

CHARTER REVIEW COMMISSION MINUTES

The Charter Review Commission met in session at 3:00 P.M. on Thursday, August 13, 2015, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Bldg. "C", Third Floor, in the Florida Room.

Board members present:

Dr. Ronald Bobay, District 1
Mr. Kendall Moore, Chairman, District 1
Mr. Chuck Nelson, District 2
Mr. Cole Oliver, District 2
Mr. Henry Minneboo, Jr., District 2
Mr. Matthew Nye, District 3
Mr. Dale Young, District 3
Mr. Tom Jenkins, District 4
Mr. Peter Fusscas, District 4
Mr. Marty Adams, District 4
Mr. Jack Ryals, District 5
Mr. Scott Sorensen, District 5
Mr. Jason Steele, District 5

Board members, Ms. Maureen Rupe (District 1) and James Rosasco (District 3), were absent from the meeting. There were 13 Board Members present and voting throughout the meeting.

Staff members present:

Mr. Stockton Whitten, County Manager
Mr. Frank Abbate, Assistant County Manager
Ms. Shannon Wilson, Deputy County Attorney
Ms. Sandy Smith, Administrative Secretary

Stockton Whitten called the meeting to order at 3:03 p.m.

Stockton Whitten – Stockton Whitten said I would like to thank everyone for being here and for agreeing to serve on probably one of the most important, if not the most important, advisory bodies or commissions that we get to participate with. We gave the Board an agenda and if you are in favor of that, then we will do this by consensus, as he is certainly no Robert's Rules of Order expert. We will start with staff introductions, member introductions, and then an election of an interim chairman just to run the meeting until the Board gets to the election of a Chairman and Vice-Chairman. Shannon Wilson, who is the Deputy County Attorney, will take you through the Sunshine Law tutorial as we have done at the beginning of these Boards and hopefully you will adopt the Roberts Rules of Order. The package that was sent to each board member included the RFQ for the selection of the legal services, and hopefully you have had a chance to review that. Obviously you need to discuss a meeting schedule, as you are charged with bringing back to the Board of County Commissioners whatever recommendations you are going to have within a year of this first meeting. That clock started ticking with this meeting today. The Board requires public comments at all of their meetings to give an opportunity for those that wish to speak.

Staff Introductions:

Stockton Whitten – Stockton Whitten said he has the pleasure of being the Brevard County Manager, and in the audience we have Frank Abbate, Assistant County Manager, and Venetta Valdengo, is the other Assistant County Manager; however, she is in a briefing right now. We are here to assist you as you need us, and to make sure all the information and Staff that you need to appear before you are here. Many of you served on the last Charter Review Commission and we also have some new members. We always need administrative and clerical assistance, so Sandy Smith, who is a retired County employee, has agreed to come back and assist the Board in your deliberations and provide the clerical duties of the Board. There are two members of the Board who are absent from the meeting today: Ms. Maureen Rupe and Mr. James Rosasco, and they can certainly introduce themselves at the next meeting. We'll now go into Board introductions. He asked Mr. Sorenson to start.

2015 Charter Review Commission Board Members:

Scott Sorensen – Scott Sorensen, and I am a life long citizen of Brevard County, and owner of Sorensen Moving and Storage.

Jason Steele – Jason Steele, and I'm with Smith and Associates, a former State Representative and life long resident of Brevard County.

Jack Ryals – Jack Ryals and I'm with National Realty of Melbourne.

Ronald Bobay – Ron Bobay and I'm a retired School Board Administrator.

Peter Fusscas – Peter Fusscas, and I served on the Legislature up North and I have been very active in many of the committees and programs in the County: The Budget Review

Committee, Investment Committee, and Redistricting Committee. I am very active and I like to contribute.

Marty Adams – Marty Adams said he's been a resident of Brevard for about 30 years, retired after 36 years in the Aerospace Industry. I then began a new career as a business broker. I'm a member of the California Bar but never actually practiced law. He mentioned being a business broker because I've worked with small business owners throughout Florida, but primarily in Brevard County. I am familiar with the challenges they face in running their businesses successfully. I am looking forward to getting to know the other committee members and hopes we can constructively promote transparency, efficiency and confidence in County government. That is his goal and he is happy to be here.

Matthew Nye – Matt Nye, by day I am Regional Director for Verteks Consulting, and I sell voice-over IP systems to large enterprise and government clients. By night I am a political activist and rebel rouser.

Dale Young – Dale Young, Young Properties and I sit on the Budget Committee and Board of Adjustment. I too am what Matt said.

Cole Oliver – Cole Oliver, I'm an Attorney and Partner of McClelland Jones Law Firm.

Chuck Nelson – Chuck Nelson, a 25 year resident of Brevard County, 15 of those as a Department Head in Parks and Recreation, and eight years as a County Commissioner.

Henry Minneboo, Jr. – Henry Minneboo, been here since 1945, and worked here at the County for some 38 years as Public Works Director.

Tom Jenkins – Tom Jenkins, 17 years as County Manager here and my last six years I spent as Chief Administrative Officer for the Sheriff.

Kendall Moore – Kendall Moore and like Scott and a few others, I was born and reared here in Brevard and I'm a Partner at Moore, Eavenson & Baughan law firm in Rockledge.

