

Policy and Procedure Committee Meeting Minutes  
June 12, 2019

The Committee Meeting was called to order at 7:00 PM by Sharon Denson. Those Trustees and Committee Members in attendance included Sharon Denson, Sandy McCarthy, Terry Zimmerly, Steve Watkins, Belle Baxter, Jim Couey, and Gwen Norris (scribe). Guests included Don Gassie, Allan Riga and Barbara Greenberg.

Item 1. Public Record Policy (1034 PR). – Sharon said the office needs access to the Recreation Committee's Facebook site. Bell said for access to the site you need an email and password so she is not sure that can happen but she is still checking it out. Sharon said somehow the office needs to retrieve it and keep and maintain it for records. Belle said Nextdoor it is easier because it does need a password and more of a public forum. Sharon said there is nothing that says we can't do the Facebook, we just need a way to retrieve it, keep it, and maintain it. She added that nothing can be deleted or removed from it. Don Gassie asked if the office needs to keep the Facebook stuff. Sharon said it is a Public Record, absolutely. Don said that was a lot of record keeping and no wonder the attorney advised not to do it. Sharon said because of the retention schedule, to go in and maintain it is a nightmare. She said everything has a different retention schedule. Sandy asked what we have right now. Sharon said Belle has a Recreation Committee site that is not linked to anything. Sharon said until she went to the Sunshine (seminar), she knew it, but it didn't dawn on her that we have to deal with this. Sandy asked if anybody on the Recreation Committee can make changes to stuff there. Belle said anybody can 'post' as on a public page and can access the site. Sandy asked if the language of the site can be changed by anybody. Belle said nothing can be changed but anything can be accessed because it is not a closed group and is an open page. Jim said then you can look at it but can't change it. Several people said you can add to it. Sharon said the biggest problem is the Keeper of the Records needs it in this office. Sandy asked who has control over the page. Belle said it was herself. Sandy asked if that should be the office, ultimately. Sharon said they are trying to link it to the office so the office can have it. Belle said to create a Facebook page that is not a personal page you have to have a personal account. Belle said she is the administrator of that page, but because she put it in a category that doesn't require a password anybody can access it and can't change anything and she can take it down but with the Sunshine Law she probably has to print out everything from that page for the office.

Don Gassie asked if Laraine (Jodie) Lawman's post on Nextdoor is required to be kept for the Public Record. Sharon said Jodie can do that and it is not for a Public Record, as Jodie is an employee not a Trustee. Sharon said she has several opinions on the records subjects that tell us what to do but not how to do it. She said the law firm that wrote SS 189 wrote the opinions. Belle said she will keep working on the page (as a public record). Sharon said the attorney's talked about printing all the records or putting them in a computer, and in the (draft) policy she has both mentioned. She read from the draft policy 'The District Office may print and store copies of all emails received at the District Office by date or may provide a computer at the front counter for residents to use to read emails received by the District.' She said that way the office has the discretion if maybe the computer doesn't work for them. She said she is concerned about October and September when tons of people come in and someone will be standing at the counter and she does not know how that will work. She said the computer can't be out of site, it has to be where the office can keep a watch on them.

Jim Couey asked if all of the emails that come into the office, isn't there something that he can get on his computer, and if he has a fax machine or a printer, he could do that at his house instead of bothering

the office to print something out for him. Sharon said we must make available for the public at any time all of our records whether on the internet or website or here, the official documents. Jim asked if there is a simpler way. He said he has a computer, printer and fax machine, and wondered if there was some site he could get 'on' and do all this at his house. Sharon said we can't put our email account out there for everybody in the world, but the other records—most of them—we are getting out there now so people don't have to come in. She said the minutes are there, the financial report is there. She said she has written an article for the Banner telling people where to find the monthly financial reports (on the website) and the policies that are coming up. Sharon said we have to have the email... the people are entitled to come in and read all of the emails and they can get copies of them. She said at Trailer Estates they print the emails weekly and file them. She said she doesn't know how other districts do it. Sandy asked if Trailer Estates prints the emails at the end of each day even if no one requested the document. Sharon said yes, because it will be available for view and she said the attorney suggested we put the emails in a folder and at the end of the week we put them in our book. Sandy thought you would wait until the request was made. Sharon said then you would have to set and read through them all, volumes. She said if they are printed, or on the computer, the general public can look through them all and find what they want. Sandy said she didn't know that there was that volume of a requests. Sharon said the emails are coming in here on everything going on, and those have to be available. She said she can come 'in' and say 'I want to see the emails' and they can give her the computer of the files to read them. She said sometimes it is easier to print them and they (the requester) can go through them. She said the nice thing about a notebook so it doesn't have to set on the counter. She said someone could volunteer to set (with the requester) to monitor them in the board room or hall. She said it can't be out of site, but someone could set with them. Sharon said normally they give a package of 'Post-It' notes to flag what they want copied when they are done.

