

TOWN COUNCIL
SPECIAL SESSION
MINUTES
June 1, 2022

Recorded By: Milestone Recording Company (Peneo Thanos, Court Reporter)

Source: 218349 Audio Transcript 06-01-2022 Public Meeting (Pages 66, Line 5 – 151, Line 13)

Transcribed By: Veronica King, Interim Town Clerk (Not Present) - ***Extended Format***

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, **STAFF:** Dean Mosley **Town Attorney (Appeared via video conference)**

I. CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called to order the Town Council meeting for 6:33 PM, confirming that there is a quorum.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Angie Gardner led the Prayer of Invocation, followed by the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Mayor Gardner (after adding approval of the agenda to the official agenda) calls for a motion to approve the agenda; Councilman Marlin Daniels moves the motion for approval of agenda for June 1, 2022. The motion was second by Vice-Mayor Rodney Daniels; **AYE: Councilman Marlin Daniels, Councilwoman Wanda Randolph, Vice Mayor Rodney Daniels NAYE: Mayor Angie Gardner MOTION PASSES. (**No record of vote in the written transcript for Vice Mayor Rodney Daniels)**

VI. COUNCIL DECISION

1. Mayor Gardner states Council decision in consideration of hiring an interim clerk calling for Councilwoman Randolph for opening statement.

Comments: Thank you, Mayor. I bring to your attention the consideration to hire an interim town clerk because the town clerk was removed. On May 17th, the Town Council by majority vote terminated town clerk. The Town Council is currently seeking to hire an interim clerk while the grievance procedure is being completed. The mayor has assigned the town clerk duties to administrative staff and the summary has my name on it. But I did not do this. **MAYOR GARDNER:** The summary was written by me. **COUNCILWOMAN RANDOLPH:** It says, "The recommendation to use administrative staff to cover the clerk duties until the grievance process has been completed or the position has been properly advertised and filled." Again, that is not I approve of -- using my name on that particular reference. However, in consideration of the interim town clerk, I do have a recommendation for a person. I would like to present. **MAYOR GARDNER:** The motion has been put on the floor -- your opening statement **MAYOR GARDNER:** -- discussion? -- the motion is on the floor, and it says consideration. Do we want to change that to approval? **COUNCILWOMAN RANDOLPH:** Approval.

Mayor Gardner motion to approve the agenda; Councilman Marlin Daniels moves the motions for approval to hire an interim town clerk. The motion was moved By **VICE Mayor R. DANIELS** and second by Councilman **M. DANIELS**; **GARDNER:** Discussion or question? I do have a couple of discussions. **COUNCILWOMAN RANDOLPH:** Where would the funds come from? If we currently have someone going through the grievance process, it is a possibility that the person may continue their job. If that being the case, if they ask for their back pay to be restored, then that is going to come from that salary line. If

