is -- and I -- I can't predict the future
2512 any more than anyone else. But the likelihood is that the county will open their beaches
2513 on Monday. If we don't open ours on Monday, the situation that Chief Curd just described
2514 will happen.

2515 People will crowd those beaches at Phil Foster and the county beach here on
2516 Singer Island. And it will be madness. My recommendation -- and -- and the
2517 recommendation of Chief Curd and I believe and Mr. Evans, is that we follow the county's
2518 lead. I don't -- we can't know exactly what the county will do, because they are going to
2519 meet on Friday. They could say we're not going to open until a week from now. All I'm
2520 saying is, whatever the county suggests, we should follow so that there is -- there is
2521 unanimity, conformity, coherence in terms of what -- what's being done so that we don't
2522 have a beach over on Phil Foster closed and we're open or vice versa.

2523 So we're -- we can't predict the future. We don't know what the county will do. But
2524 what we do know is if we follow the county, we'll be safe, and we'll be -- we'll have more
2525 coherence in terms of what our citizens will expect from us. So Miss -- Councilwoman
2526 Miller-Anderson, you're recognized.

2527 **COUNCILPERSON MILLER-ANDERSON:** My only question is if they go -- I think
2528 at the meeting they had last week, the initial conversation was to be for Palm Beach
2529 County residents only. If that is what they decide on, how do we -- how do -- how are we
2530 going to enforce that?

2531 **CHAIRPERSON BOTEL:** I think --

2532 **CITY MANAGER EVANS:** I think -- I think that was part of --

2533 **CHAIRPERSON BOTEL:** Go ahead, Mr. --

2534 **CITY MANAGER EVANS:** -- that was part of the discussions. But I think they
2535 have since gotten clarity from Legal that that's not going to be incorporated as part of the
2536 order. And --

2537 **COUNCILPERSON MILLER-ANDERSON:** Oh.

2538 **CITY MANAGER EVANS:** -- the -- the draft order is emergency record number 6.
2539 That's on the Board of County Commissioners' website. I can pull it and -- and send it to
2540 the -- the council so you can see. But they were discussing whether opening the beaches
2541 without restrictions or allowing for just people to utilize it for, you know, mobility and
2542 access and keep it moving. But it looks like the -- the sentiment from the conversation I

2543 had today was that it looks that they may move to a situation where the beaches are
2544 open. But the board is -- is split on the issue so it could possibly change on Friday.

2545 **COUNCILPERSON MILLER-ANDERSON:** Yeah. And -- and I -- you know, I --
2546 I'm very hesitant on opening, as well. But you know, I understand there are quite a few
2547 people that do want it open. I mean, we've all heard from both sides. I do agree with the
2548 issue of having the county beaches in our city whereas if we're not on the same page as
2549 them -- I mean, we would have to be on the same page, I would imagine, because we --
2550 it would just be confusing, for one, to the people as to -- 'cause a lot of people think, you
2551 know, Phil Foster Park is -- is a city park.

2552 **CHAIRPERSON BOTEL:** It's ours, yeah.

2553 **COUNCILPERSON MILLER-ANDERSON:** I mean, a city beach. And so, you
2554 know, I -- I just think -- think in terms of just being uniform, I agree with that. Now, I do
2555 have an issue, as I would with anything, making a vote on something that I don't know
2556 what it is yet. I mean, if you all want to call a special meeting for Friday just to make that
2557 one vote and only be on the phone -- on the call for 15 minutes, say, to say yes or no for
2558 what they agree on, then -- and I'm -- I'm emphasizing 15 minutes. But I mean, so --

2559 **CHAIRPERSON BOTEL:** Good luck with that.

2560 **COUNCILPERSON MILLER-ANDERSON:** So, I mean, it --

2561 **CHAIRPERSON BOTEL:** Never 15 minutes. (Unintelligible).

2562 **COUNCILPERSON MILLER-ANDERSON:** -- but that would -- I mean, that would
2563 be the only comfortable way of, you know -- or voting on something, hopefully having the
2564 answer to. You know, I mean, tonight I -- I -- I don't know what that is so I understand
2565 where Mr. McCoy's coming from. But I wouldn't be opposed to having a --

2566 **CHAIRPERSON BOTEL:** Do you want to --

2567 **COUNCILPERSON MILLER-ANDERSON:** -- a 15 -- short 15-minute to go along
2568 with or to not go along with.

2569 **CHAIRPERSON BOTEL:** Do you want to make the motion that we have that
2570 meetings, then?

2571 **COUNCILPERSON MILLER-ANDERSON:** Are they meeting for sure? What time
2572 are they meeting?

2573 **CITY MANAGER EVANS:** They're going to start, I think, 9:30.

2574 **COUNCILPERSON LANIER:** If they're meeting on -- if they're meeting on -- on -
2575 - if they're opening the beaches on Monday, are they voting on Friday to open them?

2576 **CITY MANAGER EVANS:** They -- they could because --

2577 **CHAIRPERSON BOTEL:** They're --

2578 **CITY MANAGER EVANS:** -- they -- they -- they said the order that is -- that was
2579 posted last week is the same exact order. So if the board wants to proceed forward with
2580 that emergency order, it would just be a matter of the administrator executing it and then
2581 everyone plans to, you know, comply with the order or be more restrictive, 'cause the
2582 order is going to give you the opportunity as a municipality to be more restrictive.

2583 **COUNCILPERSON LANIER:** I -- I'm really cautious about this, given that the, you
2584 know -- the guy who's, you know, on the federal level talking about -- I think his name is
2585 Fauci -- talking about, you know -- you know, caution about reopening when you don't
2586 have a decline in cases. But -- but if we're going to follow the lead of the county, I think
2587 that we need to let them make a decision, and then if they make a decision to or not, I
2588 think maybe we should come behind them and do the same thing. But to make that
2589 decision now without them making a decision is something that's putting us in a position
2590 where we're making a decision without any county reference to go by.

2591 **CHAIRPERSON BOTEL:** So -- so if -- if -- if I understand you, if someone were
2592 to make a motion that we have a meeting on Friday at some time subsequent to the
2593 county meeting and someone seconded that, we could vote on that and then have our
2594 meeting, let's say, at 1:00 in the afternoon or sometime that we were sure that the county
2595 would have voted? Is that -- is that the sense that I'm hearing?

2596 **CITY MANAGER EVANS:** I -- I would cautious --

2597 **CHAIRPERSON BOTEL:** Miss Miller-Anderson, (unintelligible) --

2598 **CITY MANAGER EVANS:** -- I would caution the board that taking a meeting --

2599 **COUNCILPERSON MILLER-ANDERSON:** Not 1.

2600 **CITY MANAGER EVANS:** -- that early --

2601 **COUNCILPERSON LANIER:** Yeah, not 1, yeah.

2602 **CITY MANAGER EVANS:** -- just from the standpoint that -- that this is going to
2603 be a politically --

2604 **COUNCILPERSON LANIER:** I work.

2605 **CITY MANAGER EVANS:** -- sensitive --

2606 **CHAIRPERSON BOTEL:** Okay. All right. So -- so a 6:00 meeting, then. Could
2607 someone make that motion?

2608 **COUNCILPERSON MILLER-ANDERSON:** I make a motion that we have a
2609 special city council meeting with only the one item regarding the opening of the beaches
2610 based on the -- the decision that was made from Palm Beach County on Friday morning.

2611 **CHAIRPERSON BOTEL:** Okay. Could I get a --

2612 **PRO TEM LAWSON:** Second.

2613 **CHAIRPERSON BOTEL:** -- (unintelligible). I don't know who -- I think it was Mr.
2614 Lawson but I'm not positive.

2615 **PRO TEM LAWSON:** Second.

2616 **CHAIRPERSON BOTEL:** Yes.

2617 **COUNCILPERSON MILLER-ANDERSON:** Yeah.

2618 **CHAIRPERSON BOTEL:** I wanted to -- Madam Clerk?

2619 **CITY CLERK ANTHONY:** Councilperson McCoy?

2620 **COUNCILPERSON McCOY:** No.

2621 **CITY CLERK ANTHONY:** Councilperson Miller-Anderson?

2622 **COUNCILPERSON MILLER-ANDERSON:** Yes.

2623 **CITY CLERK ANTHONY:** Councilperson Lanier?

2624 **COUNCILPERSON LANIER:** No.

2625 **CITY CLERK ANTHONY:** Pro Tem Lawson?

2626 **PRO TEM LAWSON:** Yes.

2627 **CITY CLERK ANTHONY:** Chair Botel?

2628 **CHAIRPERSON BOTEL:** Yes.

2629 **CITY CLERK ANTHONY:** That motion's approved with Councilpersons McCoy
2630 and Lanier dissenting.

