



October 29, 2019

Via Email (Noah.Sacks@usdoj.gov) and U.S. Mail

Noah Sacks, Esq.
U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
4 Constitution Square
150 M Street NE, Suite 8000
Washington, DC 20530

Re: RLUIPA Investigation

Dear Mr. Sacks:

Pursuant to our previous discussions, the City of Bunnell is in receipt of the correspondence dated October 22, 2019, from Shina Majeed with the U.S. Department of Justice. Please direct all future communications with the City concerning this matter to this office.

As we discussed, the City administration is fully committed to cooperating with the Department of Justice in its investigation, and looks forward to a swift and satisfactory resolution of the matter.

As we also discussed, our City government is very small and strapped for resources, and so I thank you for your agreement to give us until November 22, 2019 to provide you with the voluminous set of documents and information you have requested. Per the suggestion in the letter, we will also be putting together additional information we believe should be relevant to your inquiry, and as such, I may be in touch with you further to discuss such matters.

Finally, per our previous discussions, allow me to address the City's compliance with the U.S. Department of Justice's request that the City allow the operation of the cold weather shelter this 2019-2020 winter season at its previous location on those nights when the temperature reaches 40 degrees or below, until the conclusion of the Department of Justice's investigation.

As a preliminary matter, while your correspondence references "the Church's cold weather shelter" and "permit[ting] the Church to operate the cold weather shelter", I would point out that the First United Methodist Church of Bunnell does not in fact operate the cold weather shelter on the church's property. Rather, the cold weather shelter has been operated by a secular nonprofit corporation called Flagler County Family Assistance Center, Inc., doing business as The Shelter Tree. While we believe these facts, among many others, should be relevant to your inquiry, we understand that it does not change the Department of Justice's position at this preliminary stage concerning its directive that the cold weather shelter be allowed to operate during the pendency of your investigation.

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As we discussed, in order to do our best to meet the short deadline of October 29 the Department of Justice gave the City to advise of our intent to comply with your directive, we are addressing the matter as follows. In order to comply with the Department of Justice's directive as quickly as possible, the City Manager, who is chief administrative officer of the City, has agreed that he and City staff will not engage in enforcement action with respect to the operation of the cold weather shelter on such nights until further direction can be provided by the Bunnell City Commission. The Bunnell City Commission will discuss and take action on the matter at a November 4, 2019 special City Commission meeting. As we discussed, I can inform you that I have advised each member of the City Commission in the strongest terms that the City should comply with the United States Department of Justice's directive in this regard.

As we also discussed, the City Manager will be informing Flagler County Family Assistance Center, Inc., doing business as The Shelter Tree, and the First United Methodist Church of Bunnell in writing of his forbearance in enforcement action so that The Sheltering Tree can proceed to operate on the nights in question.

Thank you for your professionalism in our previous conversations, and I look forward to a constructive dialog in pursuit of a satisfactory resolution of this matter. If you have any questions or wish to discuss this matter, please do not hesitate to contact me any time on my cell phone at 321-299-2289.

Sincerely,



Wade Vose
Bunnell City Attorney

cc: Shina Majeed, Chief, Housing and Civil Enforcement Section
Yohance Pettis, Assistant United States Attorney (M.D. Fla.)
Mayor Catherine Robinson
City Manager Alvin Jackson