

CITY OF BROOKSVILLE  
SPECIAL CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
201 HOWELL AVENUE

AGENDA

August 22, 2011

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. REGULAR AGENDA

1. **Resolution No.: 2011-04 – Council Tie-Breaker Procedures**

Consideration of resolution dictating procedures for breaking tie-votes of Council.

Presentation:	City Attorney
Recommendation:	Approval of Resolution upon roll-call-vote
Attachments:	Resolution

2. **Presentations of Finalists Interested in Filling Council Seat #4**

a. Robert B. Battista

b. Kevin S. Hohn

Attachments: Letters of Interest

3. **Temporary Appointment of Council Member to fill Seat #4**

Selection and appointment of Council Member.

Attachments: Voting Ballot

4. **Resolution No.: 2011-07 – Designation of Council Member to fill Seat #4**

Consideration of resolution filling the vacant Seat #4 until the next regular or special election.

Presentation:	Mayor
Recommendation:	Approval of Resolution upon roll-call-vote
Attachments:	Resolution

5. **Swearing in of New Council Member**

New Council Member to be sworn in by The Honorable Kurt Hitzemann.

D. ADJOURNMENT

*Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at [www.cityofbrooksville.us](http://www.cityofbrooksville.us). Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/540-3810.*

*Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.*

**THE HOGAN LAW FIRM®**

*We mean business<sup>SM</sup>*

**MEMORANDUM**

**TO: HONORABLE MEMBERS OF THE CITY COUNCIL**

**FROM: JENNIFER C. REY AND STEPHANIE CHAMBERS  
THE HOGAN LAW FIRM AS CITY ATTORNEY**

**CC: THOMAS S. HOGAN, JR.**

**RE: PROCEDURES FOR BREAKING A TIE-VOTE**

**DATE: AUGUST 18, 2011**

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**ISSUE**

What procedures may the City Council use to break a tie-vote?

**DISCUSSION**

Section 2.12 of the Charter of the City of Brooksville provides that the "Council shall determine its own rules and the mayor shall set the order of business for each meeting." Section 2.12 also provides the following requirements for votes of City Council, "voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal...No action of the Council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present, except as may be more specifically described in this charter." Therefore, the City Council may adopt its own rules for conduct of its meetings. Any resolution adopted by the City Council which establishes those rules must be adopted by a majority vote of a quorum by roll call.

As to tie-breaking procedures, there are no provisions currently in the City Charter or Code which sets forth such a procedure. However, Section 100.061, Florida Statutes, which addresses ties in primary elections, provides that "if two or more candidates receive an equal and

highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.” “Drawing of lots” is generally a completely random selection method. Methods of “drawing lots” may include such things as a coin toss, randomly selecting from a deck of cards, and drawing names/numbers out of a container. Although not set forth in any statute, an alternative is to identify another political body or board, such as the planning and zoning commission, to select from the pool of candidates and that selection shall serve as the deciding vote.

If the City Council desires to “draw lots” then the specific procedures for conducting the draw should be set forth by resolution of the City Council. Some specific examples of methods used to “draw lots” are as follows:

***Coin Toss:*** Using a U.S. Minted quarter (Quarter) with George Washington’s head on one side (Heads) and an eagle and olive branches on the reverse (Tails), then the Mayor, other designated official, designates one candidate to choose either heads or tails. Then the City Clerk, or other designated official, using the Quarter shall toss or flip it into the air. The Quarter shall be allowed to fall to and land on the floor. Prior to disturbing or retrieving the Quarter from the floor, the City Clerk shall poll each City Council member who shall verbally announce on the record the orientation of the Quarter (heads or tails). The Quarter shall become part of the permanent record or a photo copy of both sides of the Quarter be made part of the record. Whichever end of the Quarter is facing up shall determine the selection.

***Drawing Names from a Container:*** Using paper of the same color, size and shape, each candidate shall write his or her name on a piece of paper and place it in a container provided by the City Clerk. Then the City Clerk, or other designated representative, shall select one piece of

paper from the container and read aloud the name written. That candidate shall be the one selected.

***Picking from a Deck of Cards:*** The City Clerk shall hold a randomly shuffled deck of playing cards, excluding face cards, from which each candidate is to pick a card. The Mayor shall designate which candidate draws first. Each candidate then draws a card from the deck. The candidate with the highest number card shall be the candidate selected.

***Drawing Numbers from a Container:*** Using paper of the same color, size and shape, numbers one through ten (or however many numbers are needed) are written on individual pieces of paper and placed in a container. The Mayor shall designate the drawing order of the candidates. Then each candidate is to pick a number from the container in the order designated by the Mayor. The candidate with the highest number shall be the one selected.

RESOLUTION NO: 2011-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING TIE-BREAKING PROCEDURES FOR TIE VOTES OF THE CITY COUNCIL; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Sec. 2.12 of the Charter of the City of Brooksville, the City Council shall determine its own procedural rules and the mayor shall set the order of business for each meeting; and,

**WHEREAS**, Section 2.12 also provides that voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal and that no action of the Council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present; and,

**WHEREAS**, the City Council desires to establish procedures and rules in the event of a tie-vote of the City Council.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA**, that:

**SECTION 1.** The City Council hereby adopts one of the following procedures/method in the event a tie vote of the City Council occurs:

\_\_\_\_\_ **Option 1.**     **Coin Toss:** Using a U.S. Minted quarter (Quarter) with George Washington's head on one side (Heads) and an eagle and olive branches on the reverse (Tails), then the Mayor, or other designated official, designates one candidate to choose either heads or tails. Then the City Clerk, or other designated official, using the Quarter shall toss or flip it into the air. The Quarter shall be allowed to fall to and land on the floor. Prior to disturbing or retrieving the Quarter from the floor, the City Clerk shall poll each City Council member who shall verbally announce on the record the orientation of the Quarter (heads or tails). The Quarter shall become part of the permanent record or a photo copy of both sides of the Quarter be made part of the record. Whichever end of the Quarter is facing up shall determine the selection.

\_\_\_\_\_ **Option 2.**     **Drawing Names from a Container:** Using paper of the same color, size and shape, each candidate shall write his or her name on a piece of paper and place it in an opaque container provided by the City Clerk. Then the City Clerk, or other designated representative, shall select one piece of paper from the container and read aloud the name written. The paper drawn shall be shown to each City Council member who shall acknowledge verbally on the record the name written on the paper. The paper drawn shall come part of the official record. That name of the candidate read aloud shall be the one selected.

\_\_\_\_\_ **Option 3.**     **Drawing Numbers from a Container:** Using paper of the same color, size and shape, the City Clerk shall write the numbers one through ten (or however many numbers are needed) on individual pieces of paper. Each

council member shall verify the numbers written on the papers. The Clerk shall then place the numbers in an opaque container. The Mayor shall designate the drawing order of the candidates. In the order designated by the Mayor, each candidate is to pick a number from the container. Each candidate shall identify themselves on the record, announce the number drawn and show their number to each member of the City Council. Each member of the City Council is to acknowledge on the record the number drawn by each candidate. The candidate with the highest number shall be the one selected.

\_\_\_\_\_ **Option 4.** *Picking from a Deck of Cards:* The City Clerk shall hold a randomly shuffled deck of playing cards, excluding face cards, from which each candidate is to pick a card. The Mayor shall designate which candidate draws first. Each candidate then draws a card from the deck. Each candidate is to show their card to each council member. The candidate with the highest number card shall be the candidate selected. The cards selected by each candidate shall be noted on the record and the cards shall become part of the official record.

**SECTION 2. CONFLICT.** Any resolution or policy of the City, or any portion thereof, in conflict with the provisions of this Resolution, is hereby repealed to the extent of such conflict.

**SECTION 3. SEVERABILITY.** In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This resolution shall be effective immediately upon adoption by the City Council of the City of Brooksville, Florida.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, THIS 22<sup>nd</sup> DAY OF August, 2011.**

CITY OF BROOKSVILLE

By: \_\_\_\_\_  
Frankie Burnett, Mayor

ATTEST: \_\_\_\_\_  
Janice L. Peters, CMC  
City Clerk

APPROVED AS TO FORM FOR  
THE RELIANCE OF THE CITY  
OF BROOKSVILLE ONLY:

VOTE OF CITY COUNCIL  
Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Johnston \_\_\_\_\_

\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

**FINALISTS' LETTERS OF INTEREST RECEIVED  
TO FILL SEAT NO. 4 VACANCY  
AUGUST 8, 2011, 5:00 P.M.**

**BATTISTA, ROBERT B.**

**HOHN, KEVIN S.**

Robert B. Battista

436 Howell Avenue  
Brooksville, FL 34601

August 5, 2011

Honorable Frankie Burnett, Mayor  
City of Brooksville  
201 Howell Ave.  
Brooksville, Fl. 34601

Dear Mayor Burnett:

Please consider this letter and attached resume as my request for appointment to the City Council's position recently left vacant by the resignation of Mr. Pierce.

