

MINUTES OF MEETING
JULINGTON CREEK PLANTATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Julington Creek Plantation Community Development District was held Tuesday, December 8, 2009 at 6:00 p.m. at Julington Creek Plantation Club, 350 Plantation Club Parkway, St. Johns, Florida 32259.

Present and constituting a quorum were:

Susan S. Beaugrand	Chairperson
Kathleen Minnis	Vice Chairperson
April Spears	Supervisor
Brian Pincket	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Matt Maggiore	District Engineer
Stacie Hernandez	Julington Creek Plantation CDD
Shelly Timbol	Julington Creek Plantation CDD
Stacee Passen	Julington Creek Plantation CDD
Ashley McVeagh	Julington Creek Plantation CDD
Mike Lucas	Basham & Lucas
Sue Ullmann	Julington Creek Plantation CDD
Kyle Nelson	Julington Creek Plantation CDD
Jacob Myers	The Angelo Group

FIRST ORDER OF BUSINESS

Roll Call

Ms. Beaugrand called the meeting to order at 6:00 p.m.

SECOND ORDER OF BUSINESS

Affidavits of Publication

Mr. Oliver stated included in your agenda package are affidavits of publication for the public hearing to be held today on the rules.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 10, 2009 Meeting

Ms. Beaugrand stated included in your agenda package is a copy of the minutes of the November 10, 2009 meeting. Are there any additions, corrections or deletions?

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the Minutes of the November 10, 2009 Meeting were approved.

FOURTH ORDER OF BUSINESS

Public Hearing to Adopt Rule to Establish Fees Related to Use of Recreation Facilities and Services, Consideration of Resolution 2010-01

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor the Public Hearing to Adopt Rule to Establish Fees Related to Use of Recreation Facilities and Services was opened.

Mr. Haber stated because you are a unit of government you are required to establish fees for any of the items the District would charge for. You adopt those fees through a public hearing process. Jim has acknowledged that notices have been published for this public hearing.

Ms. Hernandez stated starting with the guest daily fees at the sports plex, the changes that we made for this year the \$5 fee instead of it being a daily fee it would entitle guests to seven visits with an expiration date of one year. The change that we made on the houseguest pass was it expires one year from date of purchase for both the recreation center and the aquatic complex.

Ms. Beaugrand asked did it originally have the seven visits also or was that an add?

Ms. Sue Ullmann responded it was a week pass.

Ms. Beaugrand asked so now it's going to change instead of one week it will be seven visits anytime within the year?

Ms. Sue Ullmann responded yes.

Ms. Beaugrand asked so that would apply to both the recreation center and the aquatics complex then?

Ms. Sue Ullmann responded yes.

Ms. Hernandez stated I apologize I do not have my notes in front of me. This format is different from what I had distributed earlier. For aquatics, we added after hour rental.

Ms. Passen stated the changes I proposed for multi-purpose were really upgrades more than changes. I left everything as is current but I provided provisions whereas we could have greater usage of our landscape to include not only rentals on the café pavilion but also on fun pool deck, as well as to offer greater flexibility to the residents and the combination of the two banquet rooms together to provide two hour quotes whereas before we only provided four hour quotes. Park pavilion went up \$5, so it is now \$15 per hour. The skate park and pavilion rental we have added lessons, clinics and competitions this year. We had that previously but we never had the opportunity to use that, so we put it in here again this year. They raised flexibility depending on when the program is, whether it be a daily program, a weekend, etc. We added the user fee for non-residents for swim and tennis and the \$271 is a prorated number.

Ms. Beaugrand asked prorated for what?

Ms. Hernandez responded instead of a swim team member paying the fee for the entire season it is just for swim team.

Ms. Minnis stated I remember the discussion of the extension of the seven visits for the price and I remember the discussion of the pavilion and the open areas. When it says plus lifeguard and supervisor costs, is that above and beyond the \$275 or does it include it?

Ms. Hernandez responded it is above and beyond.

Ms. Minnis asked I wonder if that should say excluding?

Ms. Beaugrand responded I think it is written pretty clearly. It says \$275 after hours plus lifeguard and supervisor costs and it gives the hourly rate there for each of those positions.

Ms. Hernandez stated our user permit forms are more detailed. It explains what the charges are for.

Ms. Beaugrand stated at this point we will open it up for public comments. This is relating only to the user fees that we are discussing at this point. There being no questions or comments by the audience I will ask for a motion to close the public hearing.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor Public Hearing to Adopt Rule to Establish Fees Related to Use of Recreation Facilities and Services was closed.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor Resolution 2010-01 Adopt Rule to Establish Fees Related to Use of Recreation Facilities and Services with Fee Schedule attached was approved.

FIFTH ORDER OF BUSINESS

Discussion of Facilities Improvements

Mr. Lucas stated we will start off with the Davis Pond building first. Angelo Group has started work on it. We have our building permit. Demolition is complete. They have gone as far as they have their plumbing rope in complete and they plan on pouring back the slab tomorrow and have mechanical duct work installed. We will hopefully receive the electrical permit tomorrow. We are moving right along and on schedule. We have three change orders. The first one, in my desire to minimize costs to reuse as much as existing, two of the offices that I wound up keeping I kept the doors and those doors do not match the rest of the doors that are specified, so I have a change order to change out those two doors to match the other ones. It is for two six panel doors and casing for \$855.

Ms. Beaugrand asked what is that PCO number?

Mr. Lucas responded I guess this will be PCO number 01. Change order number two, I had originally specified in the administration area recessed fluorescent fixtures. They were going to be recessed to the ceiling but due to existing conditions in framing we are going to have to make those dismantled and in order to make them surface mounted we need to put up a trim kit on those. It is in the amount of \$285. