

**SPECIAL MEETING  
JANUARY 27, 2009**

A Special Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Rita Ellis in the Commission Chambers at City Hall at 6:00 p.m., on Tuesday, January 27, 2009.

Roll call showed:

Present -                   Commissioner Gary P. Eliopoulos  
                                  Commissioner Fred B. Fetzer  
                                  Vice Mayor Woodie B. McDuffie  
                                  Commissioner Mackenson Bernard  
                                  Mayor Rita Ellis

Absent -                   None

Also present were -     David T. Harden, City Manager  
                                  Susan A. Ruby, City Attorney  
                                  Chevelle D. Nubin, City Clerk

Mayor Rita Ellis called the special meeting to order and announced that it had been called for the purpose of considering the following Item.

**SPECIAL MEETING AGENDA**

- 1.     SELECTION OF AN INDEPENDENT REVIEW PERSON:** Select an independent person to review City bonding procedures, practices and communication practices.

Mayor Ellis stated the item for review is the selection of an independent review person and everyone received packets from the organizations that the consultant, Mr. Leonard Carson, provided. She stated at this point we have the list of qualifications of 9 particular specialists and we need to decide how we are going to narrow this down to the person we have selected. Mayor Ellis stated there has to be some type of organization by which to eliminate the persons that perhaps do not meet all of the criteria. She asked the Commission to share comments and stated she would like to use the same process that Commission used to select a commissioner for appointment. The City Attorney commented if that is the process, then Commission will sign their names to the pieces of paper which will be submitted for the record. The commission discussed the ranking process (One, Two and Three) and decided to list the names of their top 3 choices.

Mr. Fetzer stated Mr. Harden disclosed that he knew #9, Mr. Richard T. Wagner, and stated it was great that he disclosed this. However, he feels that this disqualifies Mr. Wagner and recommended that he not be considered. It was the consensus of the Commission to disqualify Mr. Wagner. The City Attorney stated that the Commission will now select three persons from the first eight (8). Mr. McDuffie asked if they should list firm names or individuals. Mayor Ellis stated she felt one of the most important things was the person

understanding the bonding process. The City Attorney commented regarding the individuals and who it states will assist them. Commission proceeded to list their top three names. Mayor Ellis stated their lists would be folded and passed down to the City Attorney. Mrs. Susan Ruby, City Attorney, recorded the lists and announced the names of the top three choices, Usher L. Brown (2 votes), Marianne F. Edmonds (1 vote), Robert R. Garner (1 vote) and Laura Krueger Brock (1 vote).

Mr. Fetzer expressed concerns regarding costs; and suggested that an alternate be selected as well regarding costs. Mr. Eliopoulos discussed his earlier suggestion regarding the review person receiving the same materials as was presented to the United States Attorney's Office and stated this will be a direct impact on costs. He suggested that we speak to the person about how they will approach this and how soon would this be completed. In addition, he asked who will be the contact person to discuss this with the independent review person. He stated he feels Mr. Fetzer should do this since he is not currently up for reelection. It was the consensus of the Commission that Mr. Fetzer be the contact person.

Mr. Fetzer stated Mr. Carson assured him that everyone who is on list made the commitment to be able to get this done before the election. He feels that once a person is selected this should be re-verified with that person.

Discussion continued between the Commission and staff regarding timeframe for completion, costs and selection of two firms with one of those being the alternate. Then, Commission voted a second time from the previous four individuals identified in the first vote. The City Attorney recorded the lists and announced the top choice: Usher L. Brown (2 votes) and everyone else received one vote each. The City Attorney stated there were some changes regarding the voting.

Mr. Fetzer moved to select as top choice to have further discussions with before finalizing the decision, Usher L. Brown, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mr. Bernard – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

Commission voted a third time to select a second choice (alternate). The City Attorney recorded the lists and announced the results: Robert R. Garner (2 votes) and everyone else received one vote each.

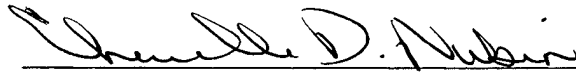
Mr. McDuffie moved to negotiate with Robert R. Garner should satisfactory negotiations not be reached with Usher L. Brown, seconded by Mr. Bernard.

Before the vote, Commissioner Fetzer clarified what he will discuss with the two individuals. Commission discussed the information that will be provided to the individuals, and communication limits with Mr. Carson.

Upon roll call the Commission voted as follows: Mr. McDuffie – Yes; Mr. Bernard – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes. Said motion passed with a 5 to 0 vote.

Mr. Fetzner inquired about when the Commission will get back together regarding his contact with the individuals. The City Manager stated Mr. Fetzner can contact him to say when he is ready and the meeting will be set up.


Mayor Ellis adjourned the Special Meeting at 6:03 p.m.

  
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City Clerk

ATTEST:

  
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MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special Meeting of the City Commission held on Tuesday, January 27, 2009, which Minutes were formally approved and adopted by the City Commission on February 3, 2009.

  
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City Clerk

**NOTE TO READER:** If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval, which may involve amendments, additions or deletions to the Minutes as set forth above.