you hire an interim town clerk, then we need to know where that money is coming from. What budget line would it come from? COUNCILWOMAN RANDOLPH: We need to move on and hire a clerk. MAYOR GARDNER: As a Town Council person, you are also in charge of the budget; it is also our job to know where the funds are coming from COUNCILWOMAN RANDOLPH: You have to search the budget and figure out how it is going to be done. Tonight, we are here to hire a town clerk. MAYOR GARDNER: As administrator, you want me to figure out where that money is coming from? COUNCILWOMAN RANDOLPH: You're the mayor in charge. MAYOR GARDNER: Okay. Since we do not have a resolution to these -- it is going to be very important that we remember the conversations. We will have the minutes. COUNCILMAN. M. DANIELS: If I recall at the last meeting, we need to move the money as a line item for the town clerk; the money is still in the line item. To Attorney Mosley, in reference to the mayor asking about the grievance process, what is your interpretation of the appointed positions of town clerks and town attorneys per the town charter? ATTORNEY MOSLEY: My position is that the town attorney and town clerk are appointed by the Town Council per the charter. I do not know whether if you terminate me if I will have a right to a grievance. However, because there is a grievance process that has been initiated according to your mayor, and the charter does provide for grievance process of town employees. I simply think the town attorney and town clerk would be under Town Council. In caution, because there is a grievance process initiated, and Ms. Williams initiated it, if you decide at some point after hearing the evidence, I guess, in the grievance process that she should not be terminated, then you would have a dilemma. You would have to decide whether she is entitled to her job back -- and what to do with this next person. The issue, Councilman Marlin Daniels and Councilwoman Randolph, and Vice Mayor Daniels with Ms. Williams is that she did not know who she was working; historically, the Town of Eatonville, in my opinion, has ignored the fact that the town clerk really was under the auspices of the town. The problem is that the town clerk takes on more obligations and responsibilities than what the charter tells her to take on. The town clerk is responding to a sitting mayor and trying to respond to a Town Council. I want to explain what is happening so maybe this may have some impact on your decision. Historically, the Town of Eatonville treated the town clerk as part of the mayor's staff. Historically, that person would respond to the mayor. The charter says the attorney and the town clerk should be under council. If you move forward, and for some reason, someone said, "I think I'm going to vote in favor of Ms. Williams on the grievance," then you have an issue of either rehiring her or paying her and getting rid of the temporary appointee. The other issue, the charter says the mayor is your chief administrative officer. When you have vacancies in the town, the mayor has a right to appoint to those vacancies. If you do not want that to happen; that is still in the power of the Town Council. -- VICE MAYOR R. DANIELS: To Attorney, Section 2.06 of the town charter B, Appointments and Removals. Now, given your understanding, "Neither the Town Council nor any of its members shall in any way control or demand appointment or removal of any town administrative officer or employee whom the mayor or any subordinates that the mayor is empowered to appoint." ATTORNEY MOSLEY: Yes. VICE MAYOR R. DANIELS: "Where the council may express its views." That is whom the mayor appoints; that goes back to all those other positions. It is only two positions according to the charter that the Town Council has control of to disappoint. Section 3.02, "The Town Council shall appoint an officer of the town who shall have the title of Town Clerk. The clerk shall be appointed and may be removed by simple majority vote of the council.

ATTORNEY MOSLEY: I want to also make this clear to the Town Council, if there is a vacancy in any town position, then your mayor gets a chance to appoint somebody temporarily until you all decide -- it is the attorney's position or the clerk's position until you all decide that you want to fill that position permanently. It is odd that you would do a temporarily and not fill it permanently. COUNCILMAN. M. DANIELS: We never moved that money for the town clerk; we terminated, removed her from the


position That money was never moved. COUNCILMAN. M. DANIELS: So where in the town charter does it show to what's grievance towards the town clerk? MAYOR GARDNER: I cannot tell you the number. It says, "Every employee -- any employee is allowed grievance." It is in the charter, and it is in our policies and procedures. ATTORNEY MOSLEY: My position reading a charter is there are two positions in the charter that is under council. Ms. Williams follows what has historically been done and files a grievance. MAYOR GARDNER: Are there any more comments? The other thing I must put on the record; whatever your decisions are will be your decisions. When it comes to these special sessions, even the session today, I am concerned; it was called in the same manner as the other session that was canceled -- and it could have been done outside of the Sunshine. I need to state that for the record. We will go on with the vote. ATTORNEY MOSLEY: it is important for us to understand what Sunshine is. The reason you have the Sunshine Law is that the meeting minutes are published so that your citizens can know about it and show up and have input. When you set these meetings, that you are supposed to set these meetings so that the public can attend. These meetings are not for you; they are for the public. VICE MAYOR R. DANIELS: Just for the record, Attorney, we had same discussion. You said that it could be a violation of the Sunshine Law, but it is not. I just was using your legal opinion; I went with what you told me-- you said you had a conversation with the mayor, and it is not a violation of the Sunshine Law. ATTORNEY MOSLEY: This meeting is not a violation of the Sunshine Law. I am saying this for the record because of the indication the mayor is putting out; that it was a violation. I am going on what legal told me. ATTORNEY MOSLEY: I do not believe this meeting is a violation of the Sunshine Law. COUNCILMAN. M. DANIELS: Could it be considered an obstruction if the mayor does not call for a special meeting when we request a special meeting? ATTORNEY MOSLEY: That's correct. If the majority follows a charter and requests a meeting, no one should try to prevent that meeting from occurring. I am not accusing the mayor of preventing any meeting from occurring. But I am saying that if that were to happen that would be obstructing the process. The charter simply says, by majority vote, you all rule. With that being said, we are still in the middle of our motion. It has been moved and seconded to approve the hiring of an interim town clerk. RANDOLPH: Veronica King. MAYOR GARDNER: I am going to rescind the motion to make an amendment to the motion. I rescind the motion.