Terry said the law says you have to get stuff in a reasonable amount of time. She asked why we have to list it all out. and can't we leave it at that. Sharon said we can. but we are making the policy for ten years down the road. She said a new person could say 'I'm busy and it will be 30 days'. She said you have to give... the policy gives some guidelines and the resident has the right to know what the reasonable time is. She said most places do because people have the right to know. She said most of the public record requests can be done right now and they can walk out the door. Sharon said in an extensive research.... She said Gwen and her went through boxes that had not been looked at for years.

Jim asked when someone comes 'in', how they know which emails they want to look at. Sharon said they may not (know). Jim asked how many emails are received in one day. Sharon said she did not know, it depends on the day and what is going on. Jim said if he asked 'Let me look at all of the emails' will Jodie have to stop and let him look at all of the emails. Sharon said they can have them printed and let him go through them, or have them on a computer and let him go through them, and tell her what he wanted. Belle said that it only applies to emails. Sharon said it is anything that comes into the District Office, any emails are public record, in or out of the official email address of the office. Sharon said if she gets something that is pertinent she forwards it to the office. Belle asked if theoretically anything that is a communication is going through the office. Sharon said it normally is. She said if Belle has something that is coming at home and it is district business, forward it at least to your official email so that you have it. Sharon said she doesn't delete anything on hers and has about 700 emails. Sharon said she put it in both ways (print and computer) so it can change later.

Don Gassie asked if a non-Trustee, like an office employee, wants to post something on a social media and they send it out of a computer in the office, is that a public record. Sharon said it is not a public record. She continued that they shouldn't use the computer for personal reasons. She said it is not a

public record because it has nothing to do with the official business of the district. Don asked if it needs to be in the policy, Sharon said it doesn't need to be, and it is all over the place, a public record is defined everywhere.

Sharon asked the attendees to read through it for other things. She said Club minutes are not a public record if not turned into the office. She said that she may need to add that into the policy. She said the Club minutes should not be turned in the office. Sharon said most districts don't allow you to put (club) minutes in their publications. She said the moment it comes here and goes in the Banner it becomes a public record.

Sharon said the HOA and the Neighborhood Watch articles did not get published in the Banner. Sharon said what happened is they were sent to the wrong email address (managerbsg@outlook.com.) and Gia never got them and the right email address is [office@bayshoregardens.org](mailto:office@bayshoregardens.org). She said they went to Jodie and they said 'Minutes', not 'Banner submission'. Sharon said Club minutes are constitutionally protected and we have no right to stick our nose... the minute they come to the office they become a Public Record. She said if they are sent to the Banner, it is a Public Record. Sharon said she sent an email to the lady with the correct email address. Sharon said one of the articles was two days late, also. She explained that that every time there is a late submittal the paper has to be redone and we pay someone by the hour to do that. Sharon said she will add 'club minutes are not public records' in the policy.

Sandy said the definitions in the statute states that when we are charging people for the actual reproduction cost you are not allowed to include any overhead or labor. Sharon said the statute says the 'cost of the copy'. Sandy wanted to know why the policy/procedure states we will charge for staff time. Sharon said that is for an extensive search for documents older than 5 years, then we can charge them for that and it is in the schedule of charges on page two. Sandy says the statute says you don't charge for it. Sharon said she did not include the part of the statutes that allows it for extensive... someone can ask for something like minutes and if you want me to go back and hunt for the minutes, maybe back as far as 1980, then you are going to pay me for it. Sandy said she is not saying it is not reasonable but thinks you would add that statute since the other statement is there saying no labor costs and asked Sharon to find that statute that allows the fee. Sharon said she will research it and include it on the policy. Sharon said that is why she has asked us to go through the policy and until we get it right... Terry asked how Sharon came up with the charge of \$3.25 for a ¼ hour. Sharon said she pirated Trailer Estates' charges which are included as an example. Terry said if you think about what we pay our staff, it is nothing. Sharon said you can only charge for the lowest paid person who can do the work whether someone else does it or not. Sharon said to remember that residents are already paying the (employee's) pay once. She said most requests will never go to this, they are just simple requests. Sharon said the more that we get on our website, the less requests we will have.

Belle said the charge section of the (proposed) policy, page 2, (second bullet) there is a line that says 'Cannot charge for clerical hours unless duplication must be made offsite.' Sharon said that is what Sandy was talking about and we can under certain circumstances. Belle thought that it needs to be tied to... Sharon said she will add that in (to the policy). Terry read 'Cannot charge for clerical hours unless duplication must be made offsite' and asked if we can leave it out. Sharon said these are definitions right out of the state statutes and she would hate to start messing with them. She said that it is in there (the Statutes) about extensive time. Belle said it seems they are contradicting each other.

