

A G E N D A

**GREEN COVE SPRINGS CITY COUNCIL
321 WALNUT STREET, GREEN COVE SPRINGS, FLORIDA
SPECIAL SESSION
TUESDAY, JANUARY 5, 2016 – 5:30 P.M.**



ANYONE WISHING TO ADDRESS THE CITY COUNCIL REGARDING ANY TOPIC ON THIS AGENDA IS REQUESTED TO COMPLETE A CARD AVAILABLE AT THE CITY CLERK'S DESK. SPEAKERS ARE RESPECTFULLY REQUESTED TO LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

THE CITY COUNCIL PROHIBITS THE USE OF CELL PHONES AND PAGERS WHICH EMIT AN AUDIBLE SOUND DURING ALL MEETINGS WITH THE EXCEPTION OF LAW ENFORCEMENT, FIRE AND RESCUE OR HEALTH CARE PROVIDERS ON CALL. PERSONS IN VIOLATION WILL BE REQUESTED TO LEAVE THE MEETING.

Invocation & Pledge of Allegiance to the Flag

Roll Call

Mayor to call on members of the audience wishing to address the Council on matters not on the Agenda.

COUNCIL BUSINESS

1. City Council acceptance of the resignation of D. Ray Braly, Seat 5 effective December 31, 2015. *Royal*
2. Discussion regarding the appointment of a replacement to fill City Council Seat 5 vacancy and complete related term of office through May 17, 2016. *Royal*
3. Adjournment.

The City Council meets the first and third Tuesday of each month beginning at 7:00 p.m. Meetings are held in City Hall at 321 Walnut Street and audio recordings of the meetings are posted in the City's website at www.greencovesprings.com.

The City may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Public Participation: Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

Exparte Communications: Oral or written exchanges (sometimes referred to as lobbying or information gathering) between a Council Member and others, including staff, where there is a substantive discussion regarding a quasi-judicial decision by the City Council. The exchanges must be disclosed by the City Council so the public may respond to such comments before a vote is taken.

Minutes of the City Council meetings can be obtained from the City Clerk's office. The Minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

Persons who wish to appeal any decision made by the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**CITY OF GREEN COVE SPRINGS, FLORIDA
STAFF REPORT
FOR MEETING OF JANUARY 5, 2016**



SUBJECT: CITY COUNCIL ACCEPTANCE OF THE RESIGNATION OF COUNCIL MEMBER BRALY (SEAT 5) EFFECTIVE DECEMBER 31, 2015

BACKGROUND: At the December 8, 2015 City Council meeting, Council Member Braly announced his resignation from the City Council effective at the end of the month, December 31, 2015.

FISCAL IMPACT / FUNDING SOURCE: N/A.

RECOMMENDATION: Subject to City Council's Direction.

MOTION: Subject To City Council's Direction.

SUBMITTED BY:


Julie Clevinger, City Clerk

Julie Clevinger

From: Jim Arnold <cityattorney@greencovesprings.com>
Sent: Sunday, December 20, 2015 11:09 AM
To: 'Van Royal'; 'Mitch Timberlake'; 'Felecia Hampshire'; 'Pam Lewis'; 'Julie Clevinger';
'Danielle Judd'; 'Mike Null'
Subject: FW: FW: MEMORANDUM CITY COUNCIL VACANCY Fwd: Message from
"RNP00267349D7CC"

Flag Status: Flagged

Mayor, Council Members, City Manager and staff:

Ray Braly has officially submitted his resignation. Should anyone have any questions, feel free to contact me.

Jim Arnold, Esq.
City Attorney

From: Ray Braly [mailto:rbraly@greencovesprings.com]
Sent: Saturday, December 19, 2015 9:42 PM
To: Jim Arnold <cityattorney@greencovesprings.com>
Subject: Re: FW: MEMORANDUM CITY COUNCIL VACANCY Fwd: Message from "RNP00267349D7CC"

Jim,
Per your request, I am resigning at midnight on December 31, 2015.
Best regards,
Ray

On Wed, Dec 9, 2015 at 11:18 AM, Jim Arnold <cityattorney@greencovesprings.com> wrote:

Mayor and Council Members:

See my attached Memorandum explaining the filling of the City Council vacancy. Should anyone have any questions, feel free to contact me.