I have continuously lived in the City of Brooksville since January, 1989. My current address is 436 Howell Ave.

I request the Council review my previous professional work experience as outlined on the attached resume.

If you or the other members of the City Council have any questions or need further information, please contact me at 796-8840.

Sincerely,



Robert B. Battista  
436 Howell Ave.  
Brooksville, Fl. 34601

Rec'd 8/5/11  
3:48 pm

ROBERT BARRINGTON BATTISTA, Esquire  
P.O. Box 10503  
Brooksville, Fl. 34603

Education

Virginia Military Institute  
Bachelor of Arts in History  
Lexington, VA

University of Arkansas  
Master of Arts in International Relations  
Fayetteville, AK

University of Florida  
Juris Doctorate  
Gainesville, FL

Employment

- United States Air Force 1965-1985

Achievements include highly successful assignments as aircraft commander, supervisor, instructor, and staff officer. Responsibilities covered development and management of entire European Theater, air crew training program (21 squadrons). Negotiated contract requirements for a computerized military exercise system with the Jet Propulsion Laboratory. Awarded the Distinguished Flying Cross for downing an enemy fighter in Southeast Asia, the Air Force Commendation Medal and the Air Force Meritorious Service Medal, and the Defense Meritorious Service Medal for Exemplary Performance of Duties.

- Legal 1989-1993

Hernando County Assistant County Attorney

Advised the Board of County Commissioners at their weekly meetings as well as sitting with and advising such appointed boards as the Planning and Zoning Commission, Code Enforcement Board, Adjustment and Appeals Board and Value Adjustment Board.

Personally provided a full range of legal services to various county departments such as Contracts and Purchasing, Development, Planning, Engineering, Administration, Human Resources, Public Works and Community Services. Also personally provided legal support to the County Tax Collector, Property Appraiser, Clerk of Court, Supervisor of Elections and the Hernando County Water and Sewer District.

- Hernando County Managing Attorney

1993-1995

While continuing the above duties, was designated Managing Attorney for the County Legal Department. Was responsible for budget, personnel and administrative issues.

- City Attorney - Private Practice

1995-Mar. 2001

Selected by the City of Brooksville to be the City Attorney in January 1995. Also represented clients in domestic, bankruptcy, social security disability, land use and commercial areas of the law. Was selected by the Citrus County Board of County Commissioners to hear appeals of land use and development decisions in 1996. Also became General Counsel to Spring Hill Fire and Rescue District in July 2000.

- Citrus County Attorney

Mar. 2001-June 2010

Selected by Citrus County to be County Attorney in March 2001. Responsible for the provision of legal services both transactional and litigation in support of the Board of County Commissioners and Administration. Created an active "preventative law" program providing periodic training to employees and ensuring staff was aware of statutory and case law changes that affected their operations. Supervised two assistant County Attorneys and two support staff.

#### GENERAL

Was appointed by the Governor in 1992 to the Fifth Circuit Judicial Nominating Commission for a four year term. Was appointed by the Governor in 1998 for another four year term.

Rated BV by Martindale-Hubble

Kevin S. Hohn

6084 Summit View Dr.  
Brooksville, FL 34601

Kevin S. Hohn  
6084 Summit View Dr. (352) 345-4528  
Brooksville, FL 34601  
August 8, 2011

Mayor and City Council  
201 Howell Ave.  
Brooksville, FL 34601

Dear Mayor and City Council,

Please be advised that I would like to be considered for the vacant City Council Seat #4.  
Enclosed please find my resume.

Sincerely,

Kevin S. Hohn

Enclosure

# Kevin S. Hohn

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6084 Summit View Dr.

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Brooksville, FL 34601

## Experience

### Thomson Reuters

Public Records Product Specialist

01/10 – Present

- Provide expertise to state and local government agencies and field reps in 15 states in the Midwest concerning the use of all public records products within Thomson Reuters
- Partnered with field reps at meetings with large state and local government opportunities to ensure the initial sale or renewal was achieved
- Surpassed annual revenue plan of \$1.2 million in 2010
- Responsible for annual revenue plan for 2011 of \$2.1 million

### Thomson Reuters

Regional Account Executive

10/08 – 01/10

- Responsible for the sale of CLEAR to new customers and retention of current customers within the state and local government vertical for 15 states in the Midwest
- Selected to the President's Club in 2009 for achieving 289% of revenue plan

### ChoicePoint Government Services

Regional Account Executive

10/07 – 10/08

- Responsible for the sale of AutoTrackXP and CLEAR to new customers and retention of current customers within the state and local government vertical for 15 states in the Midwest
- Surpassed annual revenue plan of \$800k
- ChoicePoint Government Services was sold to Thomson Reuters in 10/08.