Belle asked under the 'reasonable time to fulfill the request' and wondered if we aren't cramping somebody's style in the office with this. Sharon said that we have to set a time and parameters. Sharon

said ten days for requests other than for something astronomical is plenty of time. Belle said it is ten business days. Sharon said yes. Belle said we need to describe business days and read 'within one week'. Jim said ten business days is Monday through Friday and weekends don't count. Sandy said that 'one week' is different from '5 business days'. Sandy said two weeks is specific as 14 days. Belle said she is concerned that our intent needs to be clear. Gwen said one of the concerns is that different clients may be treated differently and we should have a guideline. Sandy asked Belle if she likes 'one week'. Belle said she likes it but wants to make sure that it is understood. Sharon said you have to think ahead and all of a sudden all of the contracts are due for the marina and someone wants you to go in and look up something, ten business days is not unreasonable. There were several conversations at the same time. We discussed if the business week is the same as the week. Gwen said it is unless there is a holiday, as the holiday is not counted as a business day. Terry said it might be better to not be too specific. Gwen said she might be right. Sharon said if it is something less than five years old it should be in the office or in a box and they had made an inventory (index) of what they boxed. Sharon said for a record created in the last five years a week is not unreasonable. Terry said at this time said last year's records are in good shape but maybe not four years old. Sharon said they are as we have been through most of them, adding that all of the minutes are in order.

Sandy asked what the office thinks of the timeline and she doesn't have a good idea of how many requests come in and whether people answering the requests would they say that these are reasonable. Sharon said that they would hardly ever get a request, that she is aware of, and if they get one a week it is a lot. She said if it is extensive she gets a copy of it. Sandy said she will find out from the office staff what they think of the timelines since they are the ones that... Sharon said we are the ones that set the policy. Sandy agreed and said it is one piece of information. Sharon said she is welcome to check. Jim asked if we could table the policy and let Sandy find out from the office and then we can decide if five days or ten days is enough. Sharon said she is adding 'ten days' where it say 'two weeks' if it is something that will take extensive time to find, or whatever the reason. She said maybe they have to go through all their emails to find it until we get some other system. Gwen said we have a lot of printing to do. Allan Riga said business days are Monday through Friday excluding holidays, if you are doing a court action, and that is how they look at it. Sharon said with business days a holiday would extend it one more day. Sharon said the legislature's intent was to 'do it as quick as you can' and they are entitled to it. Sharon said at times you can't, they are busy, and so they can maybe come back and pick it up. Belle said she is agreement with Sandy on checking with the office. Sharon said that was fine, but to remember we have to set the guidelines. Belle said their input is important. Sharon said 'sure' and she thinks she has gone over this with them several times but it doesn't hurt to go over it with them again.

Gwen read '3. If fulfilling request will exceed two weeks we will notify...' and said she is glad there is no timeline and suggested we keep a timeline off of it. Sharon said whenever they know it will exceed two weeks they need to get the letter out. Sandy asked if Gwen's comments are as a resident. Gwen confirmed that she lives in Bayshore Gardens and a member of the Policy and Procedure Committee, the only Committee she is currently on. Jim said she is also the secretary for the Board Meeting. Sharon said she takes the minutes for the Secretary. Gwen confirmed that she volunteered to do it. Sandy said they don't have anyone in the role as a Secretary. Gwen said she is not a Trustee. Sharon said it is not unusual for governmental entities to have a recording secretary brought in to do the minutes. Gwen said in the past the Manager did all the minutes, up until Jodie was hired. Sharon said you can't participate and take good minutes at the same time. Jim said Gwen is a good asset. Others agreed.

Item 2. Review of Charter for possible legislative changes. Sharon said we have got some changes that have been proposed, and we talked about them. She asked if everyone brought the Charter with them.

She said the Charter wasn't put in the hangers. Sharon said the Charter was a topic at our last Board Meeting. She asked if they had read it. Sharon said Jim had asked the attorney a couple of times and he was not able to give Jim what she thought was an adequate answer and would like to address it now. Jim said he thinks we should get another attorney anyway. Sharon said he does a pretty good job for us. Jim said everyone has their opinion. Sharon said he has gotten us out of two big messes.

Sharon said she printed Tri Par's Charter and matched it up with the court opinion, which matches our Charter. She said the reason this is so compelling to us is the verbiage is identical in ours and Tri Par's Charter so we are as vulnerable as Tri Par - in terms of if somebody was to file an action against us, the Court of Second District Court of Appeals decision would be binding on us as it is on Tri Par or any other district that has the same verbiage. Jim asked why someone would sue us in court. Sharon said for example -we shut off a person's fob to get in the gate - we can't do that. Gwen said someone can come back ten years from now. Sharon said the resident/non-owner was not allowed to use the facility unless the owner signed a waiver allowing the renter to use his rights. Sharon said the Charter is very plain that the residents use the property. She said we only stopped doing that a year ago. She said all it takes is somebody to say, 'oh, that was done to me'. She said they know who the lawyer was that sued Tri Par and they could go to him and he has another lawsuit. She said it cost \$150,000 in attorney fees for Tri Par, not including attorney fees for the other party and that was what they were trying to protect the district from. She said we would not be indemnified by our insurance company because they did not ask for damages, and if there are not damages asked for - your insurance won't cover you. Sandy asked what is so dangerous. Sharon said if somebody who we disadvantaged decides to get an attorney we will be going down the same path. Sandy said if there are no damages to the district, what would it cost the district. Sharon said about \$150,000 plus attorney fees for the other side. Gwen asked what happens if we surrender. Sharon said they can negotiate a settlement of some kind but it doesn't have to be monetary damages, it can be the loss of privilege that is not covered by your insurance company. Sharon said she didn't want to bring it up the other night because she didn't want to advertise all the stuff. Sharon said the sooner you settle, the cheaper it is going to be. Sharon said the attorneys would like us to do is 'band together' with the other districts who share the same problem that are reasonably close to us and try to get the legislature to change our Charters to give us some enforcement authority. Sharon said the other three (districts) are perfectly willing to work together to do this. Steve asked what kind of enforcement she is talking about. Sharon said normally all the legislature will give a district like this is enforcement through the courts. She said if someone violates a rule you can take them to court to deny them privileges that are 'whatever'... She said that our attorney did not recommend that we come up with a remedy, but just put in the term 'enforce' in three places. Sharon said we make rules for how we function and we can make those because we enforce them on each other. She said the public's use of the facility is where we run into a problem and what we need to protect ourselves from. Sharon said the contractual agreements like for the marina with all of the rules, but if they violate a rule, 'what are we going to do?' 'How are we going to do something to them?', that is where we get into enforcement. Sandy asked if it is like 'anyone that has a pool fob and keep using the facilities even if they can't prove they are a resident'. Sharon said the Charter guarantees the resident and their guest and others approved from time to time can use the facility. Sharon said the beach has to be open to the general public for three more years because we used grant money.

Sharon said we need to look at our Charter and list the changes we need. She said she doesn't know if it is better to ask the legislature to fix this one thing or all of them at once. She said she thinks we need consensus from the other districts and what they think, feel, and want to do. She said we have some common problems and some really stupid language. She said there are two different dates when we have to have our budget done, July 1<sup>st</sup> and June 1<sup>st</sup>. She said in the middle it talks about April - when the

financial report is due. Sharon said the financial report is an audit. She said they were confused here and thought we had to have the budget report, but it was the financial report in April. Sandy said when she was on the NFIB (National Federation of Independent Business) they, as a board, put together what they thought was wrong or could be fixed or 'opportunities for improvement' with BWC (Bureau of Workman's Compensation) and then as a group they ranked those statements so if they could get no other point through in their hour presentation, they want to make number one to change. She said the next most important thing would be number two. She said it makes sense to her to get together with the other entities and make a whole wish list of things that could be changed in the charter and rank them and ask how easy this will be, what kind of audience, and then you have a very short list if... Sharon said we will have to hire an attorney of course, but we can get it to the point that we can say to our attorney 'these are the things we need'. Belle said we need to create it with the others and not work on our own. Sharon said there is a meeting set Friday with the three other districts. She said the Trailer Estates' Chairman is gone, but she is hoping to get a representative to be there. Sandy asked who is the biggest of the districts in terms of budget. Sharon said it is probably Trailer Estates. Jim said maybe we can find out what we can be sued for and what we can't be sued for and address what we can be sued for, and worry about that and not what we can't be sued for. Jim said he could have sued when he tripped but the Bible says not to sue thy brother, so he didn't.

Sharon said that all of them need to get the law suit and read it as it was specific on what was overturned. Gwen asked if they cited one part of the Charter. Sharon said she can give us the parts of the Charter cited. She said they don't match up number wise with ours. She said it is our Charter's Section 2 (7) (page 4). She read 'The trustees shall supervise all real and personal property owned by the district and shall have the following power in addition to those...' She said that is one that is referenced in this law. She said the other one was Section 2 (7) g in our Charter (page 5). She read 'To promulgate reasonable rules and regulations governing the use of the facilities of the district.' She read on 'A record shall be kept of all meetings of the board of trustees and, in such meetings, a concurrence of the majority of said trustees shall be necessary to any affirmative action taken by the board.' Sharon said the verbiage in Tri Par's Charter and ours is word for word. Sharon said what we were doing in the past few years is they were having gate checks and stopping people and you can't do that and it is putting people under false arrest. Don Gassie asked if the idea of sovereign immunity would prevent people from suing us. Sharon said the legislature won't give special districts that.

