

Vicente, Valerie

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Thursday, February 28, 2019 8:49 AM
To: Brett J. Schneider
Cc: Vicente, Valerie
Subject: Re: Special meeting

Yes, I'm going to ask Esmond to find out the date for the workshop-I'm not sure it's been determined yet...

Sent from my iPhone

On Feb 28, 2019, at 8:48 AM, Brett J. Schneider <BSchneider@wsh-law.com> wrote:

When is the workshop? They could certainly decide whether to have special meeting at the workshop since they do not need to "vote" to hold special meeting, no?

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Thursday, February 28, 2019 8:46 AM
To: Brett J. Schneider <BSchneider@wsh-law.com>
Cc: Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: Fwd: Special meeting

FYI

Sent from my iPhone

Begin forwarded message:

From: "Johnston, Sarah" <Sarah.Johnston@citynmb.com>
Date: February 28, 2019 at 6:29:20 AM EST
To: "Villard, Paule" <Paule.Villard@citynmb.com>
Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>
Subject: **Re: Special meeting**

Good Morning Commissioner,

The City Manager and I can have your item added to the workshop agenda however, at a workshop the City Commission can only have discussion-no votes can be taken.

I will be in a technical development review committee meeting in the morning but otherwise I'm available to speak further.

Thank you.

Sarah

Sent from my iPhone

On Feb 28, 2019, at 3:18 AM, Villard, Paule
<Paule.Villard@citynmb.com> wrote:

In reference to the special meeting, I would like to include my item to the agenda during the ethics workshop. Disregard the special meeting request for just my item in order to combine it with the ethics workshop. Thank you.

Sent from my iPhone

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Brett J. Schneider, Esq.
Palm Beach Office Managing Director



1200 N Federal Hwy Suite 312 | Boca Raton, FL 33432
P (561) 835-2111 F (954) 764-7770 wsh-law.com | vCard



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Vicente, Valerie

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Thursday, March 14, 2019 2:40 PM
To: Brett J. Schneider
Subject: Re: Special Meeting

This will likely come up on Monday-when you have a minute can we discuss the below language, the meeting notice and

AT&T 2:36 PM 47%
library.municode.com

Code of Ordinances



Sec. 2.4 - Meetings.

The City Commission shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the City Commission may prescribe by a Resolution adopted by November 1, of each year establishing the schedule and number of Council meetings for the following calendar year. If any such meeting date falls upon a legal holiday recognized by the City of North Miami Beach, the regular meeting shall be held on the next day following the legal holiday. The legal holidays recognized by the City of North Miami Beach will be those enumerated in the employee contracts with the City or as subsequently provided by ordinance.

Special meetings shall be called by the Mayor for the consideration of emergency matters upon the written request of the City Manager or upon the request of five members of the Commission other than the Mayor. Notice of such special meetings shall be delivered to members of the Commission and shall be posted on the front door of the City hall at least twenty-four hours prior to the holding of same. No business shall be transacted at any special meeting other than that for which the meeting was called.

what can/cannot happen on Monday?

Sent from my iPhone

On Mar 14, 2019, at 12:08 PM, Brett J. Schneider <BSchneider@wsh-law.com> wrote:

I will make it work.

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Thursday, March 14, 2019 12:04 PM
To: Brett J. Schneider <BSchneider@wsh-law.com>
Subject: Fwd: Special Meeting

Please see attached.

Are you available on Monday?

Sent from my iPhone

Begin forwarded message:

From: "Latimore, Pamela" <Pamela.Latimore@citynmb.com>
Date: March 14, 2019 at 11:56:15 AM EDT
To: Commission All External <CommissionAll@citynmb.com>
Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Ragoonan, Sharon" <Sharon.Ragoonan@citynmb.com>, "Williams, Greg" <greg.williams@citynmb.com>, "Henry, Andrea M." <Andrea.Henry@citynmb.com>, "Vicente, Valerie" <Valerie.Vicente@citynmb.com>
Subject: Special Meeting

Honorable Commissioners: This email is to advise you that Mayor Defillipo has called a Special Meeting. Please see the attached Notice.

Meeting Date Monday March 18, 2019 6pm.

"DO NOT REPLY ALL"

Pamela L. Latimore, MMC | City Clerk

City of North Miami Beach
Office of the City Clerk

T (305) 948-2994

F (305) 787-6026

Pamela.Latimore@citynmb.com

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Brett J. Schneider, Esq.

Palm Beach Office Managing Director



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Vicente, Valerie

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Friday, March 01, 2019 3:32 PM
To: Brett J. Schneider
Cc: Latimore, Pamela; Bernard, Andrise
Subject: FW: Pamela Latimore
Attachments: Resolution 2017-81 Clerk Conditions of Employment.pdf

Brett,

Please see attached.

Thank you

Sarah L. Johnston
City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
T: (305) 948-2939 x. 2303



From: Bernard, Andrise
Sent: Friday, March 1, 2019 3:16 PM
To: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Cc: Latimore, Pamela <Pamela.Latimore@citynmb.com>
Subject: Pamela Latimore

Good Afternoon Sarah,

Per City Clerk Pamela Latimore, I am forwarding the attached document.

Sincerely,

Andrise Bernard | *CMC, Assistant City Clerk*
City of North Miami Beach
Office of the City Clerk

T (305) 787-6001
F (305) 787-6026

One Vision • One Mission
One City



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RESOLUTION NO. R2017-81

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO THE PERFORMANCE EVALUATION OF THE CITY CLERK; RECEIVING THE CITY CLERK'S PERFORMANCE EVALUATION REPORT; AND, IN CONSIDERATION OF THE CITY CLERK'S EXEMPLARY PERFORMANCE DURING THE CONTRACT YEARS FROM, FEBRUARY 17, 2011, THROUGH SEPTEMBER 30, 2017, GRANTING A COST OF LIVING ADJUSTMENT ("COLA") OF THREE (3%) PERCENT, EFFECTIVE ON OCTOBER 1, 2017, EXTENDING THE CITY CLERK'S CONTRACT OF EMPLOYMENT, DATED OCTOBER 1, 2016, FOR AN ADDITIONAL THREE (3) YEAR AND TWO (2) MONTH TERM, COMMENCING UPON THE EXPIRATION OF SAID CONTRACT AND ENDING ON DECEMBER 31, 2020; FURTHER AMENDING THE CITY CLERK'S EMPLOYMENT CONTRACT PURSUANT TO TERM SHEET ATTACHED HERETO.

WHEREAS, City Clerk Pamela Latimore's contract renewal was approved by the City Commission on August 16, 2016; and

WHEREAS, the Employment Contract provides for an evaluation of the City Clerk, at which time the City Commission shall review the annual salary and/or other benefits of the City Clerk, and make adjustments in such amounts and to such extent as the City Commission may determine that it is desirable to do so; and

WHEREAS, the Employment Contract further provides that the City Clerk "may be entitled to receive Cost of Living ("COLA") increase annually" and the "Employee's salary and/or benefits may be enhanced at the City Council's (Commission) discretion"; and

WHEREAS, the Mayor and members of the City Commission have reviewed the Performance Evaluation Report submitted by the City Clerk; and

WHEREAS, on August 15, 2017, during a City Commission Meeting, the Mayor and City Commission convened to review and evaluate the performance of the City Clerk in accordance with the Employment Contract; and

WHEREAS, in consideration and recognition of the City Clerk's exemplary performance and achievements for the Contract year October 1, 2016, until present, the Mayor and City Commission hereby deem that it is in the best interest of the City to approve the foregoing adjustments to the City Clerk's salary and benefits, and other aspects of the Employment Contract, all as further set forth below.

