

RESOLUTION CRA-R-2022-24

Special Investigation of the Community Redevelopment Agency

A RESOLUTION OF THE TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY (TOECRA) BOARD OF DIRECTORS AUTHORIZING THE TOECRA GENERAL COUNSEL TO ENGAGE AND RETAIN OUTSIDE LEGAL COUNSEL TO CONDUCT A SPECIAL INVESTIGATION AND RENDER OPINIONS AND GUIDANCE AS TO MATTERS RELATED: TO THE FORMER TOECRA EXECUTIVE DIRECTOR RECEIVING A PAYMENT OF \$71,677.69, TO FINANCIAL INSTRUMENTS (I.E., CHECKS) HAVING A SINGLE SIGNER, AND NON-TOECRA BOARD MEMBERS REMAINING ON SIGNATURE CARDS FOR FINANCIAL INSTITUTIONS UTILIZED BY THE TOECRA, TO CEASE AND DESIST ANY AND ALL WORK ACTIVITY; TO INVESTIGATE COMPUTER FORENSICS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS by the enactment of an Orange County Ordinance #97-M-14 in 1997, the Town Council of the Town of Eatonville, Florida, created a community redevelopment trust fund for the community redevelopment area as provided by section 163.387, Florida Statutes;

WHEREAS the Town Council initially adopted a community redevelopment plan on October 25, 1997, pursuant to a resolution of Town Council (the "Plan"); and

WHEREAS the members of the governing body and one (1) additional member appointed by the respective taxing authorities serve as Directors of the Agency; and

WHEREAS such members of the governing body constitute the head of a legal entity, separate, distinct and independent from the governing board of the county and municipality; and

WHEREAS the Board of Directors of the TOECRA terminated the Executive Director, Michael Johnson with cause by Resolution TOE-R-CRA - 2022-3 on April 19, 2022, decided by a 4-2 vote.

WHEREAS Florida Statute 215.425 - Section (4) 1., that the Chairman of the Board violated this section for payout (check #7514) of the amount of \$71,677.69 to the former Executive Director, Michael Johnson which he was not entitled but only a requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

WHEREAS the Board of Directors of the Eatonville Community Redevelopment Agency (TOECRA) seeks accountability and enforcement of the law to restore and make whole back to the Eatonville Community Redevelopment Agency its funds that the agency is entitled to be used to assist our community in blight areas.

WHEREAS the Board of Directors of the Eatonville Community Redevelopment Agency (TOECRA) desires to have a special investigation conducted by outside legal counsel to determine any legal recourse and what actions should be taken to address concerns with the use of TOECRA funds in order to correct any acts or omission detrimental to the TOECRA.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY (TOECRA) OF EATONVILLE, FLORIDA:

SECTION ONE: DIRECTION TO THE TOECRA GENERAL COUNSEL.

- 1) The Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) does hereby, direct the TOECRA General Counsel to engage and retain an outside legal counsel to review any and all pertinent documentation and/or information related to the use of TOECRA funds to pay the former TOECRA Executive Director \$71,677.69, by authorizing and approving official, Chairman of the Board, Angie Gardner the appropriateness of a single signer to the financial instrument on behalf of the TOECRA, the appropriateness of allowing non-TOECRA Board Members to be listed as signers on the TOECRA accounts with any financial institution. The special investigation shall commence on or before December 1, 2022 and shall be completed no later than 180 days from the date the special investigation is commenced, unless the assigned outside counsel for the special investigation seeks and receives additional time to complete the special investigation from the TOECRA Board.

The following is a complete listing of the authorized payouts:

04/26/2022 INVOICE DATED – wages and stipend \$60,580.76.

Retirement contribution \$6,100.00; of which is 10% salary for 3 quarters,

Life Insurance \$1,241.64; (\$137.96).

Vacation \$3,754.56 – 96 hours per month accrual.

Per Invoice Total \$71,676.96.