Sharon said some things that are common for us – to increase the limit for \$25,000 where we have to have a referendum vote. She said Trailer Estates would like \$75,000 to \$150,000. Sharon said we wouldn't get that. She said the Act was written in 1979 and brought up to date in 2002 when it may have been brought up from \$15,000 (to \$25,000). Sharon said Trailer Estates would like to add to the charter that there would be a 'legislative review every ten years'. Many attendees agreed to this. Sharon said the date we have to have the budget she would like to have July 1<sup>st</sup>, because the further we go into the season the better the projections we can make. Sharon said Trailer Estates would like to change their definition that states 'improved lot' (with a trailer) where as ours just has to be a building lot. She said there is a meeting Friday with Holiday Park, Tri Par, Trailer Estates and Bayshore Gardens south of Sarasota City at 11:30 AM. She said if one of us wants to take over and do this, it is ok with her. Sharon said she plans to go but if one of you want to take it over, it is fine. Sandy said she would like to set in and listen. Sharon said that they can't go together because this will come up for a vote. Sharon said she doesn't know these guys. Don Gassie said a whole bunch of councilmen got fined for doing exactly what you were talking about. Sharon said it is the appearance of an impropriety also. She said trusts the Trustees would not talk, but concerned on what it looks like. Sharon said the Chairman for Trailer Estates is gone for the summer and she got what he would want. Sharon said she will take good notes

and a recorder, if they let her record. Sandy said Jodie said she got a recorder. Sharon said she doesn't want to take theirs.

Sharon said what started the whole mess was an email Jodie got, and the guy said his name was 'Jay', and he sent a Public Records Request to the office. Sharon said Jodie answered him, then he shot right back with a couple of toxic emails so she forwarded them to Sharon and she tried to answer him. Sharon said the only good thing is we had such poor records that we didn't have the records he needed. Sharon said then Jodie sent 'Jay's' emails to the attorney because he was... Sharon said she thought he was an attorney and our attorney thought it was an attorney that was on a phishing expedition. Sharon said that 'Jay' said 'This is your formal written five day statutory notice' - she said there is no such thing. Sharon said 'Jay' said he wants 'Public Records Florida Statutes for an electronically sorted doc....' on and on and on... 'Reasonable particularized description of requested documents and records, each and every document or record in the actual or constructive custodian control or possession of the district concerning or relating to the district's ability to enforce its deed restrictions or rules by letting any fine or denying or restricting access to any amenity or facility owned or controlled or operated by the district.' Sharon said she thinks this a form letter because other districts have deed restrictions. Sharon continued to read "If the district concludes that any of these records are exempt or confidential in whole or in part, this is a direct expressed and specific request pursuant to the statute for the district to provide me with the districts written statement setting forth the particular reasons that conclude that such records is/are exempt for confidential..." She stated that then he describes court cases for us to look at and that is how she found Tri Par's. Steve asked why they did not have copies. Sharon said it was all in the office. Steve asked why it wasn't in their boxes. Sharon said that this started back in February and all of them came to the office. Sharon said she doesn't know if it would serve any purpose at this point and time. She said that was what was going on and that is why the attorney was requested because this was not from a layman. Sharon said he did very well in getting us through this as well as some other things. Steve asked if there were any more emails from 'Jay'. Sharon said we finally convinced him that we didn't have any of the... Sandy said then it is not an obligation of ours to create a document to answer a question.

Sharon said for example the office is confused about Sunshine Requests. She said if the Trustee asks for a document from the office, that is not a Sunshine Request. Sandy asked 'Public Records Request?' Sharon said you are a Trustee and to do your job you wouldn't to have certain... It is like Terry would have to put in a Sunshine request for the financial statement every month. Sandy asked what a Sunshine Request is and she knows about Sunshine Laws. Sharon said it is a Public Records Request and people use them interchangeably when they are really not. Sharon said Public Records Request is anybody from anywhere, and you don't have to be a resident of Bayshore or the United States and if they want a record they are entitled to get it. Sharon said people call it a Sunshine Request but that is your meeting statute not a record statutes. She said there is confusion in the office about what is and isn't and they were trying to keep all of the Club minutes in a book and she had to tell them 'no'; because clubs are protected by constitution. She said we have a right to associate, right to have groups get together and there are two Supreme Court decisions (NAACP and Boy Scouts of America) where the government was trying to get membership lists for the organizations. Sharon said, however, if you send your minutes in to the Banner, now they are public. Sharon said we have to do this to clarify for down the road and everybody knows what they are supposed to do. Sharon said Belle asked the attorney if they should quit writing policy, 'no'.

Sharon said we have another thing we have to deal with, not tonight and asked for us to think about it. She said that certain Trustees want all the minutes in the Banner and that is not a (single) Trustee

decision, other than the Banner Chairman. Gwen said it is expensive. She said if we want to limit what goes in it, or want to expand, it takes five Trustees at a public meeting to do that. She said that one Trustee can't override, and the attorney stressed that over and over. She said she can't override them and she wouldn't. She said if we run into a problem we address it with policy and then we won't have those screaming matches going on.