2631 **CHAIRPERSON BOTEL:** So at 6:00 on Friday we have a one-item agenda, so
2632 Madam Clerk, you will do the proper things about noticing that?

2633 **CITY CLERK ANTHONY:** Yes, Madam Chair.

2634 **COUNCILPERSON LANIER:** Yes. And I just wanted -- and I just wanted to say
2635 my goal was not because I didn't want to, you know, reopen the beaches or anything, but
2636 I'm very, very cautious about the CDC's guidelines, and especially with the CDC scientist
2637 and the science that's saying that we are not in a decline, that we have to be very careful
2638 about opening up anything. So then we'll look at the -- and I'm -- I'm -- of course the --
2639 the county -- because I work for the county, they are following the lead of the Palm Beach
2640 County Health Department Director. So whatever they have to say on Friday then we
2641 could kind of, you know, make our decision at that time.

2642 **CHAIRPERSON BOTEL:** Okay. Anyone else? Comments from any -- Miss
2643 Miller-Anderson, you're recognized.

2644 **COUNCILPERSON MILLER-ANDERSON:** I just want to be clear that me making
2645 the motion to have the meeting was just for that, to have the meeting.

2646 **CHAIRPERSON BOTEL:** Right.

2647 **COUNCILPERSON MILLER-ANDERSON:** That did not commit me to yes or no,
2648 you know, for a vote.

2649 **CHAIRPERSON BOTEL:** Thank you.

2650 **COUNCILPERSON MILLER-ANDERSON:** Okay.

2651 **CHAIRPERSON BOTEL:** Thank you. Mr. McCoy, you're recognized.

2652 **COUNCILPERSON McCOY:** I don't even know what we were voting on. To have
2653 a meeting to discuss --

2654 **CHAIRPERSON BOTEL:** Yes.

2655 **COUNCILPERSON McCOY:** -- no, no.

2656 **CHAIRPERSON BOTEL:** To have a meeting with the one --

2657 **COUNCILPERSON McCOY:** No, no.

2658 **CHAIRPERSON BOTEL:** -- item to -- whether or not to open the -- whether or not
2659 to comply with what the county is doing with regard to open the -- opening the beaches.

2660 **COUNCILPERSON McCOY:** Right. But I don't agree that we should have a
2661 meeting to -- I mean, just to call a meeting for that. My suggestion would have been to
2662 give that authority or delegate that simply to the manager based on whatever comes up
2663 from that meeting, as opposed to us meeting again to talk about what occurred at a
2664 different meeting. I mean, we might as well say --

2665 **COUNCILPERSON LANIER:** I -- I -- I -- no, I understand, Mr. McCoy. But you
2666 know, the thing about it is that what we're doing is that we're looking for the county's
2667 guidance on this.

2668 **COUNCILPERSON McCOY:** Are we?

2669 **COUNCILPERSON LANIER:** Yeah. I mean, we -- we --

2670 **COUNCILPERSON McCOY:** And who -- who --

2671 **COUNCILPERSON LANIER:** -- I mean, we -- we just said that there are four or
2672 five beaches, and that we only have two of them so we have a situation where everything
2673 else is open and we're not open, then you know, I understand that we need to be able to
2674 make that decision. Now, given that statement, I want to be clear: I am not in support of
2675 opening anything at this time because of what is happening. But I have to be able to
2676 understand that it is the public. It is the people who live in this city who call the shots here
2677 and not me.

2678 **CHAIRPERSON BOTEL:** Okay. So any -- Miss Miller-Anderson, did you raise
2679 your hand?

2680 **COUNCILPERSON MILLER-ANDERSON:** Yes. I --

2681 **CHAIRPERSON BOTEL:** Yes.

2682 **COUNCILPERSON MILLER-ANDERSON:** -- I -- and I think the reason why we're
2683 -- I agree with you. I think -- I thought that was the way we were going, the direction we
2684 were going initially, is for the manager to go ahead and roll this out. But because it's such
2685 a politically charged issue and it seems that we're kind of split, I think that's why the
2686 meeting and -- and having a clear vote on whether we should do it or not is why we're
2687 having the meeting. Because otherwise, yeah. Mr. Evans would have gone ahead and
2688 -- and just did it, you know? I mean, it wouldn't have been something that we needed to
2689 address.