Stockton Whitten – Mr. Whitten thanked everyone for their introductions and we'll move onto the next item. He said he is no expert on Robert's Rules of Order, but he thinks it is appropriate to elect an Interim Chair and would assume those nominations would come from the floor.

Cole Oliver – Cole Oliver said he'd like to nominate Kendall Moore. I believe if I remember correctly, he served as Chairman at the last Charter Review Commission.

Stockton Whitten – Mr. Whitten said Mr. Oliver nominated Mr. Moore, and since Dr. Bobay had his hand up, he will second the nomination. He asked if there were any additional nominations for Interim Chair. As there are no additional nominations, the nominations are closed from the floor. All those in favor of Mr. Moore as Interim Chair, please signify by raising your hands. The vote carries unanimously. Just as a reminder, Sandy is new to the board members and is not familiar with everybody in terms of actions and motions. He would ask that you identify yourself for the record until she gets use to your voices. The nomination for Mr. Moore as

Interim Chair passes unanimously, with Mr. Oliver making the motion and Dr. Bobay seconding the motion.

At this time he will turn the meeting over to Interim Chairman, Kendall Moore.

Kendall Moore – Kendall Moore said Ms. Wilson from the County Attorneys Office will address the Board relative to her presentation on Public Meetings and Sunshine Law.

Shannon Wilson – Ms. Wilson said there are a lot of familiar faces here and many of you already know the importance of the Sunshine Law, but this presentation is for the benefit of all the members. She prepared and submitted for the record and to the Board Members a copy of a memo titled “Government in the Sunshine/Florida’s Public Meeting Law.” Ms. Wilson advised that the Sunshine Law was developed with the intent that the whole process of what the County Commission or any local government body takes into consideration is open and available to the public. When the Board appoints committees like this per Charter, this is part of the decision making process and you are giving our Board advice. Because of that, all of what you do also is governed by the Sunshine Law. Every meeting that you have must be appropriately advertised, there should be an agenda and it should occur in a place like this where members of the public feel that they are open and welcome to attend. The Staff members will take care of the advertising, but that is also the reason why you can’t just go off – between one or two of you, and schedule separate meetings, because we need to know what they are so we can get them appropriately advertised. This is something we do on a regular basis for all of our advisory board groups. What does that mean for the purpose of the meeting? What it means is that outside of the advertised Sunshine Law meetings, no one or more members, well actually more than one member, cannot meet to discuss the issues that are likely to come before this Board for discussion. You should not communicate by email or texting regarding all discussions and communication. It also requires that minutes be taken, and that is what Ms. Smith will be doing on a regular basis. Most of you that are familiar with Sunshine Law meetings, you realize that minutes are taken and usually at your next scheduled meeting or maybe the one after that, depending on the work load, the minutes will come before the Board for approval. The minutes do not have to be verbatim minutes, the law requires that the minutes be taken in a fashion that you know what actions are taken, who made the motion, who seconded the motion and what the final vote is. Ms. Wilson said the State law does not require that the minutes be recorded; however, they recommend that the minutes be recorded for all of the advisory board committee meetings. Adding that in the event there is an issue over who said what or what exactly was said, or sometimes even the exact nature of the vote, then they can go back to the recording and determine what action was taken. Ms. Wilson asked the Board to speak concisely into the mics during discussions, votes and motions. She said she is not going to read this document word for word; she is just trying to give the Board the highlights. Voting should not be done by secret ballot, it should be done open so that anybody here who might be interested, will know what takes place. She added that she would hope that you would find there is a lot more public participation, but again the votes should be

open for everybody. Voting conflicts of interest is a little difficult to determine right now. As we sit here today, it is difficult to think of what possible conflicts of interest could come up. What she can tell you is that the closer the vote or the issue comes to benefiting your own private interest, usually it is a financial interest, and the more likely it is a conflict of interest. Ms. Wilson advised that this is a very complicated area of law with respect to the ethics law and conflicts of interest. I would recommend that if you ever feel you have a conflict, or that you or your business benefits more individually, from other like businesses, that you contact their office to give you some guidance. She said they do this on a regular basis and there are opportunities for them to put you in touch with the Commission on Ethics directly and they will give you three levels of opinion. They will give you a verbal over the phone, a written opinion from a Staff Attorney, and the one that protects you the most, is actually rendered by the Commission on Ethics itself. She added that obviously anything that they render is based on the accuracy of the facts that they were given, so it's important that we do give them as best we can, all the accurate facts that we know. They will talk to you over the phone about any particular issue you have; however, the only way to actually insulate yourself at a legal level though, is to get before the Commission of Ethics. Ms. Wilson pointed out that the unfortunate part of this is it can take several months to do that as they only meet a few times a year. So sometimes it is not terribly practical if you have a meeting coming up in just a few weeks. She added that they want the Board to know that this opportunity is available to you. This Board will have its own attorney, which is on the Board of County Commission agenda requesting RFQ's for solicitation of an Attorney. This may be something you would rather run through him or her versus the County Attorneys Office. Public participation it is a requirement of State Law, and has been a requirement of County Ordinances for even longer than State Law, so there needs to be availability for Public Participation. There should be space on the agenda for Public Participation and it is up to you as to where you want to place that on the agenda. Typically we do limit each individual speaker to a certain number of minutes and she thinks the County Ordinance provides somewhere between 3-5 minutes. Again, it's always the ability amongst your own procedure rules to extend time, to allow somebody to speak. Or give them 10 minutes if they are speaking for 3 or 4 people in the audience. This is something that is up to the Board. Ms. Wilson said where the Board has meetings is kind of important and it should be in a place that the public feels free to come and attend. If you are meeting in a restaurant or something like that, yes, you can advertise it in a restaurant, but the Attorney General's Office discourages meeting in places where the public would not feel comfortable. Ms. Wilson suggested the Board may want to consider scheduling meetings at places where the public is use to coming to things like this. She said she thinks the Charter Review Commission has met in north, central and south County, adding that she is not suggesting that you do that, but try to be in a location where the public is used to coming to address some segment with governmental officials. Talking outside the meetings, does that mean that Mr. Jenkins and Mr. Minneboo can't talk about other issues that aren't going to come before the Charter Review Commission? Absolutely, they can continue to talk about other issues. They just have to be careful about talking about items coming before the Charter Review Commission at any other location other than a regularly advertised location and meeting time, so please keep that in mind. The consequences of a violation of the Sunshine Law, is a second degree misdemeanor, punishable by up to sixty (60) days in jail and/or a \$500 fine. Ms. Wilson stated that this is only a brief summary of the Sunshine Law and is not inclusive of the areas when the law applies. Any member of the Board that has any questions concerning specific