Sharon said Belle will have the last (June) Committee Meeting for her Recreation Committee (June 25). Sharon said later we will have to write a policy in the Banner Policy concerning minutes. Sharon said the Banner is not the official place to store our minutes. Sandy said she thought we were specifically required to have minutes in the Banner. Sharon said 'no', the Banner is not official, it is a newsletter. She said the official minutes for the district are kept in this office. Jim asked if you go to the website. Sharon said they are on the website. Sharon said it's the Public Record Act, not the Charter that says the minutes have to be made available. Sharon said they are in the office in a notebook. Sandy said so we don't have to have the Banner. Sharon said the Banner is a newsletter not an official document. Sharon said that was where they put notices to meetings, and none of the actions were any good because the meetings were never noticed in the newspaper. Gwen said she still wishes that we had the draft minutes on the website. She said they are too big for the Banner. Sharon said you can, but the other districts... it's a big job to maintain. Gwen asked who put the word 'Agenda' on the website where the agenda is placed and why can't there be a words 'Draft Minutes' for the draft minutes. Sharon said you can but somebody has got to go in and take them out, or now you have two sets of minutes in there. Sharon said they don't go in there until they are approved. Gwen said that is because we don't have a place for the draft and she thinks we need a place for the draft. Sharon said we can talk about it but she has seen other districts try it and it becomes a bookkeeping nightmare for somebody in the office. Don said it is a cut and paste and Gwen is right, there is no reason you can't put anything out there and just put 'draft' in front of it. Sharon said that it is not the issue, we can put them there. Don said 'draft' is not official. Sharon said that is not the problem, Don. Gwen said Sharon doesn't want to do it. Sharon said she doesn't care, but it is a lot of extra work for somebody and she doesn't want to... Gwen said she doesn't see why it has to come back down if it is sitting in a file that says 'draft minutes'. Gwen said the other one would say 'approved minutes' and it would be empty, and then they can see the differences when things are changed. Sharon said we can make a policy decision on it. Gwen asked who put the word 'Agenda' underneath the meeting date on the web. Sharon said we can put anything on there we want. Gwen asked if Jodie put it on there. Sharon said probably Gia. Gwen suggested adding the word 'draft'. Sharon said they tried to do that in some other districts and people were getting all mixed up and they had approved and not approved. Gwen said it is easy to put a watermark word on the Word document that says 'draft'. Sharon asked how she would get it off. Gwen said you could have two documents, one that has the watermark. Sharon said anytime Gwen sends her draft, that is what goes to the board for approval. She said you cannot even punctuate those minutes except at an official board meeting, so she makes sure she keeps Gwen's copy pure and that is what we use. Gwen said you have to print them, sign them and copy them and PDF them into the website, whereas the other one could be Word. Sharon said we can talk about it and if she (Sandy) is going to 'in' why doesn't she ask Gia about it, when asking about the public records. Belle said the minutes aren't approved until the following meeting. Sharon said draft minutes don't have any value of any kind at all. Gwen said there would be something a month ahead of time to know what was talked about.

Terry asked if we need to approve the Annual Budget Meeting Minutes. Gwen said we had not done that. Sharon thought we did. Gwen said 'no', it was on the meeting agenda that didn't get any approvals on it. Sharon said she thought we did the next month. Terry said this is the next month. There was discussion on the minute approval. Terry said it was the May 3<sup>rd</sup> Annual Budget Meeting. Steve asked if



there three sets of minutes to be approved. Sharon said we have four sets of minutes to be approved and now it is five. Sharon asked Gwen to send those to her again. Gwen said she can. Sandy asked Sharon to send them to her too. Gwen said Terry is the Chairwoman (for the Budget Committee) and she got them. Terry said she thinks that office will make a copy and put them in everybody's box so they have them for the meeting. Jim said he wasn't here. Terry said she (Jodie) was going to put them out electronically or put them in everybody's box. Jim said his was in his mail box. Sandy said she did get those and she picked it up today. Sharon said she was glad Terry said that, and yes they have to be approved. Gwen said the Agenda (May 21 BOT Meeting) didn't break them (dates) down, that we did not vote on them.

Sharon asked for them to look at your Charter and look at the things that are in there. Sharon said one of the other things is defining who can vote. Sharon said it uses three or four different terminologies for the same thing. Gwen asked where we can find the Charter online. Sharon said it is on the website. Jim said she asked where you find it. Sandy said there is a button with a link on the front page. Gwen discussed Sharon's earlier references to Section 7 which was actually Section 2 (7) and Gwen made the corrections to the references above in these minutes. Sharon continued with the Charter changes. She said the danger of the charter is they can go in and change things you don't want to change and maybe they can do a separate statute that would not open up our Charter, which becomes dangerous. She said the legislature can change anything they want and don't have to do what you ask them to do. She said we don't know until we get to the point that we could set down and talk to our legislature and say 'What can we do'. Gwen said she was looking for the deadline to tell the County about the tax amount. Sharon said it is not in the Charter, it is August 1<sup>st</sup>. She said the approval of the Budget is in the Charter depending on which date you want to use. Gwen said 'so we definitely have to know everything by the Meeting in July. Gwen said we don't want to run it into a hurricane day so you may want to back it up. Sandy said she found the Charter on the website by using the search box and typed in 'charter' and go the 'Special District Charter' and then go 'Bayshore Gardens Recreation and Park District Enabling Act' and download it. Sharon continued on the Charter descriptions on who can vote. She said they use 'electors', 'qualified electors', 'residents' in some cases, and they need to be consistent because all of that is the same. She corrected herself that the qualified electors are those registered to vote on a referendum and vote for a Trustees, you have to be a registered voter, but to use the facilities you don't. Gwen said that there are two different types of votes. Terry said the budget vote is for 'owners'. Sharon said that it is pretty clear. Sharon said the Charter has some really poor language. Gwen said it was built by committee. Sharon said that we have one of the older Charters and she thinks the oldest Charters here are Trailer Estates and Tri Par, which were about ten years before us and they were created by the legislature and we were created by Manatee County.