RESOLUTION NO. R2017-81

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Miami Beach, Florida:

Having received and reviewed the Performance Evaluation Report submitted by the City Clerk, and following a duly noticed Commission Meeting on August 15th, 2017, and in consideration and recognition of the City Clerk's exemplary performance during said Contract years, the Mayor and City Commission hereby approve the following:

Section 1. The City Clerk will be granted a three (3%) percent Cost of Living Adjustment ("COLA"), effective as of October 1, 2017.

Section 2. The initial term of the Employment Contract thereof, is hereby extended for an additional term of three (3) years, which term will commence on October 1, 2017 and end on December 31, 2020 unless extended; and all other necessary adjustments to the Employment Contract are made to reflect said change.

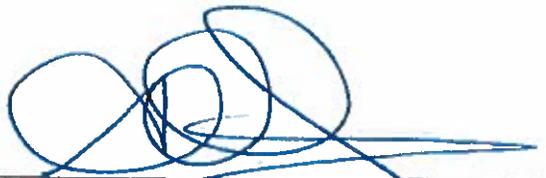
Section 3. Mrs. Latimore's engagement as City Clerk shall continue under and pursuant to the terms and conditions of the Employment Contract pursuant to the term sheet attached hereto as approved pursuant and as further amended by this Resolution, and the attached term sheet until the same is modified, amended, or terminated by action of the Mayor and City Commission.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this 15th day of August 2017.

ATTEST:



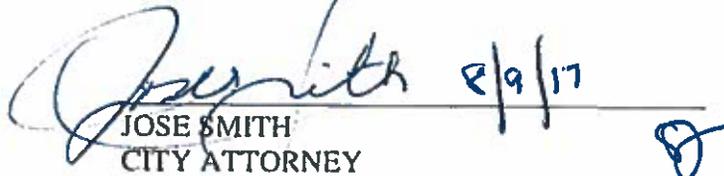
PAMELA L. LATIMORE
CITY CLERK



GEORGE VAGLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:



JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor & City Commission

RESOLUTION NO. R2017-81

ADOPTED CONTRACT TERM SHEET

Based on my performance, and accomplishments outlined in this memorandum, I consider the following proposed terms and conditions of employment to be fair, reasonable and justly earned:

RENEWAL/EXPIRATION DATE

3 Year Contract
October 1, 2017 – December 31, 2020

CURRENT BASE SALARY

\$115,000.00

PERFORMANCE BONUS

\$10,000.00 Upon Start of Contract

COST OF LIVING ADJUSTMENT (COLA)

Annual 3% Cost of Living Adjustment Effective October 1st of Each Year Commencing on the First Year of the Contract

SICK /ANNUAL AND HOLIDAY LEAVE

Remain the same

CAR AND FUEL ALLOWANCE

\$400.00

RETIREMENT BENEFITS

Remain the Same

DISABILITY INSURANCE

Remain the Same

LIFE INSURANCE

Remain the same

HEALTH INSURANCE

Remain the Same
(Employee Paid)

CELL PHONE ALLOWANCE

Remain the Same

All other terms remain the same as in the 2016 contract

CONDITIONS OF EMPLOYMENT

Employer: *City of North Miami Beach*

Employee: *Pamela L. Latimore, CMC*

Position: *City Clerk*

Effective Date: *October 1, 2012 - September 30, 2013*

**Renewal/
Expiration Date:** *This contract shall be reviewed and renewed by the Mayor and Council at a Council meeting in July 2013.*

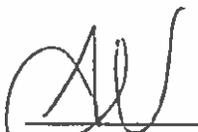
Duties: *Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.*

Salary: *Employee's compensation shall be \$1,586.54 per week or \$82,500 yearly equivalent and includes cellular phone allowance. Employee may be entitled to receive a cost of living increase annually. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.*

Leave: *Employee shall be entitled to the following:*

| | |
|--------------------------|--------------------------------------|
| <i>Annual Leave:</i> | <i>20 days/160 hours</i> |
| <i>Sick Leave:</i> | <i>10 days/80 hours</i> |
| <i>Floating Holiday:</i> | <i>2 days/16 hours per year None</i> |
| <i>Birthday:</i> | <i>1 day/8 hours per year None</i> |

Pension Eligibility: *Employee shall continue his/her participation in a City of North Miami Beach's Pension Plan. Employee's mandatory employee contribution is 8% and is subject to change as determined by the City. However, City Clerk agrees to transfer to any new pension plan when it becomes available.*



City



Latimore

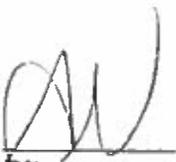
Health Insurance: *City shall provide Employee with health benefits that are consistent with the benefits that are provided to the City's senior management.*

Dental Insurance: *City shall provide Employee with dental benefits that are consistent with the benefits that are provided to the City's senior management.*

Disability: *Employee shall be provided long and short term disability at no cost to employee.*

Life Insurance: *City shall provide Employee with life insurance in an amount that is twice Employee's annual salary. For this purpose salary shall be capped at \$200,000.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue. Employee's insurance shall be portable so that if the Employee elects, the policy may be converted.*

Severance: *Employee may be terminated from employment with or without cause at anytime. If Employee is terminated without cause, the City shall pay Employee a lump sum cash payment equal to twelve (12) weeks salary pursuant to Florida State Statutes Chapter 112. Furthermore, the City Council may within its discretion, provide Employee an additional eight (8) weeks of severance pursuant to Florida State Statutes Chapter 112. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter and laws of North Miami Beach and the laws of the State of Florida.*



City



Latimore

**Professional
Development:**

City shall pay Employee's reasonable dues, subscriptions and travel expenses along with subsistence expenses for continuing education, membership and participation in professional associations and organizations.

City of North Miami Beach, Florida

Employee:

By: 
GEORGE VALLEJO, Mayor

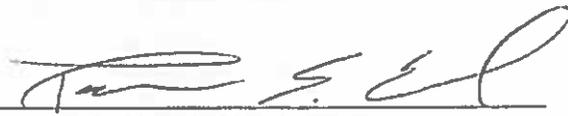

PAMELA L. LATIMORE, CMC

**PURSUANT TO motion adopted
on September 20, 2012**

ATTEST:

**Approved as to Form and Legal Sufficiency
For Use and Reliance of the City Only:**


JOANNE CALLAHAN, Assistant City Clerk


Darcee S. Siegel, City Attorney



CITY OF NORTH MIAMI BEACH

February 14, 2011

Mrs. Pamela Luckie-Lattimore
3221 N. W. 212th Street
Miami Gardens, Florida 33056

Dear Mrs. Luckie-Lattimore:

It is my pleasure to offer you the position of City Clerk at the City of North Miami Beach. The offered position is full-time beginning on Monday, February 14, 2011, at a pay rate of \$1,442.31 weekly, which is equivalent to \$75,000.00 on an annual basis, and subject to deductions for taxes and other withholdings as required by law or the policies of the City. You will be paid weekly. The position will report to the Mayor and Council.

The position offered is an unclassified position. Accordingly your employment is at-will, and may be ended at any time by either you or the City.

You will be eligible for the following benefits:

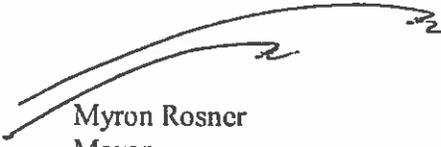
- **Health Insurance** City pays \$756.39 of the premium that the employee chooses plus an additional 20% of the remainder of that premium. The remaining amount shall be paid by the employee.
- **Life insurance** two times your annual salary with a maximum of \$200,000
- **Short Term disability** City paid for thirteen (13) weeks (after 30 day waiting period).
- **Annual Leave** 20 days
- **Sick Leave** 10 days
- **Floating Holidays** 2 days
- **Birthday** 1 day
- **Cell phone allowance** \$50.00 monthly
- **Severance pay:** three (3) months
(Benefit applies if terminated after one (1) year of employment)
- **11 national holidays**
- **Pension:** Due to upcoming pension reform, you will be placed in the existing Management Pension Plan upon employment but, you voluntarily agree to transfer to a new tier of the City Management Employee Plan upon creation and enactment of that new tier.

The City of North Miami Beach is required by federal law to verify the identity and work authorization of all new employees. Accordingly, this offer is contingent upon such verification. Please bring with you your social security card on your first day of employment for payroll purposes.

Mrs. Luckie-Lattimore
February 14, 2011
Page 2

You may indicate acceptance of this position by signing below and returning a signed copy of this letter to us. Please feel free to call me if you have any questions. Welcome to the City of North Miami Beach. We are delighted to have you join the City and we look forward to working with you.

Sincerely,



Myron Rosner
Mayor

- c: Barbara Kramer, Vice Mayor
- Philippe DeRose, Councilman
- McKenzie Fleurimond, Councilman
- Frantz Pierre, Councilman
- Phyllis Smith, Councilwoman
- Beth Spiegel, Councilwoman
- Roslyn Weisblum, Acting City Manager
- Darcee Siegel, City Attorney
- Beverly Hobson, Human Resources Director

I acknowledge receipt of this letter and I accept the position offered.

Signature *Patricia L. Lattimore*

Date *March 1, 2011*

CONDITIONS OF EMPLOYMENT

EMPLOYER: City of North Miami Beach

POSITION: City Clerk

EMPLOYEE: Pamela L. Latimore

EFFECTIVE DATE: October 1, 2013 - September 30, 2014

RENEWAL/

EXPIRATION DATE: This contract shall be reviewed and renewed by the Mayor and City Council at a Council meeting in July 2014.

DUTIES: Employee shall perform the duties and exercise the powers as provided by state law, the City Charter and City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

SALARY: Employee's compensation shall be \$1,730.75 per week or a \$89,999.00 yearly equivalent and includes cellular phone allowance. Employee may be entitled to receive a cost of living increase annually. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.

LEAVE: Employee shall be entitled to the following:

| | |
|-------------------|--|
| Annual Leave: | 20 days/160 hours (Formerly 30 days/240 hours) |
| Sick leave: | 10 days/80 hours (Formerly 28 days/224 hours) |
| Floating Holiday: | 2 days/16 hours per year |
| Birthday: | 1 day/8 hours per year |

PENSION

ELIGIBILITY: Employee shall continue her participation in a City of North Miami Beach Pension Plan. Employee's mandatory employee contribution is 8% and is subject to change as determined by the City.


CITY


LATIMORE

**HEALTH
INSURANCE:**

City shall provide Employee with Health benefits that are consistent with the benefits that are provided to the City's senior management.

**DENTAL
INSURANCE:**

City shall provide Employee with dental benefits that are consistent with the benefits that are provided to the City's senior management.

DISABILITY:

Employee shall be provided long and short term disability insurance at no cost cost to employee.

**LIFE
INSURANCE:**

City shall provide Employee with life insurance in an amount that is twice Employee's annual salary. For this purpose, salary shall be capped at \$200,000.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue. Employee's insurance shall be portable so that, if Employee elects, the policy maybe converted.

SEVERANCE:

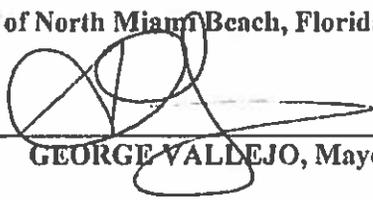
Employee may be terminated from employment with or without cause at anytime. If employee is terminated without cause, the City shall pay Employee a lump sum cash payment equal to twelve (12) weeks salary pursuant to Florida State Statutes Chapter 112. Furthermore, the City Council may, within its discretion, provide Employee an additional eight (8) weeks of severance pursuant to Florida State Statutes Chapter 112. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter and laws of North Miami Beach and the laws of the State of Florida.

**PROFESSIONAL
DEVELOPMENT:**

City shall pay Employee's reasonable dues, subscriptions and travel expenses along with subsistence expenses for continuing education, membership and participation in professional associations and organizations.

City of North Miami Beach, Florida:

By:



GEORGE VALDEJO, Mayor

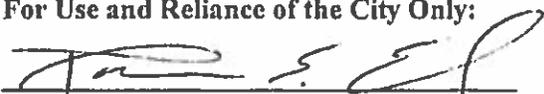
Employee:



PAMELA L. LATIMORE

**PURSUANT TO Motion Approved and Adopted at the
August 6, 2013 City Council Meeting.**

**Approved as to Form and Legal Sufficiency
For Use and Reliance of the City Only:**



Darcee S. Siegel, City Attorney

Vicente, Valerie

From: Michael S. Kantor <MKantor@wsh-law.com>
Sent: Monday, March 18, 2019 11:08 AM
To: Brett J. Schneider; 'Johnston, Sarah'
Cc: Frank Alonso; Vicente, Valerie
Subject: RE: NMB

430 works for me as well.

Frank – Can you please circulate a call in number? Thank you.

From: Brett J. Schneider <BSchneider@wsh-law.com>
Sent: Monday, March 18, 2019 11:03 AM
To: 'Johnston, Sarah' <Sarah.Johnston@citynmb.com>
Cc: Michael S. Kantor <MKantor@wsh-law.com>; Frank Alonso <FAlonso@wsh-law.com>; Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: RE: NMB

430 pm is best

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Monday, March 18, 2019 10:57 AM
To: Brett J. Schneider <BSchneider@wsh-law.com>
Cc: Michael S. Kantor <MKantor@wsh-law.com>; Frank Alonso <FAlonso@wsh-law.com>; Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: Re: NMB

4:30 or 3:15 (if that is better) works for me...

Sent from my iPhone

On Mar 18, 2019, at 10:52 AM, Brett J. Schneider <BSchneider@wsh-law.com> wrote:

I would like to join but have a call at 4. Can we do it at 430?

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Monday, March 18, 2019 10:43 AM
To: Brett J. Schneider <BSchneider@wsh-law.com>
Cc: Michael S. Kantor <MKantor@wsh-law.com>; Frank Alonso <FAlonso@wsh-law.com>; Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: Re: NMB

Hi Michael,
Would 4pm work?

Sent from my iPhone

On Mar 18, 2019, at 10:18 AM, Brett J. Schneider <BSchneider@wsh-law.com> wrote:

Sarah,

Michael Kantor will attend tomorrow night's meeting. Michael is copied on this email. I have briefed and will forward him all the docs I have on this. I think it would also be helpful if the 3 of us could jump on a call to discuss this afternoon. Is there a good time for you?

Brett J. Schneider, Esq.

Palm Beach Office Managing Director

<image001.jpg>

1200 N Federal Hwy Suite 312 | Boca Raton, FL 33432
P (561) 835-2111 (954) 764-7770

<image002.jpg>

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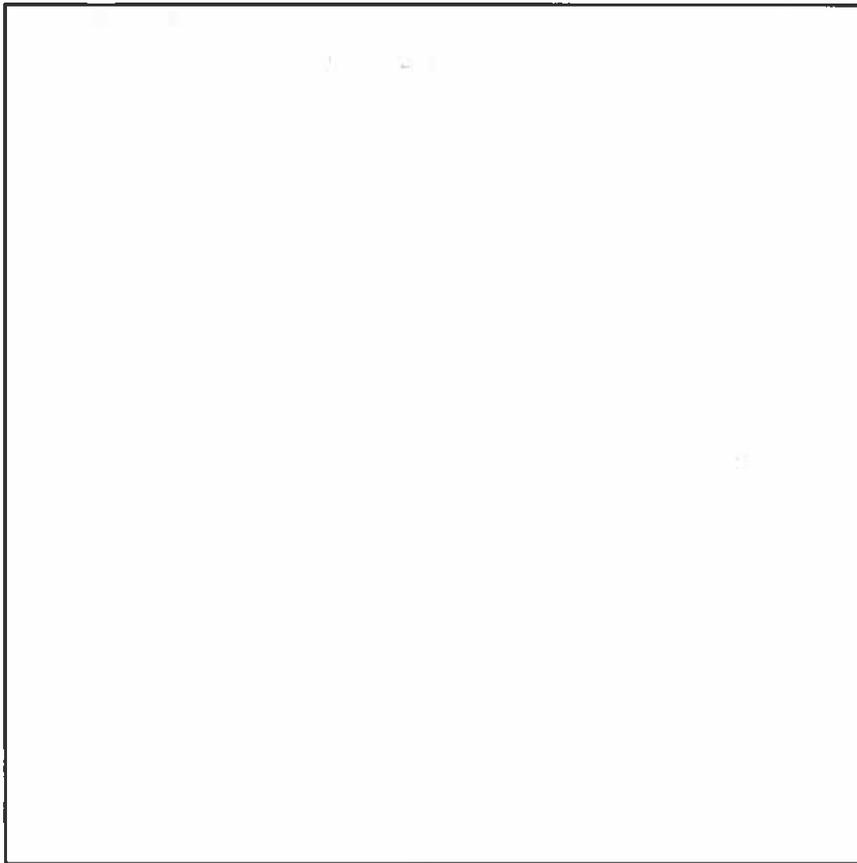
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Brett J. Schneider, Esq.

Palm Beach Office Managing Director



1200 N Federal Hwy Suite 312 | Boca Raton, FL 33432
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Michael Kantor

Broward office/Labor Department/Associate



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Vicente,Valerie

From: Frank Alonso <FAlonso@wsh-law.com>
Sent: Monday, March 18, 2019 11:09 AM
To: Johnston, Sarah; Vicente,Valerie; Brett J. Schneider; Michael S. Kantor
Subject: North Miami Beach - Conference Call
Attachments: attachment.ics

~~~~~  
A ShoreTel conference call has been created for this meeting.

Use either of the following to join the call:

Call 113 (Extension)

+1(305) 728-4106 (Local dial in)

and enter the access code below followed by the # key.

Participant code: 1962678

Or, click the link below:

Participant: <http://bridge.wsh-law.com/conference/1962678>

Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

iOS devices: +1(305) 728-4106,1962678 and press #

Other devices: +1(305) 728-4106x1962678#

Additional Calling Information: Use either of the following to join the call:

Call 113 (Extension)

Outside Dial-in (305)728-4106

~~~~~  
Frank Alonso

Florida Registered Paralegal, Labor & Employment Practice Group



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Vicente,Valerie

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Monday, March 18, 2019 4:57 PM
To: Michael S. Kantor; Brett J. Schneider
Cc: Vicente,Valerie
Subject: reso 2018-71
Attachments: R2018-71- Repealing R2016-82.pdf; R2016-82.pdf

Reso 2018-71 was approved, I just do not have an executed copy on-hand.

Sarah L. Johnston
City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
T: (305) 948-2939 x. 2303



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RESOLUTION NO. R2018-71

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REPEALING RESOLUTION NO. R2016-82 IN ITS ENTIRETY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 20, 2016, the City Commission of the City of North Miami Beach ("City") passed Resolution No. R2016-82 ("R2016-82"), establishing due process procedures to remove any Charter Officer; and

WHEREAS, on June 28, 2018, the City Commission raised concerns with the language contained in R2016-82 and the resulting implementation of the procedures set forth therein; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to repeal Resolution No. R2016-82.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. The aforementioned recitals are true and correct.

Section 2. Resolution No. R2016-82 is repealed in its entirety.

Section 3. This resolution shall take effect immediately upon approval.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this 17th day of July, 2018.

[SIGNATURE PAGE TO FOLLOW]

RESOLUTION NO. R2018-71

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

BETH E. SPIEGEL
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



SARAH JOHNSTON
INTERIM CITY ATTORNEY *JS*

SPONSORED BY: Mayor and City Commission

RESOLUTION NO. R2018-71

RESOLUTION NO. R2016-82

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING DUE PROCESS PROCEDURES TO
REMOVE ANY CHARTER OFFICER.**

WHEREAS, the City of North Miami Beach Charter Officers are considered at-will employees serving at the pleasure of the City Council; and

WHEREAS, the City Council recognizes the need to recruit and retain Charter Officers who exemplify the highest ethical and professional standards; and

WHEREAS, while the Florida Sunshine Law does not require that all matters discussed at a public meeting be listed on an agenda prior to a public meeting, courts have encouraged policy makers to publicly notice important matters to allow for public participation; and

WHEREAS, accordingly, notwithstanding the Sunshine Law provisions, the City Council desires to establish due process procedures for removal of Charter Officers from employment; and

WHEREAS, this procedure is consistent with City Code Section 2-1.2(a), which states: "*Required; Preparation by City Clerk. The business to be transacted coming before the City Council shall be governed and regulated by an agenda prepared by the City Clerk and concluded the Friday preceding the City Council meeting*"; and

WHEREAS, the City Council recognizes that requiring its members to carefully consider a motion for removal, and affording the Charter Officer a meaningful opportunity to respond, makes the removal process more transparent and equitable to everyone concerned and is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby adopt the following notice requirement and removal procedures for Charter Officers:

- a. A member of the City Council seeking to terminate the employment of a Charter Officer must submit to the City Clerk a written notice stating specific reasons, if any, for the requested removal of the subject Charter Officer.
- b. To be considered by the Council, the notice must be submitted to the City Clerk by the administrative deadline such that it can be included in the official Agenda for the next available City Council meeting.

RESOLUTION R2016-82

- c. Upon receipt of the written notice to remove a Charter Officer by a member of the City Council, the Clerk shall immediately deliver it to the Charter Officer.
- d. To provide reasonable notice to the public regarding such decisions, the notice shall be placed on the agenda for the next City Council meeting for discussion and public comment.
- e. The Charter Officer shall be afforded a reasonable opportunity to respond to the allegations in the notice orally or in writing at the Council meeting prior to a final vote by the City Council.

Section 3. The City Clerk is hereby directed to ensure that these Notice and Removal Procedures are implemented by the City Council and carry out all duties described herein.

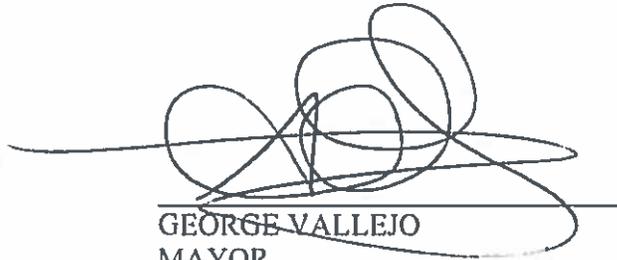
APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this 20th day of September, 2016.