application, please seek guidance from the County Attorney's office. She asked if anyone has any questions.

Marty Adams – Marty Adams said this is his first experience of operating under the Sunshine Law, and he likes to understand things thoroughly before trying to make a judgment about them. Mr. Adams asked if it would be improper for him to contact a content expert in another State just to learn more about whatever the subject is.

Shannon Wilson – Ms. Wilson said no, and that is a good point. It wouldn't be inappropriate for you to contact anybody who is not on this Board. You can contact Staff members, City Council members, and County Commission members in other counties, even our County Commissioners, or your individual County Commissioner who may have appointed you. What's key, are two or more members of the same Board. Are there any other questions from the Board?

Kendall Moore – Kendall Moore asked the Board if there were any other questions for Ms. Wilson on Sunshine Law or other legal issues at this point. If not, Item #5 on the agenda is the adoption of Robert's Rules of Order. In the past, we have chosen to be governed by Robert's Rules of Order. For those of you who have not been at this table, he can guarantee the procedure is going to become an issue at some point, simply because there are tough procedural issues, such as how we vote, when we vote, and how votes are counted. Over the last couple of cycles these have certainly been points of discussion. He added that those past Boards have voted to govern themselves by Robert's Rules of Order, in fact, during last cycle there was a discussion over which version to use. There was an option where we voted to purchase copies of Robert's Rules of Order for each member so we would be functioning from the same version for purposes of procedure. We will take your pleasure or decision relative to Robert's Rules of Order.

Kendall Moore – Kendall Moore recognized Mr. Fusscas.

Peter Fusscas – Peter Fusscas, said the Sunshine Law says we can't talk to each other outside, and you are limiting the debate and discussion inside, it appears you are counter meaning the objective of the Charter Review Commission. He said he would like clarification on this subject. When a motion is made to move the question, are there by-laws or understanding that everyone is given an opportunity to discuss the motion thoroughly and not just cut off debate and go directly to the vote. We had a rule in the Legislature – you could speak three times, but to speak more than three times, it took the majority of the body to approve it. He would think that moving the question should be limited in its application.

Kendall Moore – Kendall Moore recognized Mr. Nye.

Matthew Nye – Matthew Nye said he has two points to those comments and then he'll make a motion. One, Robert's Rules of Order requires a 2/3 vote to close debate, so you'd have to have 2/3 of the committee. He added that from being on the Board last time, he does not recall a single time where anybody felt like debate was shut down early. If anything, the consensus was it went on too long. He said he thinks if we're under the latest version of Robert's Rules, we'll be fine. He stated he would like to move that we adopt the 11th issue of Robert's Rules of Order.

Kendall Moore – Kendall Moore said there is a motion by Mr. Nye, is there a second?

Jason Steele – Jason Steele, I'll second the motion.

Kendall Moore – Kendall Moore asked for discussion. He said we'll hear from Mr. Steele, then Mr. Young.

Jason Steele – Jason Steele said he didn't have any discussion.

Kendall Moore – Kendall Moore recognized Mr. Young.

Dale Young – Dale Young said we adopted Charter Review Rules back in 2003 and 2004, and I assume those are still in force as far as the way the committee operates.

Kendall Moore – Kendall Moore said his guess would be that those rules are applicable to that Charter Review Commission. If we sought to entertain, discuss or adopt those, we'd have to do it as a part of this body or this process.

Dale Young – Dale Young said they deal with citizen participation and other things outside Robert's Rules.

Kendall Moore – Kendall Moore said as soon as we finish with this motion, Mr. Young, let's mention that and at least make everybody aware of them. We probably want to add that as an agenda item for future discussion. He added that is an important part because it includes a lot of things we would never think of in terms of what to address. We can certainly come back to that. He asked for other discussion.