2690 **CHAIRPERSON BOTEL:** And -- and -- and --

2691 **COUNCILPERSON MILLER-ANDERSON:** But because it is a politically charged
2692 issue, and some of us on the council believe it should be open and some don't. So I think
2693 that's why the conversation needs to be had during the meeting. Otherwise you're --

2694 **COUNCILPERSON LANIER:** And -- and, Council -- and -- and --

2695 **COUNCILPERSON MILLER-ANDERSON:** -- (unintelligible) they're doing.

2696 **COUNCILPERSON LANIER:** -- and Council -- Councilwoman Miller-Anderson,
2697 15 minutes, please.

2698 **CHAIRPERSON BOTEL:** Okay.

2699 **COUNCILPERSON MILLER-ANDERSON:** Okay.

2700 **CHAIRPERSON BOTEL:** Is there anything else on this agenda or can we call this
2701 meeting to a close?

2702 **COUNCILPERSON McCOY:** Madam Chair, I want to add an addition to that
2703 Friday --

2704 **CHAIRPERSON BOTEL:** Yes.

2705 **COUNCILPERSON McCOY:** -- Friday meeting.

2706 **CHAIRPERSON BOTEL:** Go ahead.

2707 **COUNCILPERSON McCOY:** Oh, that's -- I --

2708 **COUNCILPERSON MILLER-ANDERSON:** I -- I object. Thank you.

2709 **COUNCILPERSON McCOY:** -- I withdraw.

2710 **CHAIRPERSON BOTEL:** All right. So this -- this meeting is adjourned. Now it
2711 is --

2712 **COUNCILPERSON MILLER-ANDERSON:** Wait a minute. Are we going to have
2713 public comment?

2714 **COUNCILPERSON LANIER:** Yeah. Just can I -- can I --

2715 **PRO TEM LAWSON:** (Unintelligible).

2716 **COUNCILPERSON LANIER:** -- (unintelligible) --

2717 **CHAIRPERSON BOTEL:** I thought --

2718 **COUNCILPERSON MILLER-ANDERSON:** Public comment?

2719 **CHAIRPERSON BOTEL:** -- we -- I thought we had public comments. Do we --
2720 do we have any -- Madam Clerk, do we have public comments, more?

2721 **CITY CLERK ANTHONY:** Let me -- let me check with my staff to see -- I know we
2722 have one general public comment. Let me check to see if we have any additional ones.

2723 **CHAIRPERSON BOTEL:** Okay. Thank you. Thank you, Miss Miller-Anderson.

2724 **COUNCILPERSON LANIER:** Can I get five minutes, Madam Chair?

2725 **PRO TEM LAWSON:** And --

2726 **COUNCILPERSON LANIER:** Between the meetings?

2727 **CHAIRPERSON BOTEL:** Yeah. Well, we will.

2728 **PRO TEM LAWSON:** And --

2729 **CHAIRPERSON BOTEL:** But let's --

2730 **COUNCILPERSON LANIER:** Yeah. Yes, please.

2731 **PRO TEM LAWSON:** Madam -- Madam Chair, before we go into our CRA
2732 meeting, I did have a request for my colleagues, as well. Just a -- a request for a
2733 representative for a -- a task force that we're putting together.

2734 **CITY ATTORNEY WYNN:** Madam Chair, since the clerk has gone dark, I guess,
2735 you still have a few items: Discussion by City Manager, etc., the standard items on the
2736 agenda.

2737 **CHAIRPERSON BOTEL:** Okay. It's getting late. Thank you. Whose mike is still
2738 on?

2739 **COUNCILPERSON LANIER:** The city manager.

2740 **CHAIRPERSON BOTEL:** Madam -- Madam Clerk?

2741 **CITY MANAGER EVANS:** Oh, that's not me. It was on.

2742 **CITY CLERK ANTHONY:** Madam Chair --

2743 **CHAIRPERSON BOTEL:** Madam Clerk?

2744 **CITY CLERK ANTHONY:** -- we just have one general public comment.

2745 **CHAIRPERSON BOTEL:** Okay. Go ahead.

2746 **CITY CLERK ANTHONY:** Miss Hall?

2747 **STAFF ASST. HALL:** This public comment comes from Michael Turner: "It is
2748 quite a shame that Mr. Lawson chooses to attack Chairwoman Botel simply for advocating
2749 as a fellow citizen whom lives in Singer Island on behalf of her fellow constituents. Thank
2750 you, Chair Botel, for acting on behalf of District 4 in your personal capacity. Mr. Lawson,
2751 shame on you. Seemingly you are rather jealous of your -- Chair Botel and is upset

2752 because you didn't think of being at the county meeting first, taking the spotlight from
2753 everyone as usual." Madam Chair, that concludes public comments.