ATTEST:



PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)



GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:



JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor and Council

RESOLUTION R2016-82

Vicente,Valerie

From: Michael S. Kantor <MKantor@wsh-law.com>
Sent: Tuesday, March 19, 2019 3:45 PM
To: Johnston, Sarah
Cc: Vicente,Valerie
Subject: RE: contact info

Sounds great, thank you!

My cell is 954-980-7930

See you this evening.

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Tuesday, March 19, 2019 3:43 PM
To: Michael S. Kantor <MKantor@wsh-law.com>
Cc: Vicente,Valerie <Valerie.Vicente@citynmb.com>
Subject: contact info

Michael, please feel free to contact Valerie or myself this evening if you need anything – text will be the best way to reach us. There is a workshop that begins at 5pm and the Commission Meeting will begin at 6pm. If you text when you arrive Valerie will be able to show where the best place is to sit and if you need anything, etc.

Sarah cell 786-380-2554
Valerie cell 305-491-0401

Sarah L. Johnston
City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
T: (305) 948-2939 x. 2303



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Michael Kantor
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Vicente,Valerie

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Tuesday, March 26, 2019 11:01 AM
To: Brett J. Schneider; Michael S. Kantor
Cc: Vicente,Valerie; Frank Alonso
Subject: RE: Investigation

Whenever you time - I am available most of the day.

Sarah L. Johnston
City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
T: (305) 948-2939 x. 2303

-----Original Message-----

From: Brett J. Schneider [mailto:BSchneider@wsh-law.com]
Sent: Tuesday, March 26, 2019 9:48 AM
To: Johnston, Sarah <Sarah.Johnston@citynmb.com>; Michael S. Kantor <MKantor@wsh-law.com>
Cc: Vicente,Valerie <Valerie.Vicente@citynmb.com>; Frank Alonso <FAlonso@wsh-law.com>
Subject: RE: Investigation

Sarah -- when are you available to connect today?

Thanks.

-----Original Message-----

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Wednesday, March 20, 2019 4:50 PM
To: Michael S. Kantor <MKantor@wsh-law.com>
Cc: Vicente,Valerie <Valerie.Vicente@citynmb.com>; Brett J. Schneider <BSchneider@wsh-law.com>; Frank Alonso <FAlonso@wsh-law.com>
Subject: Re: Investigation

Ok, thank you we will be in touch.

Sent from my iPhone

> On Mar 20, 2019, at 3:36 PM, Michael S. Kantor <MKantor@wsh-law.com> wrote:
>
> Hi Sarah - If its ok to wait until next week when Brett is back that is all good with me.
>
> -----Original Message-----
> **From:** Johnston, Sarah <Sarah.Johnston@citynmb.com>
> **Sent:** Wednesday, March 20, 2019 2:38 PM
> **To:** Michael S. Kantor <MKantor@wsh-law.com>

> Cc: Vicente, Valerie <Valerie.Vicente@citynmb.com>; Brett J. Schneider <BSchneider@wsh-law.com>; Frank Alonso <FAlonso@wsh-law.com>

> Subject: Re: Investigation

>

> Hi Michael,

> I sent a text message but reiterating- I'm available after 3:30pm to speak...

> I have spoken with several of the Commissioners and will follow up with them again regarding the game plan moving forward.

> *Brett, there is nothing that cannot wait until next week, Esmond also wants to discuss an issue with an employee so when you return we will set aside some time.

>

> Thank you

> Sarah

>

> Sent from my iPhone

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>> On Mar 20, 2019, at 10:57 AM, Michael S. Kantor <MKantor@wsh-law.com> wrote:

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>> Hi Sarah,

>>

>> Please let me know whenever is a good time to talk today. I spoke to Brett this morning and have some ideas for controlling costs on this. If you'd like to include him in the call he is available after 330. I am available any time other than 1130-130.

>> Michael Kantor

>> Broward office/Labor Department/Associate

>>

>> [Logo]

>>

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>> | Fort Lauderdale, FL 33301

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Vicente,Valerie

From: Vicente,Valerie <Valerie.Vicente@citynmb.com>
Sent: Tuesday, March 26, 2019 1:38 PM
To: Brett J. Schneider; Johnston, Sarah; Michael S. Kantor
Cc: Frank Alonso
Subject: RE: Investigation

2:00pm would be perfect.

-----Original Message-----

From: Brett J. Schneider [mailto:BSchneider@wsh-law.com]
Sent: Tuesday, March 26, 2019 1:32 PM
To: Johnston, Sarah <Sarah.Johnston@citynmb.com>; Michael S. Kantor <MKantor@wsh-law.com>
Cc: Vicente,Valerie <Valerie.Vicente@citynmb.com>; Frank Alonso <FAlonso@wsh-law.com>
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2 pm?

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>> Michael Kantor

>> Broward office/Labor Department/Associate

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Brett J. Schneider, Esq.

Palm Beach Office Managing Director

[Logo]

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Brett J. Schneider, Esq.

Palm Beach Office Managing Director

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Vicente, Valerie

From: Amy Witkowski <AWitkowski@wsh-law.com>
Sent: Monday, April 01, 2019 9:25 AM
To: Brett J. Schneider; Sharon Kelley; Johnston, Sarah
Cc: Vicente, Valerie
Subject: RE: background info for investigation

Good morning,

Brett has requested that we move this call from 10am to 10:15. I will update the calendar invite.

Thank you.

From: Brett J. Schneider
Sent: Thursday, March 28, 2019 10:19 AM
To: Sharon Kelley <sharon.emplar@outlook.com>; Johnston, Sarah <Sarah.Johnston@citynmb.com>
Cc: Vicente, Valerie <Valerie.Vicente@citynmb.com>; Amy Witkowski <AWitkowski@wsh-law.com>
Subject: RE: background info for investigation

Amy – pls circulate call instructions for Monday at 10 am re NMB Investigation.

Thanks.

From: Sharon Kelley <sharon.emplar@outlook.com>
Sent: Thursday, March 28, 2019 10:13 AM
To: Johnston, Sarah <Sarah.Johnston@citynmb.com>; Brett J. Schneider <BSchneider@wsh-law.com>
Cc: Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: RE: background info for investigation

Good morning Sarah and Brett. Thank you for sending the documents and the link to the Commission meeting.

If anything changes with the schedule for a conference call tomorrow, I can be available from 11:00 to 1:30 or 3:00 to 6:00, and Monday I am available between 10:00 and 2:00 and then from 3:30 on.

Best,
Sharon P. Kelley
EmpLar Consultants LLC
(561) 756-0810
Sharon.EmpLar@outlook.com

From: Johnston, Sarah <Sarah.Johnston@citynmb.com>
Sent: Wednesday, March 27, 2019 4:41 PM
To: Brett J. Schneider <BSchneider@wsh-law.com>; Sharon Kelly <sharon.emplar@outlook.com>
Cc: Vicente, Valerie <Valerie.Vicente@citynmb.com>
Subject: background info for investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you.

Sarah L. Johnston
City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
T: (305) 948-2939 x. 2303



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Amy Witkowski
Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider



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Vicente,Valerie

From: Amy Witkowski <AWitkowski@wsh-law.com>
Sent: Monday, April 01, 2019 9:25 AM
To: Brett J. Schneider; Sharon Kelley; Johnston, Sarah
Cc: Vicente,Valerie
Subject: Conference Call Regarding NMB Investigation [6209075]
Attachments: attachment.ics

A ShoreTel conference call has been created for this meeting.

