



MEMORANDUM

TO: VICE MAYOR & CITY COUNCIL
FROM: GREGORY J. ORAVEC, MAYOR
SUBJECT: SPECIAL MEETING OF FEBRUARY 16, 2016
DATE: FEBRUARY 15, 2016

The City of Port St. Lucie continues to have a lot going for it. As you know, we even keep a list at <http://www.cityofpsl.com/goodnews/>.

Macroeconomic factors beyond our direct control are giving us a boost. For example, the latest available data shows that unemployment dropped a full percentage point year over year (YOY). The median sales price for single family homes is up over 19% YOY; and gas prices we never expected to see again are giving our residents more spending power.

Several things more directly within the City government's control are rightly a source of pride, including: our record as the safest large city in Florida, high quality utilities and parks, many hardworking city employees who provide friendly reliable service across our many departments and having a strategic planning process that specifically articulates a Vision of a better tomorrow and the priorities necessary to bring into being.

Unfortunately, despite all of these positive indications, over the last year and especially the last ninety days, I have become increasingly concerned over our ability to execute on our Strategic Plan. Frankly, I have been disappointed by how our appointed officials have approached some of our top priorities and high profile cases, including VGTI, Crosstown, City Center, Economic Development, Public Records, Adoption of the Sign Code despite *Reed vs. Town of Gilbert*, City Communications, Communicating in General, high profile constituent cases like Flavors and the Castro dangerous dog trial, among others. Furthermore, after studying these matters, I am worried that the mistakes are not isolated but a repeated pattern stemming from a lack of focus, tactics/management, communication and accountability.

As a result of the foregoing and thinking that you might have similar concerns, I wanted to have a discussion with you at our first mutual opportunity. Given that our normal agendas are quite full with typical business items, we do not have a workshop until March 21, and our 2016 Winter Retreat is late this year (only a couple of weeks from being the 2016 Spring Retreat), I called Tuesday's Special Meeting. While I expected a certain level of difficulty contending with everyone's schedules, nothing could prepare me for the resistance I encountered from the City Attorney. As you know, the City Attorney conveyed two opinions to the City Council via an e-mail from her Legal Secretary, which challenged my authority to call a special meeting and our ability to have a meeting without her physically being in attendance. As more fully set forth in my memorandum of February 10, 2016, I do not understand how the City Attorney could see this as a proper course of action given the explicit nature of our City Charter, which states: "Special meetings may be held on the call of the mayor or of a majority of the members upon reasonable notice to each member, public and the press", and the fact she has already missed seven meetings since being appointed. Please know that this complete lack of judgment and willingness to generate legal opinions for self-serving or political or other purposes has left me with no confidence in the City Attorney's ability to perform her duties under the Charter. I

believe she is a liability to the City, cannot be relied upon for good advice and counsel and should, therefore, be separated from service as soon as possible.

As it relates to our discussion of the above matters, I suspect that there may be more topics listed than we have time, and I want to ensure that we make time for items that you bring to the table. Therefore, please know that I am open to discussing topics in order of priority as determined by consensus.

I look forward to a candid conversation with you.

c: City Manager & City Attorney

[Disclaimer: A councilperson may send a written report to other councilpersons on a subject that will be discussed at a public meeting without violating the Sunshine Law, if prior to the meeting, there is no interaction related to the report among the councilpersons and the report, which must be maintained as a public record, is not being used as a substitute for action at a public meeting. However, another councilperson's response to such a report, which outlines his/her position, can be "problematical" and should be discouraged. Accordingly, this communication is being provided for your information only and should not initiate an exchange outside of the Sunshine. Any discussion or reply should occur at a duly noticed public meeting. (Source: Government-In-The-Sunshine Manual)]