

Policy and Procedure Committee Meeting Minutes  
September 24, 2019

The Committee Meeting was called to order at 7:09 PM by Sharon Denson, Chairperson and began the agenda discussions at 7:09 PM. Those Trustees and Committee Members in attendance included Sharon Denson, Steve Watkins, Dan Rawlinson, Jim Frost and Gwen Norris (scribe). Guests included Kathi Frost, Allan Riga, and Barbara Greenberg. Sharon said she was glad that Jim could be here to solve the Agenda policy.

Item 1. Agenda items forward from the 9/17/19 Board of Trustee meeting.

Proposed Swimming Pool Contract (1010 C) Jim presented a Pool Contract 1010 C that came from an attorney. Jim said he contacted a lawyer to have a pool contract drawn up to be used October 1<sup>st</sup> which keeps us out of issues like Tri-Par had, if we turn off a fob when they break rules. The attendees were asked to review it and discuss it later (Item 7). Jim said he gave all the pool related documents to the attorney and they sent this back. This item will be brought forward for a vote on September 30<sup>th</sup> Special Meeting. Jim said he printed the copies at home. Sharon said after leaving the committee tonight any additions or corrections have to be done here and not a markup then put it on the agenda for the Special Meeting. Jim said he will take it straight to the attorney for the changes to be made. Sharon said if we make three or four changes we would want the attorney to review it. She said it could be approved by the Board subject to the attorney's review. She said we need to work on it in the Sunshine. Sharon said we need to think about 'we are going to shut off a fob'. There was a short discussion on the proposed Fob Contract 1010 FOBC. Sharon said the clause had not been vetted by the attorney and can be added to the proposed Contract for the Pool. Sharon said it was done by Dye. Jim said Laura Donaldson (Manson Bolves) did the Pool Contract.

Sharon said we have a review process in case somebody's fob is shut off. She said it would be pretty drastic (act) to shut one off. She suggest that it be amended by a procedure. Sharon described an escalation: 'three write-ups and you are out for four two weeks', and then how do we monitor it and keep track of it. She said it should be incorporated into the whole procedure.

Jim said that he only hired the attorney to do the pool contract and did not sign a contract. Sharon said the Board will have to review any contract with an attorney. She said that the 'call list of attorney firms' includes fifty some attorneys that were hired, that was the motion. Sharon said that we have to come up with a way to make this work. She said it is not right that one Trustee makes a contract with an attorney and the rest don't know anything about it. Jim said he wanted to test her ability to make a contract and talked to her on the phone a while. Jim said we put the firm on the list and if we call them we will be assigned an attorney for the task and we have to ask what the billing will be for that. Jim said we didn't have the rates from some of them and they aren't on the list. Sharon felt that the 'list' was developed outside the Sunshine and the whole process has to be in the Sunshine, decisions were made on individual firms outside the Sunshine. Jim explained the process of the past selection. Sharon said that the elimination of some firms was out to the Sunshine. Allan Riga asked if Jodie had worked as a paralegal. Sharon said it was on her resume, but she didn't know. Allan said if the Board members submit attorneys and Jodie could research them Martindale-Hubbell or the Bar Association and pick one contact person with an attorney. Sharon said those things are a Sunshine violation. She said if the Board was going to hire an attorney, we should have all known it. She said when the staff is put in the bad position of making decisions and ranking, they are in our violation of Sunshine Laws and we have to stop



remove the draft when minutes were approved and add the approved one to the website. Sharon said it needs to be in a procedure so it is assigned to somebody and gets done. Steve said the Secretary signs the draft minutes and hand carries them to the office and then they scan it in. Steve said the 'draft' PDF with watermark has to be on it so they know it is not approved. Steve said WORD can be modified.

Agenda posting. Sharon said if we can't put the additional agenda items on the web, then we can't, but we can't alter the (seven day) agenda post. She said the Supreme Court says we can add to it, we need to find the most productive way to it without causing unnecessary problems. Sharon said any Trustee can add anything to an agenda. Jim asked for a recap. Sharon read from the proposed Agenda Procedure #5. "Any amendments to the agenda as well as supporting documents that was not available when agenda form 1002 was submitted will be added to the meeting printed agenda only and will not appear on the website. Each addition shall be emailed to all trustees". She said if we can find a place on the website to refer to, that is fine.

Policy and Procedure Committee members. Dan said the Committee has only two members. Sharon said there were three, herself, Lee and Gwen. She said that we only need two attending for a quorum. Jim shared a letter from Lee stating she was not on the committee. Gwen suggested that we honor her by removing Lee's name and propose the two new members. Kathi said it is ok to remove somebody if they are not attending meetings. Sharon said it was on the last BOT Meeting agenda and she can do it, if Jim doesn't. Sharon said that it is an official appointment if the BOT Chair does it. Sharon read from the Bylaws, Article V, Section 1.

