

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, September 5, 2017
6:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Sasser called the meeting to order at 6:00 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. PRESENTATIONS

Mayor Sasser briefly addressed preparations for Hurricane Irma, stating that residents may call (833) 204-3456 to hear up-to-date information on the storm. Broward County will open its 311 line with emergency information. If internet access is available, information will be posted on the Town's website, as well as on the Town's television channel.

Municipal Services Director Don Prince strongly encouraged all residents to evacuate if the order is given, or to arrange for sufficient supplies to sustain them for a minimum of three days. Mayor Sasser plans to sign a Resolution declaring a state of emergency in Lauderdale-By-The-Sea.

Chief Judson Hopping of the Volunteer Fire Department (VFD) advised that once winds sustain a speed of 45 miles per hour, the Fire Department and other emergency services will not respond to calls, as it will be unsafe for vehicles to navigate roadways. Captain Tom Palmer of the Broward Sheriff's Office (BSO) stated that www.broward.org/hurricane also includes a great deal of information, including shelter locations, animal registration, and transportation registration for individuals with special needs.

The Town is in a mandatory evacuation zone for hurricanes of all categories. Captain Palmer reported that BSO, the United States Coast Guard, and the city of Fort Lauderdale will initiate a flotilla plan once a hurricane watch is in effect. This plan allows boat owners to relocate their vessels to safe harbor. Bridges will remain in the Up position to facilitate this boat traffic, but will return to and remain locked in the Down position once winds reach certain speeds.

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After the storm, residents who have evacuated the barrier island will not be permitted to return until the County has determined it is safe to do so. They will need to show identification to gain access to the barrier island. Law enforcement staff will be posted at entrances to the island to ensure that non-residents do not gain access to the area.

Residents who require assistance in installing hurricane-resistant shutters are encouraged to call the VFD at (954) 640-4250, where help will be available on a first-come first-served basis.

Town Manager Bud Bentley stated that the Town's emergency center will operate from Jarvis Hall through Friday, September 8, 2017. Once a hurricane watch is in effect, they will join Broward Sheriff Office (BSO), the Volunteer Fire Department (VFD), and American Medical Response (AMR) in relocating to Holy Cross Hospital. After the storm, municipal services personnel will return to the barrier island at the earliest practical time. He cautioned that the Town's television channel will not replicate all the information found on the County's website, as residents are encouraged to access County's site or call 311 before the hurricane makes landfall.

Mayor Sasser recalled that the two planned presentations are responses to the Town's request for proposal (RFP) for lobbying services.

Town Attorney Susan Trevarthen requested an Executive Session to address *Town of Lauderdale-By-The-Sea v. Danielle Johnson*. She recommended that this meeting be scheduled prior to the regular Town Commission meeting of September 13, 2017. It was determined that the Executive Session would be scheduled for 4:30 p.m. on that date.

a. Peebles & Smith

Ryan Matthews, representing Peebles & Smith, stated that the firm originated in 1995 with the intent of representing local governments. They have 31 clients, 98% of which are local governments. Long-term clients include the cities of Tampa and Orlando, as well as smaller municipalities. The firm abides by the Code of Ethics of the Florida Bar in the event of a conflict.

John Wayne Smith, also representing Peebles & Smith, briefly reviewed some of the firm's municipal successes, including a pedestrian bridge project, quiet zones, and solid waste/stormwater projects. They seek to create new and different grant opportunities as well as assisting with specific projects.

Mr. Matthews advised that the Town should see their lobbying team as "the face of the Town" when they are represented to the State Legislature as well as to the Governor's Office. He would serve as the Town's lead advocate, while other members of the firm provide historical knowledge.

Mr. Matthews cautioned that the current tenor of the State Legislature means it may be difficult to secure State funds for septic-to-sewer conversion projects; however, there may be other avenues by which to seek funds without entering into the State appropriation process. These possibilities include the Water Quality Improvement Trust Fund and the Environmental Protection Agency (EPA), among others. He continued that the team would work with the Town's elected State representatives to file an appropriations bill in the State Legislature and seek the approval of both the EPA and the Governor's Office.