Use either of the following to join the call:

Call 113 (Extension)

+1(305) 728-4106 (Local dial in)

and enter the access code below followed by the # key.

Participant code: 6209075

Or, click the link below:

Participant: <http://bridge.wsh-law.com/conference/6209075>

Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

VoIP: voip://+13057284106;6209075#

iOS devices: +1(305) 728-4106,6209075 and press #

Other devices: +1(305) 728-4106x6209075#

Additional Calling Information: Use either of the following to join the call:

Call 113 (Extension)

Outside Dial-in (305)728-4106

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Use either of the following to join the call:

Call 113 (Extension)

+1(305) 728-4106 (Local dial in)

and enter the access code below followed by the # key.

Participant code: 6209075

Or, click the link below:

Participant: <http://bridge.wsh-law.com/conference/6209075>

Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

VoIP: voip://+13057284106;6209075#

iOS devices: +1(305) 728-4106,6209075 and press #

Other devices: +1(305) 728-4106x6209075#

Additional Calling Information: Use either of the following to join the call:

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Outside Dial-in (305)728-4106

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Mobile Auto Dial:

VoIP: voip://+13057284106;6209075#

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Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

VoIP: voip://+13057284106;6209075#
iOS devices: +1(305) 728-4106,6209075 and press #
Other devices: +1(305) 728-4106x6209075#

Additional Calling Information: Use either of the following to join the call:

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~~~~~  
~~~~~

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and enter the access code below followed by the # key.
Participant code: 6209075

Or, click the link below:

Participant: <http://bridge.wsh-law.com/conference/6209075>
Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

VoIP: voip://+13057284106;6209075#
iOS devices: +1(305) 728-4106,6209075 and press #
Other devices: +1(305) 728-4106x6209075#

Additional Calling Information: Use either of the following to join the call:

Call 113 (Extension)
Outside Dial-in (305)728-4106

~~~~~

Amy Witkowski

Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider



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**Vicente, Valerie**

---

**From:** Johnston, Sarah <Sarah.Johnston@citynmb.com>  
**Sent:** Monday, April 01, 2019 11:14 AM  
**To:** Brett J. Schneider  
**Subject:** RE: Do you want me to open a new billing file for clerk investigation?

Yes please.

TY

**Sarah L. Johnston**  
*City Attorney*  
City of North Miami Beach  
17011 NE 19th Avenue  
North Miami Beach, FL 33162  
T: (305) 948-2939 x. 2303



**From:** Brett J. Schneider [mailto:BSchneider@wsh-law.com]  
**Sent:** Monday, April 1, 2019 11:11 AM  
**To:** Johnston, Sarah <Sarah.Johnston@citynmb.com>  
**Subject:** Do you want me to open a new billing file for clerk investigation?

**Brett J. Schneider, Esq.**  
Palm Beach Office Managing Director

**Vicente,Valerie**

---

**From:** Amy Witkowski <AWitkowski@wsh-law.com>  
**Sent:** Tuesday, April 02, 2019 12:39 PM  
**To:** Sharon Kelley  
**Cc:** Brett J. Schneider; Hinds, Audrea  
**Subject:** NMB Conference Call  
**Attachments:** attachment.ics

A ShoreTel conference call has been created for this meeting.  
Use either of the following to join the call:  
Call 113 (Extension)  
+1(305) 728-4106 (Local dial in)  
and enter the access code below followed by the # key.  
Participant code: 5245350

Or, click the link below:  
Participant: <http://bridge.wsh-law.com/conference/5245350>  
Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:  
VoIP: voip://+13057284106;5245350#  
iOS devices: +1(305) 728-4106,5245350 and press #  
Other devices: +1(305) 728-4106x5245350#

Additional Calling Information: Use either of the following to join the call:

