

MEMORANDUM

TO: Council Members
FROM: Mayor Harley Strickland
DATE: September 23, 2008
SUBJECT: Council Member Sandford's Absences

STRATEGIC PLAN TRACKING NO:

PURPOSE

Status of Council Member Sandford.

BACKGROUND

During the last Council Meeting, several members expressed concern about the absences of Council Member Sandford. The City Clerk identified that he had missed three consecutive regular Council Meetings. In addition there was concern that Council Member Sandford was not present for the budget meetings held during August and September.

The City Charter provides that "absence by a member from four consecutive regular meetings of the City Council shall cause the seat to become vacant unless such absence is excused by the City Council." At present, there is no clear procedure to excuse a Council Member's absence at a meeting.

Council requests an explanation for Council Member Sandford's absences and would like for him to reaffirm his commitment to his responsibilities as an elected official.

RECOMMENDATION

No clear policy exists regarding the excusing of absences. It is recommended that the issue of absences from meetings be addressed as part of the upcoming review of the Council's Rules and Procedures. Does an "excused" absence require merely notification from the Council Member who is going to be absent, or does it require an action on the part of the Council?

Debbie Renner

From: Donald Sandford
Sent: Monday, September 15, 2008 12:56 PM
To: Debbie Renner
Cc: Council Members; Chester Murray
Subject: Council meetings

Good Afternoon Debbie,

Could you please verify how many Regular council meetings I have missed? (By regular, it is my understanding that regular does not include special meetings, or workshops or other meetings)

As many of you know, I no longer work at Tyco Healthcare in Deland Florida. At the time I made the decision to run for office and even at the time of the election, I had no idea what would transpire in the subsequent months. I am sure that the same can be said regarding the City Manager. I have a new employer and I am thrilled with my new employer and the job they have for me. It is an excellent fit with my skills and my interests and let me add that I enjoy it more than my previous job. There is an unfortunate aspect to this new job and that is that I am traveling much more than I would like and this travel makes it very difficult to regularly attend council meetings on Tuesday evenings. As you can imagine, a new employer is interested in your contribution to the organization and is not readily open to time off on a regular basis. I am negotiating with my new employer to see if we can come to terms and I can resume a more regular attendance at council meetings. I take my oath of office seriously and missing a council meeting is not done flipantly.

Debbie, As you may recall, I did contact you regarding teleconferencing into one of the regular scheduled council meetings. I would like to confirm that one of the missed meetings we discussed my participation via teleconference. You were going to check into this approach and I received a call back from Bill R the City Attorney and he and I discussed the Florida statues regarding a council member calling in and participating via telephone. Teleconference participation is not prohibited by Florida statute but there are some stipulations. First, the statue allows for particiaption via teleconference due to unusual circumstances. The definition of "unusual circumstances" is not simple. Bill pointed out to me that I could participate by phone, however, IF there was a lawsuit brought forth and IF it was determined that my circumstances were not "unusual", then all the decisions made at the meeting could be invalidated. After looking at the issue, I decided that it would not be wise to expose the decision making process to this potential risk of invalidation, so I chose not to participate. There is a provision in the charter that allows for a council member to be excused from a council meeting and, it would be my opinion, that my communication with both you and Bill constitute a request for an excused absense. In either case, than you for your help with this matter.

Best Regards,

Donald Sandford

9/16/2008