2) The TOECRA Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) hereby, direct the TOECRA General Counsel to engage and retain outside legal counsel to review any and all pertinent documentation and/or information related to unauthorized signers on the Town of Eatonville Community Redevelopment Agency checking account at TD Bank, Orlando Avenue Winter Park, Florida. Presently, one authorized signer, current member of the Board of Directors/Town Council Member, Theo Washington, has been the only signer signing checks with one signature; the second signer, a former Town Council Member and former Board of Director, Tarus Mack, still remains on account since after losing his seat around late 2021; the third signer one independent contract employee (non-Town of Eatonville) remains on the account as a signer, and presently no longer works for the TOECRA. The Financial Report Statements are approved by the Chairman of the Board/Mayor of the Town of Eatonville, Angie Gardner. The current signers, members of the Town Council/Board of Directors (Angie Gardner, Marlin Daniels, Rodney Daniels, Theo Washington, and Wanda Randolph) of the Town of Eatonville, Florida were changed by Resolution #2022-28 on April 19, 2022. After several inquiries pertaining to the signer cards and the resolution to the responsible officials for the Town of Eatonville, Finance Director (Katrina Gibson) and Chairman of the Board/Mayor (Angie Gardner), the signer's cards have not been processed. Several visits were made to TD Bank requesting for changes, updates, and corrections on 09/23/2022; 10/4/2022; 10/18/2022; 10/21/2022; 11/01/2022; 11/15/2022 no changes were made to the account/signer cards confirming the new bank signers. In addition, no changes were made after several meetings since April 2022 with bank representative. (Representative: Ms. Lilly Millan Florez, 819 North Orlando Ave, Winter Park, FL 32789, Bank Supervisor, 407-644-1052).

3) The TOECRA Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) also desires that the former TOECRA Executive Director Michael Johnson and former Fiscal Coordinator, Paula Bradshaw, shall cease any and all work activity on the behalf of the TOECRA which shall include communicating with contractors, vendors, as well as government and business entities doing business with the TOECRA.

4) The TOECRA Board of Directors directs the TOECRA General Counsel to also engage and retain an outside Computer Forensics Investigator to acquire and examine data that may have been subject to digital misuse by former employees due to deletion, damaging, and destruction of data; removal of files, removal of equipment, electronic database that is maintained on any computers or maintained in hard copy form used for the purpose of electronic mail, drafting, correcting or any other purposes, including documents of any findings or purposes. The

RESOLUTION CRA-R-2022-24

Special Investigation of the Community Redevelopment Agency

A RESOLUTION OF THE TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY (TOECRA) BOARD OF DIRECTORS AUTHORIZING THE TOECRA GENERAL COUNSEL TO ENGAGE AND RETAIN OUTSIDE LEGAL COUNSEL TO CONDUCT A SPECIAL INVESTIGATION AND RENDER OPINIONS AND GUIDANCE AS TO MATTERS RELATED: TO THE FORMER TOECRA EXECUTIVE DIRECTOR RECEIVING A PAYMENT OF \$71,677.69, TO FINANCIAL INSTRUMENTS (I.E., CHECKS) HAVING A SINGLE SIGNER, AND NON-TOECRA BOARD MEMBERS REMAINING ON SIGNATURE CARDS FOR FINANCIAL INSTITUTIONS UTILIZED BY THE TOECRA, TO CEASE AND DESIST ANY AND ALL WORK ACTIVITY; TO INVESTIGATE COMPUTER FORENSICS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS by the enactment of an Orange County Ordinance #97-M-14 in 1997, the Town Council of the Town of Eatonville, Florida, created a community redevelopment trust fund for the community redevelopment area as provided by section 163.387, Florida Statutes;

WHEREAS the Town Council initially adopted a community redevelopment plan on October 25, 1997, pursuant to a resolution of Town Council (the "Plan"); and

WHEREAS the members of the governing body and one (1) additional member appointed by the respective taxing authorities serve as Directors of the Agency; and

WHEREAS such members of the governing body constitute the head of a legal entity, separate, distinct and independent from the governing board of the county and municipality; and

WHEREAS the Board of Directors of the TOECRA terminated the Executive Director, Michael Johnson with cause by Resolution TOE-R-CRA - 2022-3 on April 19, 2022, decided by a 4-2 vote.

WHEREAS Florida Statute 215.425 - Section (4) 1., that the Chairman of the Board violated this section for payout ([check #7514](#)) of the amount of \$71,677.69 to the former Executive Director, Michael Johnson which he was not entitled but only a requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

WHEREAS the Board of Directors of the Eatonville Community Redevelopment Agency (TOECRA) seeks accountability and enforcement of the law to restore and make whole back to the Eatonville Community Redevelopment Agency its funds that the agency is entitled to be used to assist our community in blight areas.

WHEREAS the Board of Directors of the Eatonville Community Redevelopment Agency (TOECRA) desires to have a special investigation conducted by outside legal counsel to determine any legal recourse and what actions should be taken to address concerns with the use of TOECRA funds in order to correct any acts or omission detrimental to the TOECRA.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY (TOECRA) OF EATONVILLE, FLORIDA:

SECTION ONE: DIRECTION TO THE TOECRA GENERAL COUNSEL.

- 1) The Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) does hereby, direct the TOECRA General Counsel to engage and retain an outside legal counsel to review any and all pertinent documentation and/or information related to the use of TOECRA funds to pay the former TOECRA Executive Director \$71,677.69, by authorizing and approving official, Chairman of the Board, Angie Gardner the appropriateness of a single signer to the a financial instrument on behalf of the TOECRA, the appropriateness of allowing non-TOECRA Board Members to be listed as signers on the TOECRA accounts with any financial institution. The special investigation shall commence on or before December 1, 2022 and shall be completed no later than 180 days from the date the special investigation is commenced, unless the assigned outside counsel for the special investigation seeks and receives additional time to complete the special investigation from the TOECRA Board.

