

**VILLAGE OF LAZY LAKE**  
MEETING AGENDA  
2201 WILTON DRIVE, WILTON MANORS, FLORIDA  
TUESDAY, SEPTEMBER 6, 2019  
6:30 P.M.

**Village Council**

Present:

Mayor Evan Anthony  
Council Member Ray Nyhuis  
Council Member Carlton Kirby  
Council Member Patrick Kaufman

Via Telephone:

Council Member John Boisseau  
Council Member Sally Boisseau

**Also in Attendance**

Donald Lunny, Esquire  
Lisa Tayar/Prototype  
Richard Willard, Resident  
Joe Fodera, Resident

1. Roll Call

The meeting was called to order by Mayor Evan Anthony at 6:31 p.m. It was determined a quorum was present.

2. Approval of Meeting Minutes - July 30, 2019 Special Meeting

**Motion** made by Council Member Nyhuis, seconded by Council Member Kaufman, to approve the minutes of the July 30, 2019 meeting as amended. In a voice vote, the motion passed unanimously.

3. Consent Agenda - ratification of payments made for the following invoices:

- Brinkley Morgan invoice #207618 dated 7/31/19 in the amount of \$4,501.10
- Prototype invoice #19-0362 dated 8/14/19 in the amount of \$878.89
- Broward Sheriff's Office Inv #1653728 dated 7/30/19 in the amount of \$129.00

**Motion** made by Council Member Nyhuis, seconded by Council Member Kirby, to approve the consent agenda. In a voice vote, the motion passed unanimously.

4. Authorization to pay Solitude Lake Management Inv #PI-A00288464 in the amount of \$185.00

**Motion** made by Council Member Nyhuis, seconded by Council Member Kirby, to authorize payment to Solitude Lake Management. In a voice vote, the motion passed unanimously.

5. New Business

- 5.1 Report by Mr. Lunny re: Response by Office of the Attorney General of Florida concerning the Village's Request for an Opinion

Mr. Lunny reported he had sent an inquiry to the Attorney General regarding the holdover

doctrine and how it applies to the current Council, as 2018 elections had been missed due to confusion regarding the election schedule. After a review of the Village Charter and documents, Mr. Lunny concluded that the manner in which the holdovers started in 2018 and the current Council Members' subsequent appointments lent support for the doctrine's application which would allow the affected Council Members to be considered *de facto* officers; however, the issues are not free from doubt. He noted that any opinion on this subject that his Firm would render would likely be perceived as "self-serving" or biased, which is why he recommended that the Village seek the Opinion of the Attorney General. Additionally, the Attorney General's Opinions are persuasive legal authority. Unfortunately, the Attorney General had declined providing an opinion in this matter.

Mr. Lunny, subsequently called the Office of the Supervisor of Elections, which confirmed its prior advice that a special election could not be undertaken between now and March of 2020. One of the questions posed to the Attorney General was whether some form of alternate election could be undertaken. However, the Attorney General declined commenting on this issue.

Mr. Lunny reminded the Council that earlier in the year he advised that the Village had two (2) options. First, it could stop conducting business completely until the March elections. Second, the Village could do the bare minimum to continue to keep the Village running until the next March election. The Village Council determined to follow the Second option of doing the bare minimum while trying to come into compliance with respect to some historical deficiencies. This was decided at the time the Village sought the Opinion. Now that the Attorney General declined rendering the Opinion requested, the Village Council determined again to follow the Second option of doing the bare minimum to keep the Village functioning as a practical matter until the next March election. Mr. Lunny suggested that the Village consider reducing the number of its Meetings, completion of the millage and TRIM requirements, and continuing to address compliance issues. It was suggested no new material contractual agreements be entered into and no authorizations for change of law be forthcoming until after the election.

Mr. Lunny additionally suggested undertaking a two to three-year reconciliation of the books and accounts.

5.2 Discussion to Clarify Prototype's Contractual Services and to authorize amendment to the Agreement for Services

There was brief discussion regarding the parameters of Prototype, Inc. continuing to oversee Village administrative assistant responsibilities specifically under the terms of the proposed contract.

**Motion** made by Council Member Kirby, seconded by Council Member Nyhuis, to approve the contract with Prototype. In a voice vote, the motion passed unanimously.

5.3 7/15/19 letter from Florida Elections Commission re: Municipal Election Assessments

Mayor Anthony read the letter into the record requesting that the Administrative Assistant mail out hard copies to all residents.

5.4 Modifications #Z0788-1 and #Z-0788-2 to Subgrant Agreement Between the Division of Emergency Management and the Village of Lazy Lake

**Motion** made by Council Member Kirby, seconded by Council Member S. Boisseau, to approve the Modification to the Subgrant Agreement. The sub-grant agreement changes were viewed as non-material and relevant to the Village continuing as an on-going concern. In a voice vote, the motion passed unanimously.

## 5.5 Public Hearings Related to Village Fiscal Year 2019-2020

Mr. Lunny provided a copy of the tentative budget prepared by the accounting firm for the Village, which had not been available prior to the meeting. He then read the resolutions into the record, noting that a consolidated hearing would be held, and that the date for the second budget hearing would need to be determined as well as total appropriations.

Mayor Anthony then read a statement regarding funding of the tentative budget and the specific purposes for which ad valorem tax revenues are being increased in order to remain compliant. The millage will remain the same rate; however, the increase is due to an increase in assessed values, as the State considers this to be an increase in taxes, and due to the specific reasons outlined in the statement.