Sharon asked us to go through (the Charter) and if they don't make sense to us then we need to make a list of them. Sharon said if we are going to ask an attorney to re-do this we might as well ask him to re-do everything that needs to be re-done. Sandy said she guesses the board needs to decide on how we want to influence our legislature to put in that language. Sharon said the bottom line is if we decide to 'go', what we are probably have to do is jointly go together and hire a lobby firm to lobby it through the legislature. Sandy said that makes sense but what lobby group are we going to look for, one that represents owners with all the rights or ones that represent residents too. Sharon said she knows what Sandy was talking about. Terry said we want somebody that represents special districts. Sharon agreed and she knows some. Sandy said she agrees with that but asked how we know they will lobby for things that we want. Sharon said because our attorney is going to write it before they get it. Sharon said we give them our document and then they lobby for what we provided. Sandy asked what document she are talking about. Sharon said the Charter and said we would have to hire our attorney to re-write the


Charter for us in those sections that we want re-done. Sandy asked who is deciding what sections we want re-done. Sharon said the board. She said we would have to have our attorney to set down and go through it with us, as we are not capable of that. She said we are capable of reading and knowing something stupid doesn't make sense to us, but when we get to that point we will need an attorney to advise us on it. Don asked if we will still vote on it before it went out. Sharon said it takes five of us for anything to go forward about anything. Steve said FASD (Florida Association of Special Districts) should have a lobbying firm or if they don't they should know one. Sharon said that they are not going to get involved in this because we are the only park and recreation district who signed up for FASD. She said if these other districts had we could get them, she said now they wish they had and they see the value in it. Sandy asked why it is too late to join. Gwen asked if anyone had talked with the other people and see if they want to join. Sharon said yes, and she said she tried 15 years to get Trailer Estates to join now they wish they had. Sharon said the whole process will take some time because it is a lot of detail and 'how much we can work together' and 'how much we got in common. She said we have a lot of commonalities that we can work together on, and then we will have some individual. She said most of their Charters are not as confusing as ours and a lot easier to understand. Sharon said when you start to read when the budget is to be done and it is hard to figure out what it says. Gwen said she read it wrong several times. Sharon said it jumps back and forth and two different dates for the same thing. Gwen asked if we are looking for a re-write of the Charter. Sharon said yes. Gwen asked if we are going to re-write ours, will we have it written like everyone else's. Sharon said 'no', each charter is individual. Gwen asked if we need two lobbyists. Sharon said we only need one lobbyist because we are only going to lobby collectively for certain things that are common to all of us, like the enforcement authority is the most important and of the other things we are going to share a number of them with all of them. She said some things will be specific to us because ours is all screwed up. Gwen asked if we are on our own with that lobby. Sharon said no, not necessarily. Sandy asked where we get the information from on what we need to lobby for. Belle said everyone gets together and prioritize what is important. Sharon said it is not that, we are all going to get together and we have common threads and then when we set down with our attorney he is going to do what we need done, then we hire a lobbyist to lobby for the common threads. Gwen said she doesn't see where the lobbyist will carry four documents to lobby. Sharon said they will lobby for the enforcement for these four documents and maybe to raise that \$25,000 (limit) in all of these documents. Sharon said that they will not lobby for our individual Charter, at least...She said that she will meet with the lobbyist that works for a law firm. Gwen said she thinks it may be difficult since it may be line 'c' on ours and line 'd' on theirs and they don't match. Sharon said they don't have to and that is not what the lobbyists do, they are pushing the legislature to give us enforcement authority, they are pushing to raise the \$25,000 level. Gwen asked her to find out if it is an amendment. Sharon said an amendment will not change all the verbiage in our Charter. Sharon said that is what the board has to decide, do you want to address all of this crap or do you want to live with it, do we just want to go for the enforcement. Sharon asked 'what do we want to do' and once we decide what we need to do then we should get the attorney to set down with us and explain to us what we can do. She thinks we need to give him... She said the attorney has given us his opinion on a lot of stuff already, what is bad, what needs to be fixed, and then we collectively get together and then we have to pay him to do it. Sharon said the lobbyist will not write your Charter. She said you can do your own lobbying but having a lobbyist working collectively for the four districts would be good, and then you can continue to lobby on your own without the others. She said you set down with your legislature, one is going to be Will Robinson, who is in the law firm of Mark Barnaby, and the other is Bill Galvano who is our state senator. Gwen said he is very busy. Sharon agreed.