2754 **CHAIRPERSON BOTEL:** Thank you. I -- just to be clear, I didn't take any --

2755 **COUNCILPERSON McCOY:** I have a comment.

2756 **CHAIRPERSON BOTEL:** -- I didn't take any offense at Mr. Lawson's remarks and
2757 he made a -- he made it clear that --

2758 **COUNCILPERSON LANIER:** None of us did. Yeah, none of us did.

2759 **CHAIRPERSON BOTEL:** -- (unintelligible) -- but let -- let's let -- let's let -- let's --
2760 let's get beyond that. We have a little bit of time here.

2761 **COUNCILPERSON McCOY:** I didn't hear that -- Madam Chair, I didn't hear the
2762 public comment. Can we ask Miss Hall to read that again?

2763 **CHAIRPERSON BOTEL:** No. No, no, no and no. Thank you.

2764 **COUNCILPERSON McCOY:** Oh, I'm sorry. I had a bad connection. I'm sorry.

2765 **CHAIRPERSON BOTEL:** No. No. You're out of order, as usual. Let's see if we
2766 have any discussion, deliberation. Wait a minute. Wait. Where are we? Where are we?
2767 Ay, yi, yi, yi. Discussion by City Attorney?

2768 **DISCUSSION BY CITY MANAGER**

2769 **DISCUSSION BY CITY ATTORNEY**

2770 **CITY ATTORNEY WYNN:** No.

2771 **CHAIRPERSON BOTEL:** Nothing. City Council Committee Reports? Nothing.
2772 Statements by the Mayor and City Council? (Unintelligible) off. And now we will adjourn
2773 and we will take five minutes. It is 8:19. Call it 8:20. We'll be back at 8:25. Right? Thank
2774 you.

2775 **COUNCILPERSON McCOY:** Madam Chair, I -- I'm just curious. Do we share the
2776 same link? Or is there something else that we need to log into?

2777 **CHAIRPERSON BOTEL:** I don't think -- I think we can just hang on here to this
2778 one, right? I think --

2779 **COUNCILPERSON McCOY:** No. I think we have to -- we may have to --

2780 **ASST. TO THE CITY MANAGER NOEL:** Actually this -- this is Marsha. This is -
2781 -

2782 **COUNCILPERSON LANIER:** Yes. Mr. McCoy -- can I get my five minutes,
2783 please?

2784 **CHAIRPERSON BOTEL:** Go ahead, Marsha.

2785 **ASST. TO THE CITY MANAGER NOEL:** Yes. I believe you have a different link
2786 provided by the CRA. Please check your calendars.

2787 **CHAIRPERSON BOTEL:** Oh. Oh, okay. Okay. All right. So we're going to --
2788 we're going to actually leave this meeting and go back and try to get into the next one.
2789 Okay. Thank you.

2790 **COUNCILPERSON McCOY:** Okay. Thank you.

2791 **CITY COUNCIL COMMITTEE REPORTS**

2792 **STATEMENTS BY THE MAYOR AND CITY COUNCIL**

2793

2794 **ADJOURNMENT**

2795 (END OF RECORDING)

2796

2797 **APPROVED:**

2798

2799

2800

2801 **RONNIE L. FELDER**
2802 **MAYOR**

JULIA A. BOTEL, Ed.D
CHAIRPERSON

2803

2804 **ATTEST:**

2805

2806

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2808 **CLAUDENE L. ANTHONY**
2809 **CERTIFIED MUNICIPAL CLERK**
2810 **CITY CLERK**

DOUGLAS A. LAWSON
CHAIR PRO TEM

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TRADRICK MCCOY
COUNCILPERSON

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KASHAMBA MILLER-ANDERSON
COUNCILPERSON

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SHIRLEY D. LANIER
COUNCILPERSON

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2827 MOTIONED BY: _____
2828

2829 SECONDED BY: _____
2830

2831 T. MCCOY: _____

2832 K. MILLER-ANDERSON: _____

2833 S. LANIER: _____

2834 J. BOTEL: _____

2835 D. LAWSON: _____

2836 DATE APPROVED: AUGUST 5, 2020

2837