Mayor Gardner motion to rescind the motion to make an amendment to the motion; VICE MAYOR R. DANIELS: Second. MAYOR GARDNER: Rescind second. COUNCILMAN. M. DANIELS: Rescind my motion. MAYOR GARDNER motion for the approval of hiring Veronica King as the interim town clerk. The motion was **moved** by COUNCILMAN. M. DANIELS and **second** by VICE MAYOR R. DANIELS.


MAYOR GARDNER: I have a question. When Ms. King left; I asked her, why was she leaving? And she gave me her reasons for leaving. It is very important that we consider the staff because there are concerns. Secondly, when we discussed about who can be on the Planning and Zoning Board, the statement, "They need a background check; they need to be more qualified. I have looked at the resume -- why isn't that being applied now in regard to qualifications? This is related to hiring Ms. Veronica King. The question still stands: What in the resume states that Ms. King is qualified to do the town clerk duties? COUNCILWOMAN RANDOLPH: Mrs. King has been employed with the Town of Eatonville and I can tell you as a citizen and as a resident, all the work I have seen her do has been very professional. She is highly respected among her peers and also the community. She has a very good resume; she is the person that we need; we need to move in another direction. COUNCILMAN M DANIELS: Mayor, I am calling for a vote. MAYOR GARDNER: When you fired Ms. Williams, you said we need to move forward, COUNCILMAN. M. DANIELS: Attorney, can you step in on this one? ATTORNEY MOSLEY: Well,

right now you are all -- is this the discussion part of this motion? You all can have discussions. ATTORNEY MOSLEY: I will say you all are being recorded. MAYOR GARDNER: I apologize by using the name. However, how does this move us forward? The other thing is about the budget. Have you asked the staff here how they feel about that? COUNCILWOMAN RANDOLPH: Mayor, you sent me a note saying not to interfere with the day-to-day operations. MAYOR GARDNER: I am voicing my concern; I am doing that job right now. MAYOR GARDNER: What's the salary? VICE MAYOR R. DANIELS: Now, we want to be consistent. If anybody speaks out of order, you are supposed to give a warning. MAYOR GARDNER: I apologize. VICE MAYOR R. DANIELS: If they do it again, then you are asked to leave. Now, if you are going to be fair about the board, be fair across the board. MAYOR GARDNER: You are absolutely right. MAYOR GARDNER: I do remind you to please hold off on comments. I am still stating about the administration – there is still a concern. On the resume, if I had no name on the resume, I would not have paired the background experiences to be qualified to be town clerk. Let us wait until after the grievance, and if after the grievance, we need to hire someone that is qualified, then let us do that. If there are no further comments, the motion is on the floor. **All in favor?** VICE MAYOR R. DANIELS: Aye. COUNCILWOMAN RANDOLPH: Aye. MAYOR GARDNER: All opposed. Nay. The AYES have it, MOTION PASS. We will have an interim town clerk, Ms. Veronica King. Thank you all for coming.

ADJOURNMENT: Motion by Mayor Gardner to adjourn; The motion was moved by Vice-Mayor Rodney Daniels; seconded by Councilwoman Wanda Randolph; **AYE:ALL MEETING ADJOURNED** at: 7:08 P.M. (**No record of vote in the written transcript for Vice-Mayor Rodney Daniels, Councilwoman Wanda Randolph, Councilman Marlin Daniels, Councilman Theo Washington)

RESPECTFULLY SUBMITTED BY:


Veronica L King, Town Clerk

APPROVED


Mayor