Mr. Matthews addressed other local governmental concerns, including vacation rental properties and water quality funding, with which the firm may be helpful if they are retained by the Town.

Vice Mayor Brown asked if the potential funds the firm would seek on behalf of the Town's project include appropriations as well as grants through environmental resources. Mr. Matthews replied that they work in a variety of ways toward the success of local governments, including State grant funds administered through various agencies, Community Development Block Grant (CDBG) funds, and other legislative appropriations. During the last legislative session, the Governor's budget recommendation included a 50% matching grant for septic-to-sewer conversion appropriations, although it is not known that the House and Senate would follow suit.

Vice Mayor Brown asked if the Governor's proposal will include income criteria for municipalities that apply for these funds. Mr. Matthews replied that while the Governor's recommendation did not include an income requirement, the legislative leadership is considering an income-based approach. He noted that more than 60% to 70% of the State's existing septic tanks are in need of remediation. In the Town's case, nearly 100 homes would benefit from conversion, with additional consideration given to the receiving water body.

Mr. Smith added that water, wastewater, and environmental infrastructure issues are expected to be a greater part of the emerging legislative landscape in the next few years. He emphasized the need to build momentum behind these issues in order to place the State in a consistent position of funding to address these issues. He clarified that no other Broward County clients of Peebles & Smith are seeking septic-to-sewer conversion dollars at this time.

Commissioner Vincent asked if the State of Florida has established a mandatory time by which all properties must convert from septic to sewer service. It was clarified that a Senate Bill proposed in 2010 attempted such a mandate but was not passed, as there was strong resistance from home builders and private property rights advocates. Any current legislative appropriation for conversion would be subject to the possibility of a line-item veto by the Governor.

Mr. Matthews continued that monthly reporting to the Town would be determined by the Commission itself. During the legislative session, Peebles & Smith typically provide

weekly updates as well as monthly reports that accompany billing. Some local government clients prefer updates via conference calls.

Commissioner Vincent asked if there is enhanced concern for septic systems located along coastal waterways. Both representatives confirmed this. Mr. Matthews cautioned that some existing wastewater treatment facilities may not have sufficient capacity to handle large-scale conversion, although this is not the case for the Town.

Mr. Smith advised that the firm has had a success rate within the 70% range over the last five years. They counsel clients on the process they follow, and invite representatives of local governments to Tallahassee so they can share their needs and experiences with legislators. They also spend a good deal of time preparing to address the possibility of a veto and educating the executive branch on the needs of the communities they represent.

b. Ericks Consultants, Inc.

Candice Ericks, representing Ericks Consultants, Inc., stated that the lobbying firm has been based in Broward County since 1998 and focuses on Broward clients, representing six municipalities within the County as well as Broward and Palm Beach Counties. They work closely with the Broward delegation to the State Legislature, as well as the Broward League of Cities and with individual leaders in the legislature.

Lauren Jackson, also representing Ericks Consultants, Inc., advised that the firm's team focuses on the appropriations process by working closely with city staffs to build a successful business case. The appropriations process differs slightly from year to year. They provide weekly written reports to local government clients and work on issues beyond the appropriations process, such as vacation rentals and other matters of potential interest or concern.

Corey Staniscia, also representing Ericks Consulting, explained that he previously worked for State Representative George Moraitis and has met with Town Staff as well as various State departments in that capacity. He characterized the firm's role as one of support to Staff, emphasizing its team's local connections and familiarity with the Town.

Vice Mayor Brown addressed the firm's relationships with Broward County clients, asking if other municipalities in the County would be competing with Lauderdale-By-The-Sea for septic-to-sewer conversion funds. Ms. Jackson replied that another local government will be seeking these funds; however, the firm has been successful in procuring funds for different clients from the same source of funding. Mr. Staniscia would represent the Town in seeking these funds, so legislators would not see the same individuals requesting funds for multiple clients.

Ms. Ericks advised that the firm has been successful in communicating the specific needs of Broward County clients, as these needs may differ significantly from those of other geographic and demographic areas. No one client or task is emphasized over another.