Jim Arnold, Esq.

From: Linda Knowles - Arnold Law [mailto:lindalja3@gmail.com]
Sent: Wednesday, December 09, 2015 11:09 AM
To: Jim Arnold <cityattorney@greencovesprings.com>
Subject: MEMORANDUM CITY COUNCIL VACANCY Fwd: Message from "RNP00267349D7CC"

Attached

----- Forwarded Message -----

Subject:Message from "RNP00267349D7CC"

Date:Wed, 9 Dec 2015 11:12:15 -0500

From:Robin <robin.gcslawoffice@gmail.com>

To:Linda <lindalja3@gmail.com>

This E-mail was sent from "RNP00267349D7CC" (Aficio MP 2352).

Scan Date: 12.09.2015 11:12:14 (-0500)

Queries to: arnoldlawyers@gmail.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com



This email has been sent from a virus-free computer protected by Avast.

www.avast.com

**CITY OF GREEN COVE SPRINGS, FLORIDA
STAFF REPORT
FOR MEETING OF JANUARY 5, 2016**



SUBJECT: DISCUSSION REGARDING THE APPOINTMENT OF A REPLACEMENT TO FILL CITY COUNCIL SEAT 5 VACANCY AND COMPLETE RELATED TERM OF OFFICE THROUGH MAY 17, 2016

BACKGROUND: At the December 8, 2015 City Council meeting, Council Member Braly announced his resignation from the City Council effective at the end of the month, December 31, 2015.

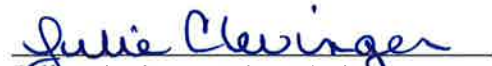
Attached is a Memorandum from the City Attorney outlining the procedure to fill the vacancy for City Council Seat 5.

FISCAL IMPACT / FUNDING SOURCE: N/A.

RECOMMENDATION: Subject to City Council's Direction.

MOTION: Subject To City Council's Direction.

SUBMITTED BY:


Julie Clevinger, City Clerk

RECEIVED

DEC - 9 2015

Office of the City Clerk

MEMORANDUM

To: Mayor and City Council

From: L. J. Arnold III
City Attorney

Re: Procedure to fill vacancy in the City Council

Date: December 9, 2015

As we know, Council Member Ray Braly resigned from the City Council last evening to be effective at the end of the month or midnight, December 31, 2015.

The procedure for filling this vacancy is set forth in Section 2.08 of the City Charter which, in part, reads as follows:

Section 2.08. Vacancies and forfeiture of office. In the event any vacancy in the city council occurs within six months of a regular election by reason of ... resignation...it shall be the duty of a majority vote of the remaining qualified members of the city council to declare such office vacant and to fill the same by appointing a resident of the city who shall possess the qualifications of an elector and council member, within fourteen (14) days after such vacancy occurs and in the event of the failure, neglect or refusal of said city council to fill said vacancy, then the same may be filled by the Governor of the State of Florida, which said appointee shall serve until the expiration of the term for which he was appointed, or until his successor is duly elected.

The next regular City Council meeting is scheduled for January 12, 2016. Because the vacancy in the City Council is effective midnight, December 31, 2015, it is the duty of the remaining four (4) qualified members to declare the office vacant and appoint a qualified resident within fourteen (14) days after such vacancy occurs or no later than January 14, 2015.

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Re: Procedure to fill vacancy in the City Council
December 9, 2015

Therefore, we should place this item on the January 12, 2016, agenda for action. Please bring the names of qualified, willing applicants for the vacant position, and be prepared to select one that evening. Unfortunately, you may not discuss this matter among yourselves in advance due to the Sunshine Law.

By copy, I am also requesting Ray Braly to file a simple resignation statement with our Clerk for our records.

cc: Danielle J. Judd, City Manager
Julia W. Clevinger, City Clerk
Mike Null, Assistant City Manager