Kendall Moore – Kendall Moore recognized Commissioner Nelson.

Chuck Nelson – Chuck Nelson stated that abstention is allowed under Robert's Rules, and in the Sunshine you can declare a conflict, but he doesn't know if you can abstain from voting.

Shannon Wilson – Shannon Wilson said that is correct.

Chuck Nelson – Chuck Nelson said there is a conflict, at least in the sense with Robert's Rules of Order, which allows abstaining from a vote; however, we're not allowed to abstain from a vote.

Shannon Wilson – Shannon Wilson stated Florida Law would supersede Robert's Rules on abstention.

Chuck Nelson – Chuck Nelson said ok.

Kendall Moore – Kendall Moore asked if there is other discussion? He recognized Mr. Adams.

Marty Adams – Mr. Adams asked what the alternative is to adopting Robert's Rules of Order.

Kendall Moore – Kendall Moore said he doesn't think we are necessarily required to adopt them, he was just speaking historically. That is what the Board has done, just for the purposes of process, but it is certainly not a requirement that we govern ourselves by Robert's Rules.

Chuck Nelson – Chuck Nelson said the County Commission uses those as a guide because there are differences with State law that cause you not to be able to do some of those things.

He thinks the Chairman has the discretion to point out, when that occurs. As a guide, he would be comfortable.

Shannon Wilson – Shannon Wilson stated the only other option would be to come up with your own rules. You could get very bogged down in just trying to come up with those rules, instead of using something that is a pretty decent guide that is already in place. You could just make certain exceptions that you feel are warranted.

Kendall Moore – Kendall Moore, asked if there is any other discussion. Mr. Nye is right - arguably we are going to do this slightly by consensus today, but in theory Robert's Rules of Order would mandate that we would take a vote to close the debate or limit the discussion. It will probably take 2-3 meetings before that is the case. We will assume that there is a consensus that there is no more debate. There is a motion and a second that we adopt Robert's Rules of Order 11th Addition for the Brevard County Charter Review Commission for 2015. All those in favor, let it be known by raising your hand, all of those opposed by the same, seeing none, the motion passes unanimously. You are going to get tired of this before we're done, but we always have to raise our hands rather than making a verbal response, as there is no other way for Ms. Smith capture what happens, unless we actually do that. Next we'll have an election for the Chairman. He recognized Dr. Bobay.

Ronald Bobay – Dr. Bobay said Ron is what I go by.

Kendall Moore – Kendall Moore asked Ms. Wilson to conduct the election for the Chairman - that is, if she is alright with that.

Shannon Wilson – Shannon Wilson said certainly.

Kendall Moore – Kendall Moore said I don't see anybody that is going to complain. He recognized Dr. Bobay.

Ronald Bobay – Ron Bobay said he would like to nominate Kendall Moore to be the Chairman.

Jason Steele – Jason Steele, I will second the motion.

Shannon Wilson – Shannon Wilson asked if there are any other nominations? Seeing none is there a motion to call the question.

Tom Jenkins – Tom Jenkins said he'll move to call the question.

Shannon Wilson – Shannon Wilson and a....

Matthew Nye – Matthew Nye said don't do that because that means it requires 2/3 vote, just call the vote.

Shannon Wilson – Shannon Wilson said all of those in favor of Kendall Moore as Chairman. The vote is unanimous.

Kendall Moore – Chairman Kendall Moore asked Ms. Wilson if she would also do the election for Vice Chairman.

Shannon Wilson – Shannon Wilson asked if there is a motion for Vice-Chair?

Tom Jenkins – Tom Jenkins said he'll nominate Chuck Nelson.

Scott Sorensen – Scott Sorensen stated he'll second the motion.

Shannon Wilson – Shannon Wilson said there is a motion by Tom Jenkins to nominate Chuck Nelson as Vice Chairman, and it was seconded by Mr. Steele.

Marty Adams – Marty Adams said he'll nominate Peter Fusscas.

Matthew Nye - Mr. Nye said he will second the motion.

Sandy Smith – Sandy Smith, okay, one moment – who made that motion?

Scott Sorensen – Scott Sorensen said I seconded the motion.

Stockton Whitten – Stockton Whitten asked Ms. Smith if she got the second motion.

Shannon Wilson – Shannon Wilson stated with reference to the first motion, I think I said Steele and it was Sorensen.

Stockton Whitten – Stockton Wilson said that was the first motion.

Sandy Smith – Sandy Smith, replied yes, the second one.

Shannon Wilson – Shannon Wilson asked if there are any other nominations for Vice Chairman? All those in favor of Chuck Nelson: Ron Bobay, Kendall Moore, Chuck Nelson, Cole Oliver, Henry Minneboo, Tom Jenkins, Jack Ryals, Scott Sorenson and Jason Steele.

All those in favor of Mr. Fusscas? Ms. Wilson stated that those in favor are Dale Young, Matthew Nye, Marty Adams and Peter Fusscas. It appears the Vice-Chairman is Chuck Nelson.