Vice Mayor Brown asked if the State Legislature is expected to approve funds for water projects or specifically for septic-to-sewer conversion. Ms. Jackson noted that many legislators have expressed frustration with the politicization of water projects in recent years as compared to other appropriations; however, no bills have been filed thus far to change this process. She did not anticipate any changes to the appropriations process during the coming fiscal year.

Vice Mayor Brown stated that he was concerned with the “revolving door” that occurs when individuals who have formed working relationships with legislators leave their positions and become lobbyists, often lobbying those same legislators and their staffs. Ms. Jackson replied that this fosters a team relationship, as the legislators they lobby also represent their municipal clients. Ms. Ericks added that the firm often relies on the expertise of legislative staff.

Mayor Sasser commented that the Town might be in need of greater visibility regarding its request due to its size. Ms. Jackson suggested that the Town may want to consider working with other local governments to create a fairer process for appropriations projects. She added that the firm would keep them informed on other issues that may affect them as well as appropriations, as they address these issues on behalf of other clients. If they wish, Commissioners may also travel to Tallahassee at times to present to the State Legislature.

Mayor Sasser requested additional information on the firm’s ability to procure funding for its clients through other means than appropriations. Ms. Ericks replied that the firm would seek to identify funds for the Town from other sources and pursue those sources that offer the best chance of providing these funds.

Commissioner Vincent asked to know the importance of appropriations for septic-to-sewer conversion in the eyes of both the State Legislature and the Department of Environmental Protection. Ms. Jackson replied that this issue has always stimulated discussion, noting that in south Florida, concerns focus on the impact of septic systems on bodies of water. She addressed the private development issue affecting the Town’s request, asserting that while this may present a potential hurdle for appropriations, the firm would be prepared to address this concern as one that affects the Town as a whole through its budget. Mr. Staniscia added that one septic-to-sewer project funded the previous year was for a private homeowners’ association in Palm Beach County.

Commissioner Sokolow requested an estimate of the firm’s success rate in recent years. Ms. Ericks advised that the firm’s longevity with most of its clients speaks well for its abilities: they have had success with appropriations, as well as work against unfunded mandates or other issues that could be costly to local government. The firm is relatively small, including an office manager based in Tallahassee as well as interns during the legislative session.

Town Manager Bentley asked for an estimate of the Town's appropriation request versus the cost of the total project. Mr. Staniscia replied that similar projects funded during the past year were provided between \$500,000 and \$1.5 million. He emphasized that every year will be different, and added that the firm would work with sponsors and Town Staff to arrive at an appropriate amount for the request, which may be influenced by availability of funding as well as the potential requirement for matching funds.

Ms. Ericks advised that while the firm's pricing may be slightly higher than that of its competitors, this is because their services are all-inclusive. They would not need to add other costs onto their fee if they address other issues on behalf of the Town.

The Commissioners invited the representatives of both Peebles & Smith and Ericks Consultants, Inc. to be present for the remaining discussion.

Vice Mayor Brown explained the reasoning behind his ranking of Peebles & Smith as #1 and Ericks Consultants, Inc. as #2, stating that Ericks Consultants' representation of another Broward client for a similar appropriations request could result in a difficulty for local elected representatives in the State Legislature.

Commissioner Vincent stated that he felt there is greater comfort in a firm that is knowledgeable about the needs of local constituents, which led him to rank Ericks Consultants, Inc. as #1 and Peebles & Smith as #2.

Commissioner Sokolow advised that he would also rank Ericks Consultants, Inc. as #1 and Peebles & Smith as #2, noting that Ericks Consultants maintains an office in Tallahassee so they are knowledgeable about both the local governments they represent as well as the State Legislature.

Mayor Sasser also emphasized the importance of working with a team that understands the needs of Broward constituents and personally knows Town Staff. He also ranked Ericks Consultants, Inc. as #1 and Peebles & Smith as #2.

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to rank Ericks first. Motion carried 5-0.

4. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:33 p.m.



Mayor Scot Sasser

ATTEST:

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Town Clerk Tedra Allen

9-25-17

Date