The date of the Second and Final Hearing was discussed. It was noted that this date is significantly controlled by the State law on how millage and budgets are considered and approved. Whatever date is used must be consistent with those provisions. Various dates were discussed concerning travel plans for the Council Members, and a proposed dates of September 26, 2019 or September 27, 2019 was settled upon provided that such date was workable. While the September 27, 2019 date seemed preferable, the Final date would be confirmed and added to the Resolution by the Mayor prior to his signing same.

5.5.1 A RESOLUTION OF THE VILLAGE OF LAZY LAKE, BROWARD COUNTY, FLORIDA PERTAINING TO THE SUBJECT OF TAXATION; PROVIDING FINDINGS; ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE VILLAGE OF LAZY LAKE, BROWARD COUNTY, FLORIDA FOR THE VILLAGE'S 2019- 2020 FISCAL YEAR (I.E. THE TENTATIVE MILLAGE RATE); ESTABLISHING THE TIME, DATE, AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL MILLAGE RATE AND THE VILLAGE'S FINAL BUDGET FOR THE VILLAGE'S 2019-2020 FISCAL YEAR; PROVIDING DIRECTIONS TO THE ADMINISTRATIVE ASSISTANT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

5.5.2 A RESOLUTION OF THE VILLAGE OF LAZY LAKE, BROWARD COUNTY, FLORIDA PERTAINING TO THE SUBJECT OF PUBLIC FINANCE; PROVIDING FINDINGS; ADOPTING THE TENTATIVE BUDGET FOR THE VILLAGE OF LAZY LAKE, BROWARD COUNTY, FLORIDA FOR THE VILLAGE'S 2019-2020 FISCAL YEAR; ESTABLISHING THE TIME, DATE, AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL MILLAGE RATE AND THE VILLAGE'S FINAL BUDGET FOR THE VILLAGE'S 2019-2020 FISCAL YEAR; PROVIDING DIRECTIONS TO THE ADMINISTRATIVE ASSISTANT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny noted the accountant would be present at the second budget meeting which was tentatively scheduled for September 27, 2019 at 6:30 p.m.,

Mayor Anthony then opened the meeting for public hearing.

Mr. Joe Fodera commented on the following issues:

- Legality of the Council to vote on resolutions
- Voting on the budget "in the dark"

- Exceeding of authority by the Council
- Expenditures

In order to address these issues, Mr. Lunny responded that the Village is endeavoring to comply with state law, which was enacted after the Village Charter and takes precedence regarding how budgets and taxes are to be approved, adding that "ancient" provisions in the Charter have been overruled by modern fiscal practice and are likely not enforceable.

The public hearing was then closed as there was no one else wishing to speak.

**Motion** made by Council Member Kirby, seconded by Council Member Nyhuis, to approve the Resolution 5.5.1 as presented. In a voice vote, the motion passed unanimously.

**Motion** made by Council Member Kirby, seconded by Council Member Nyhuis, to approve the Resolution 5.5.2 as presented. In a voice vote, the motion passed unanimously.

5.6 Such other New Business as may be taken up at the meeting - none

6. Old Business

6.1 Payment of Broward County Environmental Protection and Growth Management (Inspections and Permitting) Invoice #EL10000596 in the amount of \$3,415.52 and concerns voiced by residents to be addressed

Mayor Anthony requested that item 6.1 be deferred.

**Motion** made by Council Member Kirby, seconded by Council Member Nyhuis, to defer item 6.1. In a voice vote, the motion passed unanimously.

6.2 Lightbulb switch-out at a cost of \$13.00 each (not including labor)

Mayor Anthony stated he would purchase a box of lightbulbs suggesting it would be best to replace all three at the same time. This was to help keep streets illuminated.

**Motion** made by Council Member S. Boisseau, seconded by Council Member Kirby, to approve the purchase of the lightbulbs. In a voice vote, the motion passed unanimously.

6.3 Determination of budget hearing dates - previously discussed

7. Village Counsel Comments

Mr. Lunny discussed a June memo he had provided to the Council Members regarding miscellaneous forms and filing requirements, pointing out that the OIG had submitted a public records request to the Village to ensure the elected officials were complying with training requirements. A review of Village records indicated additional ethics training would be needed. Mr. Lunny offered, and was authorized by the Council, to conduct interactive training for those officers who still need to complete their requirements. Prior council members not in compliance will be notified.

Proper filling out and filing of the Statement of Concurrent Employment was also reviewed.

8. Mayor comments - none

9. Council member comments - none

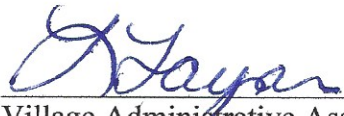
10. Public Comments (comments will be limited to three [3] minutes per person)

Mr. Joe Fodera spoke regarding emails which had not been addressed, Village trees, code violations and the appointed code officer, legality of Council Member Nyhuis's seat on the Council, the survey, public comment limitations, maintenance of properties, legal elections, voting laws, and request to cease and desist.

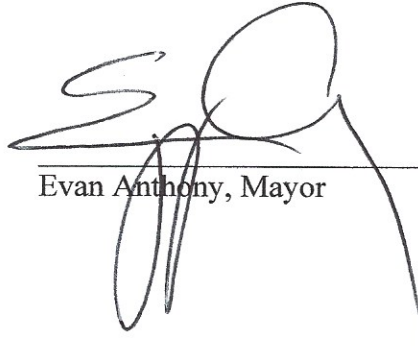
Mr. Lunny advised that relative to Mr. Nyhuis, he had investigated the allegations Mr. Fodera made for Mr. Nyhuis being disqualified, and Mr. Lunny concluded that such allegations had no merit.

11. Adjourn

With no further business to discuss, and upon motion duly made and seconded, the meeting concluded at 8:13 p.m.



Village Administrative Assistant



Evan Anthony, Mayor