Proposed Agenda Procedure 1002 PR. Kathi asked if we are ok with the proposed procedure and noted #6 and #7 are eliminated. Sharon said Jim can see if a website link can be used for additional agenda items. Sharon said we can discuss it again at the Work Shop next week. Sharon said most of the time she can't submit attachments timely because it may come from a meeting that is after the deadline. Sharon read the proposed #5 and if we can add 'added items' to the website, we want it on the website. Kathi said the clause will change if and when we find a spot for it on the website. There was discussion of how to handle a multitude of agenda issues in a timely manner.

Item 2. Public Record procedures in review with policy. Public Record Policy (10324 PR) Sharon said it has been changed since the last Committee Meeting. Sharon said there is a document in the office that is not a Public Record and we need to find a way to have it removed from the Public Records. It was noted that it was given out at a Board Meeting which becomes a Public Record. Sharon said it is not a record of something if it was only a discussed at a meeting. She said there was an undated list of Committees, names, etc, that were not accurate and said that it said she was an 'Ex Officio', which she is not and not a position in our Bylaws. She said the document was given to Allan as a Public Record. Barbara Greenberg said the Bylaws say the members of the committees will be posted on the website and in the office and in the Banner. She said they requested the posted list and received the document. It says Jim Frost is on the Recreation Committee. Gwen said we need a way to vet questionable documents and have them removed from the Public Records file if not an official record. Sharon said she has done this in this policy. Gwen said at the BOT Meeting Jim said we need to look at it and decide, she added that there are two ways: we find one and don't think it is 'real' and we find one no one thought was 'real' but it is. Sharon said that this proposed policy states what you do if you find something that isn't 'real'. She said everything 'real' needs signed and dated. Kathi asked if the proposed policy has a way to research to make sure before you remove it. Sharon said everything should be timestamped and dated. Kathi asked about previous (to the proposed procedure) records. She said the proposed procedure says that you try to identify it and if you can't then it comes to the Board and if no one can



identify it, it is probably not a record. She said once it is identified, it will have the date of the meeting. Sharon confirmed that it will not be thrown away. She said we do not have a Public Record policy and we need one, but can get into it later. Sharon said the proposed procedure has the document sent to the Board if the office finds something. Sharon said the proposed procedure is pretty basic about how we provide records to people. She said it states the Trustee request are not a Public Record requests and not subject to the Public Records Law. Barbara Greenberg asked for the language in that portion be softened.

Item 3. Hall contract/hall monitor/uses. Sharon said in the Hall/Screen Room Policy (1005P) she added 'no subletting of the hall will be allowed'. Jim said he is concerned with the amount of material moved in and out when there is a flea market and the image it brings and if no one else has a problem, then he... Sharon said there is a mob that come through that thoroughly enjoy that event. She said Jim had brought it up in and she did a proposed revision. Jim said he is going to reevaluate it. She said the Clubs and organizations are our residents and they should have use of the hall. Allan said that there could be damage to the hall when hauling in and out and if it was outside the damage would be mitigated some. Sharon said she has seen no damage to the hall because of the community sales. Barbara said she thought the issues was private vendors. Jim suggested to limit the number of sales events per year. Dan said it take twice to three times more time to clean up after a sales event than a dance. Dan suggested that we don't rent the 'room' and get the money at the door. Dan said we are not benefitting from the sales only the space rent. Barbara suggested the club get the proceeds from the sales instead of renting out tables. Gwen said Jim was going to look into the use of our waivers to satisfy the liability issue through the insurance company. Sharon said we will hold up on this proposed policy change until we have more time to review and the hall can't be used right now (under construction). Jim said he can bring it up at a Work Shop for discussion. Dan mentioned the club pay the full rent for the hall. Jim said he wants to bring this up at the October 2<sup>nd</sup> Work Shop.

Item 4. Clubs and organizations policy review. Tabled

Item 5. Marina contract/lifts/fobs. Tabled

Item 6. Trespassing policy. Tabled

Proposed Pool Contract (1010C). We reviewed it and had these comments: Sharon said in 'd.' it should say 'when the pool is closed' not 'open'. It was suggested 'closed to the public'. Dan said that Jodie has the figures of how many people use the pool for lap swimming but thunderstorms had interrupted a lot of swimming. Jim said when a family works all week it would be nice to have the pool open to them on weekend mornings and he would like it opened at 10 on weekend mornings. He would like to see no lifeguards until 4PM weekdays, and see lifeguards from 4 until dark weekdays and on weekends. Sharon does not think the district should take the liability of letting them use the pool 'at their own risk' without a lifeguard. Jim said everything would be on video and said they would be 'off the hook'. Sharon disagreed and asked why we would not want a lifeguard when the pool is 'open'. Allan said the parents he has seen are very attentive to their children.

Allan suggested that flex time be used for the staff for the office to be open on Saturday and they may monitor the pool on the tv. Sharon read "All owners, managers, lifeguards, or swimming instructors in charge at or working at public swimming pool shall be responsible for the supervision and safety of the pool." She said it is State Law.