Kendall Moore – Chairman Kendall Moore congratulated Mr. Nelson. Let me say as the Chair, I certainly appreciate your confidence in me. I think those of you who were here the last time know we try our best to play this straight and according to the rules. We don't always agree but everybody has an opportunity to be heard and would try to follow the rules. Robert's Rules of Order is something he would urge you to consider getting because we've been here, multiple times, reading those, making sure we were following the right and appropriate debate. You may see that as a future agenda item for us to consider on the idea of getting Robert's Rules of Order.

He said moving onto Agenda Item 7 – Discussion and Approval of Independent Legal Services. I think, as Ms. Wilson mentioned, there is nothing that requires us to have an independent attorney relative to this Board. Mr. Moore said he will open this up to discussion.

Jason Steele – Jason Steele stated he doesn't think we should go without legal assistance; I would be vehemently opposed to that. He said he would like to know if there are budgetary constraints or what the budget is for the Charter Review Committee.

Kendall Moore – Chairman Kendall Moore asked Mr. Whitten...

Stockton Whitten – Mr. Whitten said we didn't guess a budget. Obviously you'll have the cost of the Administrative Assistant, the cost if you desire to go with legal assistance, as well as routine office supplies. He stated that it would be limited to those expenses, and any other expenses that are out of the norm; you'll review those as a committee and vote on them.

Dale Young – Mr. Young stated that since we're going to have a budget for this committee, he thinks those two items need to be treated separately.

Kendall Moore – Chairman Kendall Moore said he doesn't recollect, or does anybody remember, did we have a "not to exceed" number the last time?

Someone said he believed we had a fixed budget last time.

Stockton Whitten – Stockton Whitten stated he believes we did.

Kendall Moore – Chairman Kendall Moore said just for your consideration in case we decide to move forward with legal counsel, if he reads this correctly, August 18th is the next County Commission meeting.

Stockton Whitten – Stockton Whitten said yes, that's correct. It is just simply asking the Board to authorize very simple RFQ solicitation for legal services and setting this Commission as the selection committee. It is anticipated that the Board will approve that on Tuesday, and then any responses will come before you and you will make a determination from that point on.

Kendall Moore – Chairman Kendall Moore recognized Mr. Jenkins.

Tom Jenkins – Mr. Jenkins asked if the County Attorney’s Office prefers not to serve in that roll?

Shannon Wilson – Ms. Wilson said in the past it has been advisable that the County Attorney’s office separate itself.

Kendall Moore –Chairman Kendall Moore recognized Mr. Adams and then Mr. Ryals.

Marty Adams – Mr. Adams asked what we’d expect this attorney to do – what would be the primary responsibilities and duties of how this attorney would function with this committee?

Kendall Moore –Chairman Kendall Moore said he has a response, and asked if any others who served previously would like to address that, or even those that have not. He recognized Mr. Young.

Dale Young – Dale Young stated that as he recalls, we had like 96 proposals. And he added that the attorney advises on the legality and constitutionality and several aspects of those proposals. He stated that this is very much needed in his mind.

Kendall Moore – Chairman Kendall Moore said he drafts the language of any charter changes.

Matthew Nye – Mr. Nye said the most helpful thing for him was reconciling what supersedes as far as State Statue versus the Charter, and things like that.

Marty Adams – Mr. Adams stated that helps.

Shannon Wilson – Ms. Wilson said that in following up on a question that was asked: why the County Attorney’s Office would prefer to stay out of this process? Sometimes what the Charter Review Commission and perhaps the County Commission wants to recommend may be a little bit different. The County Attorney’s Office represents the Board of County Commissioners - that is their first responsibility. Sometimes there might be a conflict in advising this body as opposed to the Board of County Commissioners. They have always felt that you would feel

better about having your own legal counsel – that doesn't mean you can't ask questions – you can still do that but you will have your own legal counsel.

Kendall Moore –Chairman Kendall Moore said that on the last go around the letters were received and they were passed from Purchasing to this body. Then this body narrowed the number down to firms who then came forward and gave oral presentations. After that the Board voted and selected their legal counsel from that stand point. Presumably if we decide to go forward with that, that would be the process. It appears from the agenda item that it's a pretty limited response – a CV, some rate related information costs, and references of what would be brought forward. You've heard some discussion relative to that matter – what's your pleasure?

Someone stated Mr. Ryals...

Kendall Moore – Chairman Moore said, I'm sorry Mr. Ryals.

Jack Ryals – Mr. Ryals said I was just going to say that sending out an RFQ doesn't obligate us to anything, but he is getting the sense, and agrees wholeheartedly, that we need our own legal representation. If you are ready for a motion; I would move that we authorize the County Manager to send out a RFQ.

Matthew Nye – Second.

Kendall Moore – Chairman Kendall Moore stated we have a motion by Mr. Ryals, seconded by Mr. Nye, that we would authorize the County Manager to move forward with the agenda item that is in your packet relative to solicitation of legal assistance. He recognized Mr. Young.

Dale Young – Mr. Young said he would hope the RFQ includes that they would be expected to make presentations to the committee before a selection is made, as this is what has been done in the past.

Kendall Moore – Chairman Moore said this is another good example - on our first day he is going to ask if that would be a friendly amendment. I'm sure you are starting to get the idea when talking about Robert's Rules of Order and how this can get a little complicated. Mr.

Ryals made a motion to ask the County Manager to add this to the solicitation. That public presentation before this Board may be necessary for their selection.

Marty Adams – Mr. Adams said as long as you put “may be necessary”, because if we have 96 RFQ’s he doesn’t want to listen to 96 presentations. If we can narrow it down to five finalists, then we may require an interview by the committee.

Kendall Moore – Chairman Moore asked Mr. Ryals if he is okay with that – Mr. Nye...

Jack Ryals – Mr. Ryals replied yes, that it sounds good.

Mr. Nye – Mr. Nye said he agrees.

Kendall Moore –Chairman Kendall Moore said we are going to call it the amended motion on the floor relative to that. Any further discussion? Seeing none, all those in favor please signify by raising your hand. Those opposed the same. Chairman Moore stated that seeing none, the motion passes unanimously.

Just as a matter of timing so that we can plan – I think this will go to our next item meeting schedule. Please note that the last sentence on the RFQ states, “The RFQ’s are to be received no later than 4:00 p.m., on September 10th”, therefore we would have to consider those at some point after September 10th. History tells us that it is probably worth a meeting or two for the Board to select those or to narrow it down. If you are going to narrow it down, we’ll need to provide them time to come before us for a public meeting and then go forward thereafter. Even selecting an attorney takes us into the September, October time frame.

Kendall Moore – Chairman Moore stated Agenda Item 8 is the next item which is the discussion/approval of an initial meeting schedule. He will open this up for public discussion. He said he would like to reference two points that Ms. Wilson brought up. He would assume that everybody has a desire for maximum participation and opportunities from the public. Because of that we offered meetings that were held in north, central and south county to encourage participation. He would be open to your thoughts and ideas just so we can give some indication to County Staff and Ms. Smith. We can start to talk about a schedule, idea, or even how we would approach that.

Marty Adams – Mr. Adams said he has questions based on past history: typically are the people that attend these meetings, do they come more often to evening meetings than to the

day time meetings? Geographically, what are the factors that the Board observed in the past that contribute to enhancing public participation?

Kendall Moore – Chairman Kendall Moore stated historically the committee has made direct invitations to the public i.e., County Commissioners, other county elected officials, city councils, and others, inviting them to participate, so many of those took place during the business day. There were many community groups that were interested in very specific issues. There were days like today where we had one lady to join us, and then there were other days where you had people outside in the hallway waiting for their opportunity to speak. It really depends on the subject. It is important for us to hear from as many people as possible during the process. Although we met during the day, we also made the opportunity to have some night meetings and at other locations to make it more convenient for public participation.

Chairman Moore recognized Mr. Ryals.

Jack Ryals – Mr. Ryals said between our Chairman, Vice Chairman and the County staff, you have far more experience in what encourages public input, and he would suggest that those individuals get together and come up with suggestions.

Kendall Moore – Chairman Kendall Moore stated that he can't get together with them because that would violate the Sunshine Law.

Jack Ryals – Mr. Ryals said ok.

Kendall Moore – Chairman Kendall Moore said it was suggested by Mr. Jenkins that we also have the option to form a committee, and that committee could meet on a notice basis to try to put something together. Chairman Moore recognized Mr. Nye.

Matthew Nye – Mr. Nye stated that based on what he recalls from the last time: the public became more involved later in the cycle, so may be we front load the meeting schedule with like late afternoon meetings in the beginning.

Dale Young – Mr. Young said that it would depend on how much the public knows about it, but feels we need to get the word out that there are Charter Review meetings. We might want to consider some publication.

Kendall Moore - Chairman Moore recognized Mr. Sorensen.

Scott Sorensen – Mr. Sorensen asked how often we are going to have these meetings? Are they going to be monthly and what is the typical...?

Kendall Moore – Chairman Moore said he would guess probably once a month at best to start. We need to get a lawyer and get those things in order. I believe Mr. Young said last time there were 96 proposals and in the end we were getting pretty close to weekly meetings. Plus there were sub-committee meetings so it could get pretty frequent as we get close. The thing that we will ask Staff to put together for us, is the calendar, which really works backwards. For instance, in Section 7.4 of the Charter Review provision which is included in your package - in the request for qualifications for the attorney, as an example, you will see at the end, it requires three (3) public hearings ten (10) days apart. So from the final day already, you are working back 30 days and you are starting back for a while. To answer your question Mr. Sorensen, I will be seeing you more frequently than not. Chairman Moore recognized Mr. Steele.

Jason Steele – Mr. Steele said he would move that we meet on September 17th at 3:00 P.M., and we can come up with additional schedules and times as deemed necessary. This is the third Thursday in September.

Kendall Moore – Chairman Moore stated there is a motion by Mr. Steele. Is there a second and then we'll have some discussion?

Tom Jenkins – Mr. Jenkins said he'll second the motion.

Kendall Moore – Chairman Moore said there is a motion and second for September 17th at 3:00 P.M. Any discussion?

Jack Ryals – Mr. Ryals stated he will be out of state that day.

Scott Sorensen – Mr. Sorensen said he too will be out of state that date.

Kendall Moore – Chairman Moore said both Mr. Ryals and Mr. Sorensen will be missing for this particular date. Further discussion? Seeing none, all those in favor of the motion please signify by raising your hand. Those opposed by the same. The motion passes unanimously, so our next meeting will be September 17th at 3:00 P.M. in this location, if we are allowed, Mr. Manager.