Call 113 (Extension)  
Outside Dial-in (305)728-4106

~~~~~

From: Sharon Kelley <sharon.emplar@outlook.com>
Sent: Tuesday, April 2, 2019 12:37 PM
To: Amy Witkowski <AWitkowski@wsh-law.com>
Cc: Brett J. Schneider <BSchneider@wsh-law.com>; Hinds, Audrea <Audrea.Hinds@citynmb.com>
Subject: RE: NMB Conference Call

Amy,

11:00am on Wednesday, April 3, 2019, works for me.

Thank you.

Best,
Sharon P. Kelley
EmpLar Consultants LLC
(561) 756-0810
Sharon.EmpLar@outlook.com <<mailto:Sharon.EmpLar@outlook.com>>

From: Amy Witkowski <AWitkowski@wsh-law.com <<mailto:AWitkowski@wsh-law.com>> >
Sent: Tuesday, April 2, 2019 11:18 AM
To: Hinds, Audrea <Audrea.Hinds@citynmb.com <<mailto:Audrea.Hinds@citynmb.com>> >; Sharon Kelly
(sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>>) <sharon.emplar@outlook.com
<<mailto:sharon.emplar@outlook.com>> >

Cc: Brett J. Schneider <BSchneider@wsh-law.com <<mailto:BSchneider@wsh-law.com>> >
Subject: RE: NMB Conference Call

Thank you.

Sharon- would you be available tomorrow at 11 am?

From: Hinds, Audrea <Audrea.Hinds@citynmb.com <<mailto:Audrea.Hinds@citynmb.com>> >
Sent: Tuesday, April 2, 2019 11:07 AM
To: Amy Witkowski <AWitkowski@wsh-law.com <<mailto:AWitkowski@wsh-law.com>> >; Sharon Kelly
(sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>>) <sharon.emplar@outlook.com
<<mailto:sharon.emplar@outlook.com>> >

Cc: Brett J. Schneider <BSchneider@wsh-law.com <<mailto:BSchneider@wsh-law.com>> >
Subject: RE: NMB Conference Call

Good morning Amy,

I am in a workshop all day today. I am available tomorrow between 8 am and 1 pm.

Regards,

Audrea Hinds
City of North Miami Beach
Human Resources & Risk Management
T (305) 948-2918
F (305) 787-6034

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From: Amy Witkowski <AWitkowski@wsh-law.com <<mailto:AWitkowski@wsh-law.com>> >
Sent: Tuesday, April 2, 2019 9:22 AM
To: Sharon Kelly (sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>>)
<sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>> >; Hinds, Audrea
<Audrea.Hinds@citynmb.com <<mailto:Audrea.Hinds@citynmb.com>> >

Cc: Brett J. Schneider <BSchneider@wsh-law.com <<mailto:BSchneider@wsh-law.com>> >
Subject: RE: NMB Conference Call

Good morning,

Please advise if you are available for a 30 minute phone call at either 1:00pm, 4:00pm or 4:30pm today.

Thank you!

From: Brett J. Schneider
Sent: Monday, April 1, 2019 5:39 PM
To: Amy Witkowski <AWitkowski@wsh-law.com <<mailto:AWitkowski@wsh-law.com>> >
Cc: Sharon Kelly (sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>>)
<sharon.emplar@outlook.com <<mailto:sharon.emplar@outlook.com>> >; Hinds, Audrea
<Audrea.Hinds@citynmb.com <<mailto:Audrea.Hinds@citynmb.com>> >

Subject: NMB Conference Call

Amy – pls coordinate a call for tomorrow for me with Sharon and Audrea.

Thanks.

Amy Witkowski

Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider

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Amy Witkowski

Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider

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Participant code: 5245350

Or, click the link below:

Participant: <http://bridge.wsh-law.com/conference/5245350>

Test link: <http://bridge.wsh-law.com/test>

Mobile Auto Dial:

VoIP: voip://+13057284106;5245350#

iOS devices: +1(305) 728-4106,5245350 and press #
Other devices: +1(305) 728-4106x5245350#

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~~~~~  
Amy Witkowski  
Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider



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## Vicente, Valerie

---

**From:** Amy Witkowski <AWitkowski@wsh-law.com>  
**Sent:** Tuesday, April 02, 2019 2:42 PM  
**To:** Johnston, Sarah; Brett J. Schneider  
**Subject:** RE: Memo to Sharon

Thank you!

---

**From:** Johnston, Sarah <Sarah.Johnston@citynmb.com>  
**Sent:** Tuesday, April 2, 2019 2:41 PM  
**To:** Brett J. Schneider <BSchneider@wsh-law.com>  
**Cc:** Amy Witkowski <AWitkowski@wsh-law.com>  
**Subject:** Re: Memo to Sharon

[Michael.joseph@citynmb.com](mailto:Michael.joseph@citynmb.com)

Sent from my iPhone

On Apr 2, 2019, at 2:32 PM, Brett J. Schneider <[BSchneider@wsh-law.com](mailto:BSchneider@wsh-law.com)> wrote:

Can you send Joseph's memo.

---

**From:** Amy Witkowski  
**Sent:** Tuesday, April 02, 2019 2:27 PM  
**To:** Brett J. Schneider <[BSchneider@wsh-law.com](mailto:BSchneider@wsh-law.com)>  
**Subject:** Memo to Sharon

I have everyone's email except for Commissioner Michael Joseph. Do you happen to have?? It is not on the website

Brett J. Schneider, Esq.  
Palm Beach Office Managing Director



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**Vicente, Valerie**

---

**From:** Amy Witkowski <AWitkowski@wsh-law.com>  
**Sent:** Tuesday, April 02, 2019 2:59 PM  
**To:** Sharon Kelley  
**Cc:** Brett J. Schneider; Scott, Esmond; Pamela.Latimore@citynmb.com; Johnston, Sarah; Vicente, Valerie; Michael S. Kantor; Paule.Villard@citynmb.com; phyllis.smith@citynmb.com; Fortuna.Smukler@citynmb.com; McKenzie.Fleurimond@citynmb.com; barbara.kramer@citynmb.com; Michael.joseph@citynmb.com; anthony.defillipo@citynmb.com  
**Subject:** Memo from Brett Schneider Regarding City of North Miami Beach  
**Attachments:** Memo Regarding Investigation of NMB City Clerk 4-2-19.pdf

Good afternoon,

Please see the attached correspondence sent on behalf of Brett Schneider.

Thank you.

Amy Witkowski

Legal Assistant to A. Maurodis, A. Soroka, and B. Schneider



1200 N Federal Hwy Suite 312 | Boca Raton, FL 33432  
P (561) 835-2111 | [wsh-law.com](http://wsh-law.com) | vCard



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WEISS SEROTA HELFMAN  
COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

**TO:** Sharon P. Kelley

**FROM:** Brett J. Schneider, Esq., Special Labor Counsel

**CC:** Mayor and City Commission  
Esmond Scott, City Manager  
Pamela Latimore, City Clerk  
Sarah Johnston, Esq., City Attorney  
Valerie Vicente, Esq., Senior Assistant City Attorney  
Michael S. Kantor, Esq., Special Labor Counsel

**DATE:** April 2, 2019

**RE:** Investigation of North Miami Beach City Clerk

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Thank you for agreeing to handle the investigation summarized below. Based on your prior experience as set forth in your resume (attached), you are well suited to handle this matter. The scope of the investigation is set forth below.

On March 19, 2019, the City of North Miami Beach City Commission passed a motion requesting the Law Firm of Weiss Serota Helfman Cole & Bierman, P.L. to conduct an investigation into various allegations of misconduct made by Commissioner Paule Villard against City Clerk Pamela Latimore. Specifically, the Commission directed that an investigation be conducted into the following allegations made by Commissioner Villard (which are also set forth in a memo prepared by Commissioner Villard containing a chronology of her interactions with the Clerk arising from the Commissioner's request to issue a key to the City):

1. that the City Clerk inappropriately created and/or altered a public record (i.e., a memo summarizing procedures for issuing various honors to members of the public);
2. that the City Clerk misrepresented her role in creating/altering a public record;

3. that the City Clerk was rude and disrespectful to Commissioner Villard; and/or
4. that the City Clerk falsified her time (i.e., did not work a complete schedule and failed to use paid leave when she was not working).

A copy of Commissioner Villard's chronology memo is attached hereto. On behalf of the City, I hereby request that you investigate the foregoing allegations expeditiously and efficiently and that you prepare a report summarizing your findings. I further request that, once your investigation and report are completed, you present your report and findings to the City Commission at a public meeting.

Should you have any questions or should you need legal guidance as you investigate the foregoing allegations, please feel free to contact me.

### Professional Summary

Effective employee & labor relations professional with experience in both the public and private sectors. Public sector experience includes education, local governments and the Federal Government. Private sector includes the transportation, manufacturing, insurance defense and correction/detention/re-entry industries. Proven results in successful arbitrations and settlements, advantageous collective bargaining negotiations, policy development, detailed investigations, meaningful training and positive employee dispute management and resolution outcomes.

### Expertise

- |                                    |                                             |                     |
|------------------------------------|---------------------------------------------|---------------------|
| *Arbitration & Board Hearings      | *Chief Negotiator for Collective Bargaining | *Advise & Counsel   |
| *Policy Writing and Review         | *Investigations & Discipline Administration | *Grievance Handling |
| *Employee and Supervisory Training | *Knowledge of state and federal labor laws  | *Mediation          |
| *Performance Evaluations           | *Recruitment and Onboarding                 | *Benefits & Payroll |

### Experience

#### Public Sector

|                                          |              |                                     |
|------------------------------------------|--------------|-------------------------------------|
| City of Coconut Creek                    | 2019-Present | Consultant                          |
| City of Miramar, FL                      | 2018-Present | Consultant                          |
| Palm Beach State College, FL             | 2018-Present | Employee Leadership Trainer         |
| City of Boca Raton, FL                   | 2012-2016    | Asst. Director of Human Resources   |
| School District of Palm Beach County, FL | 1998-2001    | Director of Labor Relations         |
| School District of Broward County, FL    | 1997-1998    | Employee Relations Specialist       |
| Department of Veterans' Affairs          | 1991-1992    | Attorney - Labor Law Division       |
| D.C. Government                          | 1987-1991    | Labor Relations Specialist/Attorney |

#### Private Sector

|                                             |                 |                                   |
|---------------------------------------------|-----------------|-----------------------------------|
| Kelley Investigations, Inc., Boca Raton, FL | 2001-12 2017-18 | Director of Human Resources       |
| The GEO Group, Boca Raton, FL               | 2016-2017       | Director of Employee & Labor Rel. |
| Sensormatic, Boca Raton, FL                 | 2001            | Manager, Human Resources          |
| American Airlines, Miami, FL                | 1994-1997       | Attorney/Consultant               |
| USAirways, Arlington, VA                    | 1992-1994       | Arbitration Attorney              |