Jim Couey said he is leaving to shut the gate and excused himself (8:22 PM).

Sharon said she will have lunch with one of them in the law firm where the lobbyists are. Gwen asked Sharon to see if the other districts will join the FASD. She said she has been talking with them about it and will talk with them on Friday. Sharon said she wishes we all could get together (Trustees) but we can't because it is not ok. She said her understanding is they want to come up with a list of common goals, which she already has from Trailer Estates, and she has read to us. She said most are pretty common like the \$25,000 (limit) which is not enough. Terry said if Trailer Estates wants \$75,000 or \$100,000 we should go along with that. She said the legislature will do what they are going to do so you ask for a lot. She said she would not argue with them on that, and whatever we get is fine and better than what we have. Terry said any big projects will be over \$100,000 here, and we have already figured that out. She said our policy says anything over \$20,000 has to be bid and under that doesn't. Don said the companies that do our contract work have lobbyists also and they would help to get that thing raised higher so they would get business. Sharon said their lobbyists wouldn't be in tune with what we need. She said you have to understand special districts and the law firm that she is going to talk to is the one that wrote Act 189 and they are the ones that know more about special districts because they wrote what we are chartered under. Don said we need to get as many as we can to go with us. Sharon said the last time she knew the lobbyists want \$15,000 and she is sure it is more than that now. She said she will find that out too.

Sharon said to think about the Banner and what do we want published because there is no point in having a dispute about it. She said the board has to make the decision and no individual trustee can other than the Banner Chair. She said until we change that, that is the way it is. Sandy asked if there is a policy currently that says... Sharon said 'no', not for the minutes going in the Banner. Sandy asked if that was just what we always had done. Sharon said we haven't been doing it because what they were doing in the past they had meetings with Crime Watch, HOA and others setting there and they were all mixed in. She said those minutes were about one page long or less, but now because we have so many things going on the minutes are a lot more complicated and our last set of minutes were 31 pages. Sandy asked what kind of font. Gwen said it doesn't matter as you still have to read it and the lawyer took half of the meeting. Sharon said the Banner is a newsletter and should let the residents know 'what is going on', 'what are we doing', 'when are the meetings', 'what are the activities', and that is what it is about. Steve said he had received several complaints about all of those minutes being printed in the Banner. Gwen said she thinks they won't read them. She said she wouldn't read them and she likes the synopsis or bullets. She said if she wants more she wants to go to the website and see the draft minutes. Steve said he did that for himself and Jodie decided to put all of the (draft) minutes in there (Banner). Several said that is the past and done. Gwen said that it costs money and if we want to save the Banner we better not do that. Sharon said the Board has to come up with... and we will do that next month. Sharon said there is no policy on that specific thing because it hasn't been a problem until all of a sudden it is a problem and we have certain Trustees... Sandy said she is trying to learn. She asked if it is a problem because it is so long now. Sharon said that is some of it, and then how many people show enough interest and sit down and read 31 pages of minutes. She said 'nobody', so instead of putting something out to let the residents know what we are doing and what is important to us, we are filling it with minutes of the meeting. Sharon said she is not in favor of that, but other Trustees may be, so five people decide, four people loose and that is the way it is and should be. She said we can't continue to have Trustees trying to override other Trustees. Gwen said she has already addressed it but nobody wants to go with her, she said 'let's put it on the web.' Gwen said if we talk with Jodie we may find it is easy. Sharon said it is fine but it is a board policy, not an office policy. She said it gets complicated because Trailer Estates did it and ran into a lot of problems with it because they didn't go in and get the regular minutes up and it became a real mess. Sharon said the draft minutes have no value at all. Terry said that they are rarely changed. Gwen said if you do have a 'draft' on the web and the 'approved' you can

scan through and see and see if there as a change. Steve said he has no problem with putting in a draft because when you put it in you can put 'draft' in the header and footer. Gwen said she tried a watermark and you can't see it. Steve added that the draft could be put in PDF. Sharon said you can't get rid of it. Steve said it can be submitted in PDF so it can't be changed and he doesn't want it submitted before the Banner is posted so it doesn't get in there. Sharon said they need to decide and it is what the people want to read, or on the web. She said when one trustee tries to override another the Board has got to... She added only the Board can act, and right now, it is Steve's responsibility until we change it. Don said if one of the Trustees puts Gwen's idea in a motion before the board he bets it would pass. Sharon said it is not a motion, it has to be a written policy. She said we can do that but we can't do that tonight. Gwen joked that we are tired of all of the policies. Steve joked it would be number 99. Gwen said, but you know it would be nice to have it on the web. Sharon said we will deal with the policy, and whatever the board wants to do will be fine. Don said Gwen does a transcription of the meeting. Steve said she is a 'scribe'. Sharon said what a great one she is. Sharon said she thinks we are adjourned. We adjourned at 8:33 PM.

  
6/15/19  
w/ attachments