The following is a complete listing of the authorized payouts:

04/26/2022 INVOICE DATED – wages and stipend \$60,580.76.

Retirement contribution \$6,100.00; of which is 10% salary for 3 quarters.

Life Insurance \$1,241.64; (\$137.96).

Vacation \$3,754.56 – 96 hours per month accrual.

Per Invoice Total \$71,676.96.

2) The TOECRA Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) hereby, direct the TOECRA General Counsel to engage and retain outside legal counsel to review any and all pertinent documentation and/or information related to unauthorized signers on the Town of Eatonville Community Redevelopment Agency checking account at TD Bank, Orlando Avenue Winter Park, Florida. Presently, one authorized signer, current member of the Board of Directors/Town Council Member, Theo Washington, has been the only signer signing checks with one signature; the second signer, a former Town Council Member and former Board of Director, Tarus Mack, still remains on account since after losing his seat around late 2021; the third signer one independent contract employee (non-Town of Eatonville) remains on the account as a signer, and presently no longer works for the TOECRA. The Financial Report Statements are approved by the Chairman of the Board/Mayor of the Town of Eatonville, Angie Gardner. The current signers, members of the Town Council/Board of Directors (Angie Gardner, Marlin Daniels, Rodney Daniels, Theo Washington, and Wanda Randolph) of the Town of Eatonville, Florida were changed by Resolution #2022-28 on April 19, 2022. After several inquiries pertaining to the signer cards and the resolution to the responsible officials for the Town of Eatonville, Finance Director (Katrina Gibson) and Chairman of the Board/Mayor (Angie Gardner), the signer's cards have not been processed. Several visits were made to TD Bank requesting for changes, updates, and corrections on 09/23/2022; 10/4/2022; 10/18/2022; 10/21/2022; 11/01/2022; 11/15/2022 no changes were made to the account/signer cards confirming the new bank signers. In addition, no changes were made after several meetings since April 2022 with bank representative. (Representative: Ms. Lilly Millan Florez, 819 North Orlando Ave, Winter Park, FL 32789, Bank Supervisor, 407-644-1052).

3) The TOECRA Board of Directors of the Town of Eatonville Community Redevelopment Agency (TOECRA) also desires that the former TOECRA Executive Director Michael Johnson and former Fiscal Coordinator, Paula Bradshaw, shall cease any and all work activity on the behalf of the TOECRA which shall include communicating with contractors, vendors, as well as government and business entities doing business with the TOECRA.

4) The TOECRA Board of Directors directs the TOECRA General Counsel to also engage and retain an outside Computer Forensics Investigator to acquire and examine data that may have been subject to digital misuse by former employees due to deletion, damaging, and destruction of data; removal of files, removal of equipment, electronic database that is maintained on any computers or maintained in hard copy form used for the purpose of electronic mail, drafting, correcting or any other purposes, including documents of any findings or purposes. The

former TOECRA Executive Director, Michael Johnson and former TOECRA Fiscal Coordinator, Paula Bradshaw shall cease attending TOECRA meetings in their former capacity and shall not be allowed entry or access into the TOECRA Office located at 370 East Kennedy Boulevard, Eatonville, Florida. Investigative negative findings will be subject to applicable laws.

SECTION TWO: CONFLICTS. All Resolutions of the Town of Eatonville Community Redevelopment Agency (TOECRA) or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, superseded and repealed.

SECTION THREE: SEVERABILITY. If any section or portion of a section of this Resolution is found to be invalid, unlawful or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FOUR: EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 6 day of December 2022.

ANGIE GARDNER, TOECRA Chairperson

ATTEST:

VERONICA KING, Town Clerk

former TOECRA Executive Director, Michael Johnson and former TOECRA Fiscal Coordinator, Paula Bradshaw shall cease attending TOECRA meetings in their former capacity and shall not be allowed entry or access into the TOECRA Office located at 370 East Kennedy Boulevard, Eatonville, Florida. Investigative negative findings will be subject to applicable laws.

SECTION TWO: CONFLICTS. All Resolutions of the Town of Eatonville Community Redevelopment Agency (TOECRA) or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, superseded and repealed.

SECTION THREE: SEVERABILITY. If any section or portion of a section of this Resolution is found to be invalid, unlawful or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FOUR: EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 6 day of December 2022.


ANGIE GARDNER, TOECRA Chairperson

ATTEST:

VERONICA KING, Town Clerk