Kathi said the pool rules section need revised in the proposal. She said in d. pool 'pass' should be 'fob' and l. remove 'thong' since it is not illegal in Florida. She said we don't need the slide stuff in u. It was noted s., t., and u, with s. changed to a new t. were struck. Kathi said that condensing the rules will help people read them all. Sharon suggested that we look at showing a graduated escalation with those kind of infractions before turning off a fob for a week, like a written warning on the 'first violation' then graduated. She mentioned that some are family fobs. Jim said we need to keep a record.

Pool Waiver, Exhibit A of the proposed contract 1010C. Sharon said the 'due process' (right to a hearing) clause be added. She said the paragraph was not vetted by the attorney yet.

Jim said the attorney said if you are going to shut a fob off they have to know why, that is why the rules are in the contract. Gwen said they also have to know their recourse. Jim said he can add it to the Pool Contract and have it vetted. Sharon said the clause will eventually need to stand on its own as we will have fobs on the door and other things. Kathi asked if we can post the pool rules on the website so they can look them up. Sharon said they are working on policies, procedures and rules posted on the website. Kathi said she found the pool policies but not the rules.

Kathi asked if we should include the 'swim at your own risk' on the contract since it is on the sign. Sharon said the law says we are liable. Allan said it wouldn't hurt to add it even though might not be enforceable. Gwen said there is always 'shared blame' so when the document is signed they knew that they would have a risk and the balance may be a little different if it is signed. Jim said in the Waiver, Exhibit A of the proposed Contract it says in the second paragraph

"I am fully aware of the risks and hazards associated with use of the pool. Including the risk of injuries which can cause death, and hereby voluntarily elect to participate in use of the Pool and permit our minor child(ren) to participate in use of the Pool, knowing that activities may be hazardous to us, our child(ren) and out property. WE VOLUNTARILY ASSUME FULL RESPONSIBILITY FOR ANY RISK OF LOSS, PROPERTY DAMAGE, OR PERSONAL INJURY, INCLUDING DEATH, that may be sustained by us or our child, or any loss or damage to property owned by us or our child, as result of being engaged in such activities, WHETHER CAUSED BY THE NEGLIGENCE OF THE DISTRICT of otherwise."

Sharon said it is good to have but does not really protect the district. Jim said it is 'strong'.

Discussion on what happens when pool rules are broken. Sharon said we need to have a policy language to have lesser consequences for minor infractions, but the policy is already there that allows for a hearing (per the proposed clause). Sharon said we have that policy (1010R) we just need to add the escalation of infractions to turning off a fob. Jim said the first infraction could be turning it off for a week and the second for two weeks and the lifeguard writes a note, why, date and time, to the office to have the fob turned off, every time, and 'infraction form'. Sharon said this is the procedure she was talking about. Jim said on the third time the fob stays off and they can come to the Board and they will review the infractions.

Gwen noted that the proposed Exhibit A only has one signature line (none for the spouse) and nowhere to list the minors/dependents like the current Waiver 1010W. Sharon said the ages should be on there and she doesn't have to go back to the attorney for having more lines. Gwen also said she doesn't understand why the 'printed name' area says 'must be Parent/Guardian if minor under age 18'. Kathi said the child's name is on the next page. Gwen said it needs more lines for minors, about 8 or 12. Barbara warned that we don't back ourselves into corners where we have to keep re-writing contracts or policies. She used the example of adults using the pool after the 8 to 10 lap swimmers and when the school vacation week changes all that. She would like to have some flexibility built into the contract

'every effort will be made during school breaks... Allan said 'reasonable accommodation'. Sharon said that is a policy terminology. Barbara offered 'when a lifeguard is not on duty the pool is available for adults'. Sharon said that is an age discrimination clause. Sharon said for the exceptions we made we can move forward. Barbara said on this contract she cannot come on Saturday to lap swim. There was discussion on when the chemicals were added. Jim said he wants the lifeguards at 10 Am on Saturday to open the pool.

Kathi asked if we can say in the policy/rules e. 'The lifeguard is authorized to enforce the rules'. Steve offered 'When a lifeguard is on duty they are responsible for the safety of the facility. Everyone is required to adhere to their request/direction.' Sharon said the lifeguard by statute is the 'person responsible for the safety of the users of the public swimming pool.' Jim recapped that the last signature page needs more lines. Sharon said to add birth dates. Gwen asked for the spouses' signature line. Gwen said that they used the form for other people so you have to be careful (adult aunts, parents, etc.).

Steve said there is no mention of smoking. Sharon offered 'No smoking except in designated areas'.

Sharon said she will look at the procedures to add to our 'if your naughty we shut off your fob policy' and the documentation. She said it is a due process issue, we just want to be careful and don't want to violate somebody's right.

Dan said he thinks we made some progress here. Sharon agreed. With nothing else for the Policy Procedure Committee Meeting tonight we adjourned at 9:30 PM.



9/30/19