Stockton Whitten – Mr. Whitten advised we will arrange either this room or some comparable room for the meeting.

Kendall Moore – Chairman Moore said OK, let's talk real quick about the 17th. Obviously we will at that time have on our agenda the selection of legal counsel, and that part of the agenda packet probably can't get to us until the 11th or 12th. Remember you are only going to have a few days to review those packets relative to law firms that have responded to the RFQ request. The second thing – I promised Mr. Young that I would go back, as he asked if the document that he was referencing would be disseminated and placed on the agenda for our next meeting. Mr. Fuscas brought it up as well. In addition to Robert's Rules, there was a decision by this body to adopt some additional rules to govern ourselves – I don't have one in front of me, Mr. Young.

Dale Young - Mr. Young said it deals with citizen participation, place of meeting, call and notice of meetings, order of the agenda, recording of minutes, quorum, proxy voting, voting in general, and especially how many members it takes make an amendment. He suggested that a copy of this document go to every member before the next meeting.

Kendall Moore – Chairman Moore stated this will be added as an agenda item and then it will be up to the discretion of the Board as to whether or not we adopt it. There was a lot of discussion about how we govern ourselves. I believe it was the point Mr. Fuscas raised that caused the discussion, on how we ensure that people from the public are given appropriate time to be heard. He asked if there were any other suggested items for the next meeting agenda. Chairman Moore recognized Mr. Minneboo.

Henry Minneboo – Mr. Minneboo asked if it is possible to have a time frame on the length of the meetings.

Kendall Moore – Chairman Moore said I'd love it, but I'm not sure you could do it. Ultimately this Board could vote to govern itself if it so chooses, adding that there would be nothing that would limit us from doing so.

Matthew Nye – Mr. Nye asked if he was talking about per meeting?

Henry Minneboo – Mr. Minneboo said a two hour meeting, three hour meeting –cutting it off at three or what have you.

Matthew Nye – Mr. Nye stated there were a couple of times where it was going so bad, we actually set a fixed time to adjourn. Some were so late we said hey, we're done at 10 o'clock tonight.

Tom Jenkins – Mr. Jenkins said he voted in favor of the motion on the 17th so I think I can bring it back up again. Would these gentlemen be here on the 7th?

Scott Sorensen – Mr. Sorensen stated he'll be here the next day – that's a Friday.

Tom Jenkins – Mr. Jenkins said the Thursday before that.

Shannon Wilson – Ms. Wilson stated she assumed you were trying to schedule a meeting after a time when the proposals for the attorneys would be in, and right now you would be scheduling it, as I understood it, for September 10th.

Kendall Moore – Chairman Moore said that is correct. If we rolled, we would need to roll the other direction.

Tom Jenkins – Mr. Jenkins said oh OK.

Scott Sorensen – Mr. Sorensen asked if we could possibly do it the following week?

Kendall Moore – Chairman Moore said here is another example of what we said. Back to Mr. Jenkins who pointed out that he voted in favor of the motion in the first place, and if he hadn't, then he couldn't bring this issue up again. Mr. Jenkins is there a....

Tom Jenkins – Mr. Jenkins stated he would move it to the 24th so the other two members can be at the meeting.

Kendall Moore – Chairman Moore said there is a motion by Mr. Jenkins that the next meeting would be changed from the 17th to the 24th. Is there a second?

Scott Sorensen – Mr. Sorensen seconded the motion.

Kendall Moore – Chairman Moore said the motion was seconded by Mr. Sorensen. Discussion on the motion?

Matthew Nye – Mr. Nye asked if that created a conflict for anyone?

Cole Oliver – Mr. Oliver stated yes, it does for me.

Tom Jenkins – Mr. Jenkins said he'll withdraw his motion.

Kendall Moore – Chairman Moore said the motion by Mr. Jenkins has been withdrawn. He recognized Mr. Nye.

Matthew Nye – Mr. Nye stated he was going to suggest that perhaps the two could get some dates and times that would work better for them to staff, so that if there is discussion in your absence - I'm talking about the calendar moving forward.

Kendall Moore – Chairman Moore said just for everybody's FYI leading up to that next meeting on the 17th, we're going to come back with kind of a list and try to get it out and ask everybody to respond to it. It doesn't make sense for us to set a schedule that doesn't have a quorum, because we can't get anything accomplished. This will be sent out to you prior to that with a proposal that you can say available - not available, so that we can get started in that regard.

Jason Steele – Mr. Steele asked if we have the ability to have a call-in meeting?

Kendall Moore – Chairman Moore stated that he doesn't know if that it is precluded, but for the purposes of the record, it makes it very difficult to do. You are going to hear him say this repeatedly, and Mr. Oliver probably agrees – it's not my law license that's on the line, so when there is a legal opinion requested, I'm going to defer to the lawyer. Chairman Moore noted that there are three members who wish to speak – Dr. Bobay, Mr. Young and Mr. Nelson.

Ronald Bobay – Dr. Bobay stated that he has another item and asked if we are we ready to do that?

Kendall Moore – Chairman Moore asked Mr. Young and Mr. Nelson if theirs was on this same issue or did you have a separate.....

Chuck Nelson – Mr. Nelson said he'll withdraw as he has no comment.

Dale Young – Mr. Young stated he has nothing at this time.

Kendall Moore – Chairman Moore said then we'll go to the next issue. He recognized Dr. Bobay.

Ronald Bobay – Dr. Bobay stated there are a number of us that are new here and some of you may remember from the last time, I had suggested that we bring somebody in to do some ice breakers and expectations for what we expect from the group. For some of you that were here, I don't know whether you felt that was valuable or not, but I thought it kind of got us prepared for the work that we were getting ready to do. It didn't take very much time, maybe about a half an hour to 45 minutes and we generally just talked about what we hoped to accomplish in our efforts. I would offer that again, and I have a particular person in mind that we brought in last time that is still available. I just wanted to put that out there for discussion.

Kendall Moore – Chairman Moore asked if that is that a motion or just a generalized comment?

Ronald Bobay – Mr. Bobay said it is just a general comment for discussion.

Kendall Moore – Chairman Moore asked for other comments or thoughts on that issue?

Marty Adams – Mr. Adams said his hearing is terrible and he is missing some things. I didn't fully understand what you were proposing.

Ronald Bobay – Dr. Bobay stated that what he was proposing is somebody to facilitate discussion in terms of what our expectations are as a group. Have some ice breakers for all of us as we set about our work to try and set the atmosphere for what we hope to accomplish here.

Marty Adams – Mr. Adams said thank you.

Dale Young – Mr. Young said while on that subject, this is kind of an anonymous Committee and not under the management of the County. If they want to come in an offer information - fine, but we're not obligated to do what someone from the County wants us to do.

Kendall Moore - Chairman Moore said that's fair and history does bear that out for certain. He recognized Mr. Ryals.

Jack Ryals – Mr. Ryals said he has no objection if that is what the group wants to do. However, in looking around the room, so many of us have been through that sort of thing so many times that it seems to lose some of its effectiveness.

Kendall Moore – Chairman Moore asked for other thoughts or a motion of any kind.....any action by the Board. He recognized Mr. Young.

Dale Young – Mr. Young said another comment on the attorney, we really don't need an attorney right up front for this committee. He doesn't need show up until October or November, as he is not going to have a lot to do until we start getting into proposals. For us to make a selection at the next meeting might be a little bit too soon.

Jack Ryals – Mr. Ryals said with all due respect I tend to disagree. The attorney needs to be in at ground zero and move along through the process with us.

Kendall Moore – Chairman Moore recognized Mr. Oliver.

Cole Oliver – Mr. Oliver said as Board member, I would hate to go forward without an attorney.

Kendall Moore – Chairman Moore asked if there were other thoughts or a desire to make a motion or take any action? He recognized Mr. Young.

Dale Young – Mr. Young said no, keep it off the table.

Kendall Moore – Chairman Moore asked there was anything else relative to the meeting schedule that you would like taken into consideration? Ok, other business. He recognized Mr. Nye.

Matthew Nye – Mr. Nye said he I knows from the last time, it was recommended that the committee members obtain a separate email address in case someone made a public records request. I am planning to do that myself, but I know there are some other people that are new to the board.

Shannon Wilson – Ms. Wilson stated that is a good idea. We do have issues at times with county employees if they are conducting county business on their own computers at home. If there were ever an issue about public records, anything you do on your personal computer could be subject to being evaluated, reviewed or demanded as part of the public record. I do recommend that if you have the ability to set up a separate email account, then you may want to consider that for the sole purpose of the Charter Review Commission should there ever be any litigation about the business of the CRC. It doesn't happen very often, but there are some counties who have experienced litigation and have had computers seized where somebody was doing work from home. It has never occurred in this county, but it can happen.

Marty Adams – Mr. Adams asked if the County has a system that we can set up accounts.

Matthew Nye – Mr. Nye said most people just set up a free Gmail account. Just go to Gmail and create an account for Charter Review/Marty Adams.

Shannon Wilson – Ms. Wilson advised yes, that is what you would do. Good point.

Kendall Moore – Chairman Moore asked if there is any other business to come before this Board? He recognized Mr. Fusscas.

Peter Fusscas – Mr. Fusscas asked if we addressed the issue with time limitations or is that to be discussed at the next meeting?

Kendall Moore – Chairman Moore said he thinks there was a brief discussion, but he did defer because I know that the time limitation was a part of the Rules that we adopted for the Board the last time. I'm sure we will have a lengthy discussion relative to that and that would be governing our conduct as well as speakers that would be coming before us with potential proposals. Chairman Moore asked him if he is all right with that.

Peter Fusscas – Mr. Fusscas said yes.

Kendall Moore – Chairman Moore asked if there is any other business? Going twice. Two things before we leave – you have a Charter in front of you, please spend some time with it so you know exactly what we're doing. We can go about this in a lot of different ways: we can start at the beginning and go to the end and address every section; we can break into committees, as before, or different groups looking at different sections; or we can just sit back and wait for the public to come and see what they have to say. We will be open to suggestions from this committee relative to how you would like to proceed.

He added if there is nothing else, we will consider ourselves adjourned at 4:07 p.m.