### Education

|                                                 |                  |                         |
|-------------------------------------------------|------------------|-------------------------|
| Howard University School of Law, Washington, DC | Juris Doctor     | May 1994, Top one-third |
| University of Maryland, College Park, Maryland  | Bachelor of Arts | May 1979                |

### Licenses & Certifications

- District of Columbia Bar
- Pennsylvania Bar (inactive)
- Certified Mediator - Florida Supreme Court
- Private Investigator - Florida

References available upon request.



## City of North Miami Beach Memorandum

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**TO:** Honorable Mayor and City Commission

**CC:** Esmond K. Scott, City Manager  
Sarah Johnston, City Attorney  
Pamela L. Latimore, City Clerk

**FROM:** Paule Villard, Commissioner

**DATE:** March 19, 2019

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**RE:** Chronology of Events/Performance Concerns with the City Clerk

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**To My Colleagues,**

I have asked for a discussion during this evenings Commission Meeting Agenda regarding recent events and concerns I have with the City Clerk. Below is a chronology of the recent events and my concerns with one of our charter officers. The City Charter establishes three employees that work at the pleasure of the City Commission, any decisions regarding any of the charter officers must be made by a majority of the Commission. In consideration of the serious concerns I have identified, I am respectfully requesting my fellow Commissioners consider the integrity and importance of the City Clerk's charter office and make a decision that is in the best interests of the City and its residents.

**Chronology of events:**

**February 16, 2019** – Spoke with the City Manager regarding giving a key to Barbara Pearson during the February 19, 2019 Commission Meeting. The City Manager said it would be taken care of for the upcoming meeting.

**February 18, 2019** – The City Clerk called me and (in a loud and disrespectful tone) said that she could not give the key to B. Pearson because she was not a dignitary and only dignitaries can get a key to the City. She indicated that she would consider giving her a proclamation even though she was not sure she met the criteria and went on to say that as the result of a resolution passed "because people were giving keys to everyone" she was the only one who had the authority to give keys and proclamations and the requests had to go through her and she made the decision. I asked for her to send me the resolution and she said it was a holiday and she did not have it on her computer at home so she would send it to me on Tuesday.

I called the City Attorney and asked if she was aware of any law or resolution that would prevent B. Pearson from getting a key and she responded there was not a law and the Commission could establish a policy and that she was not aware of any resolutions but she would defer to the City Clerk. She said she would send me samples of policies from other cities.

**February 19, 2019** – I sent an email at 9am asking the City Clerk to send me the resolution, she responded that it was not a resolution but a policy and indicated that she was going to send her the document from the policy was derived later that afternoon. She also stated that a proclamation was being drafted for B. Pearson. Later that

afternoon the City Clerk emailed me the attached memo and said that it was the document used to determine items of recognition and it was outlined from the Miami-Dade and City of Miami Office of Protocol.

**February 20, 2019** – I spoke with the City Attorney and asked whether she was here in August 2017, and if she was aware of the memo and she indicated she had been here and was not aware of the document.

**February 25, 2019** – I went to the City Clerk's office around 3:30pm and was told she was not in the office that day.

I attended the first Education Committee meeting on January 17, 2019, Trisha Harris and Raabia Liladrie both attended. After that meeting I called the City Clerk and asked about Henry Dube (my nomination for education Committee) and I was told he was not eligible to be appointed and then I asked about Trisha and Raabia and if they have educational background and she responded that they were not supposed to be in the meeting because they were appointed to the library board not the education committee and she would call Edenia and make sure they do not attend those meetings anymore.

When I was in the office on 2/25 I looked at the file for the Education Committee and saw that Trisha was appointed as a member of the Education Committee and should have attended the meeting.

**February 26, 2019** – I asked the City Manager, City Clerk and City Attorney to have a meeting with me at 1pm. During the meeting with the 3 charter officers I asked how time-off was handled, whether they got approval from all of the Commissioners or just one and whether the Commissioners were notified in advance. The 3 charter officers said they always send an email when they are out of the office and if it is planned they tell the Commissioners beforehand and also send an email.

I asked about board appointments and how it is determined whether a person is qualified for a board and the City Clerk said she makes the determination I brought up the fact that she had said Trisha Harris was not a member of the education committee and the City Clerk insisted with a raised voice that Trisha was not appointed to the board, she repeatedly insisted even though I said several times that I had looked at the file and saw the paperwork where she was appointed.

I asked the 3 charter officers their roles and responsibilities and the City Clerk explained that she approves who gets keys to the City and proclamations because several years ago the Mayor at that time felt that they were being given out too frequently and that this was decided after a discussion at a workshop and strategic planning session. She went on to say that over the month of August 2017 the former Mayor came to her office several times and worked on the policy and that she then printed and hand-delivered the policy to him. When I questioned the document because of the missing date, blank pages, formatting issues, she became angry and yelled at me about why I was playing with her integrity and that she would never change the memo and she just opened the memo and sent it to me. She also said back in 2017, it had been given to Lyle Sumek as part of the strategic planning session and had been discussed by the City Commission at that time. While yelling she said several times that she just opened the document, made no changes and forwarded it in the email on February 19, 2019. I said that her explanation kept changing and that I am sure in her position there was nothing illegal that was done but that I would like to have the City Manager (with IT) look at her computer and determine the history of the document to make sure what was being said was correct. The City Clerk continued to yell, was standing up flailing her hands and stormed out of the office yelling "you can find another City Clerk".

**February 26, 2019** – the IT department provided me with a history of the document which showed the document was revised 5 times, the content was created in 2016, the document was last printed in 2015 and was last edited on 2/19/2019.

**February 27, 2019** – the initial information did not show anything being done to the document in 2017 and the IT department explained that in order to obtain more information about the history of the document they would

need the hard drive. I was told when IT went to get the hard drive the City Clerk refused to allow them to take it and claimed she had confidential information on the City's computer.

After looking at the Charter language I requested the City Manager see if he could identify dates where a special meeting could be held to discuss my concerns. The City Clerk is an extremely important position with the City, this position is responsible for keeping and maintaining the City's records. I am concerned because a Charter Officer with such an important role in the City is being rude, disrespectful and insubordinate to an elected official – do our residents experience this behavior?

I have also had several experiences where she insisted something was one thing and then I find out she was wrong. For example, before telling a board member not to attend a meeting and arguing with me she should have checked the file – it is irresponsible and makes the City look unprofessional if the City Clerk is telling people they are not appointed to boards without even looking at the person's file.

I asked about the time-off issue because I have noticed several times over the last few months when she was not in and I never received an email stating she would be out of the office for the day. I find that to be very unprofessional and it sets a bad example for the City.

My greatest concern is the fact that the keeper of the City's records seems to have misrepresented a policy or worse, a document, to support what she said to me rather than acknowledge that she exceeded her authority when she rudely told me "no" to something that should be decided by the Mayor and City Commissioners. Is this the only time this has been done? It is extremely important to me that our residents see that if I see something I don't believe is right or in the best interests of the City I speak out and insist upon the highest level of integrity from all of our charter officers.

I have heard different things from many people in the community, some of them have told me that the City Clerk has changed her story about the document, it only increases my doubts when the story keeps changing each time more information is uncovered and when a city employee who is charged with responding to public records refused access to her city computer. Why would the City Clerk not allow IT to look at her hard drive? We are all aware that the computers are City property, we have no expectation of privacy and information on a City Computer is subject to public records.

Although I am an elected official in a different role, I was a law enforcement officer for twenty-eight years and I was elected because of that experience that I bring to my position. This is not a personal issue with the City Clerk, regardless of who it is and what the position is, when I see patterns of behavior from one of our employees that is not right I feel it is my responsibility to bring it to the attention of my colleagues.

Thank you for your consideration.

Enc.  
IT report on creation/edits of document  
City Clerk Memo "Guidelines for Protocol Services/Documents"  
City's Information Technology Policy  
City Charter Sections re: Charter Officers