### Hohn Consulting Services

06/05 – 10/07

- Provide expertise for clients in developing data mining systems primarily used for law enforcement and intelligence
- Served as an instructor for the State Department Anti-Terrorism Assistance Program (ATA) to foreign law enforcement personnel in Kenya and Azerbaijan

### Internal Revenue Service Criminal Investigation Division (CID)

Management Positions

1/01– 06/05 – Senior Analyst , Washington, DC

- Project Manager for CID's data mining system
- Managed the project's multi-million dollar budget and assigned personnel

- Purpose was to discover patterns of illegal activity involving money laundering, terrorism financing and other financial crimes
- The system was deployed February 2005 ahead of schedule and below projected cost
- During the initial phase of training, users uncovered over \$100 million of illicit funds previously undetected in ongoing criminal investigations
- Retired from IRS CID in June 2005

**Internal Revenue Service Criminal Investigation Division (CID)**

08/98-01/01 - Assistant Special Agent in Charge

- Responsible for managing five Supervisors, 60 Special Agents, and support staff located in Colorado, Wyoming and Utah
- Provided oversight on all criminal investigations, asset forfeiture cases, and undercover operations

06/95-08/98 - Senior Analyst

- Assisted foreign governments in developing their Anti-Money Laundering laws and banking regulations in 14 countries
- Served on the State Department committee to establish the International Law Enforcement Academy in Budapest, Hungary (ILEA)

06/90-06/95 - Supervisory Special Agent

- Managed a staff of over 100 employees
- Managed criminal investigations, asset forfeitures, and undercover operations of 10 Special Agents

**Internal Revenue Service Criminal Investigation Division (CID)**

08/83-06/90 – Special Agent

- Conducted numerous criminal investigations of tax evasion, money laundering, and asset forfeiture
- Assigned to the Department of Justice Organized Crime Strike Force in Tampa, Florida. Investigated members of the local organized crime family
- Assigned to the US Attorney's Public Corruption Task Force in Atlanta, Georgia. Investigated several local and county politicians including a Sheriff involved in taking illegal kickbacks
- Assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) in Atlanta. Investigated several large narcotics organizations for money laundering

**Education**

**University of Florida, Gainesville, FL**  
06/80-12/82  
Bachelor of Science Accounting

**References**

References are available on request.

**Your Name**

Address, phone, fax, email

**RESOLUTION NO. 2011-07**

**A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA DESIGNATING THE APPOINTMENT TO VACANT CITY COUNCIL SEAT No.4, SPECIFYING THE TERM OF APPOINTMENT AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Emory Pierce resigned his position as Council Member holding Seat No. 4, thereby creating a vacancy; and,

**WHEREAS**, Section 2-32 of the City of Brooksville City Code requires that if any vacancy occurs in the membership of the city council, the remaining city council members shall select, by resolution, an eligible person to fill the vacancy until the vacancy is filled at a regular or special election; and,

**WHEREAS**, interest in filling the vacant City Council Seat No. 4 was solicited by the City Council; and,

**WHEREAS**, the City Council, at this August 15, 2011, meeting, voted to appoint a Council Member to Seat No. 4.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE THAT:**

**Section 1.** The City Council of the City of Brooksville hereby makes the following appointment to fill the vacancy in Seat No. 4 on the City Council:

**NAME:** \_\_\_\_\_

**Section 2.** The term of the appointed candidate will commence immediately upon appointment and swearing in, and shall continue until a duly elected candidate is sworn into office following a regular municipal election or countywide non-primary election.

**Section 3.** This resolution shall take effect immediately upon adoption.

**ADOPTED** in regular session this 22<sup>nd</sup> day of August, 2011.

**CITY OF BROOKSVILLE**

**BY:** \_\_\_\_\_  
Frankie Burnett, Mayor

**ATTEST:** \_\_\_\_\_  
Janice L. Peters, CMC, City Clerk

**APPROVED AS TO FORM FOR THE RELIANCE OF THE CITY OF BROOKSVILLE ONLY:**

**VOTE OF CITY COUNCIL**

Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Johnston \_\_\_\_\_

\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney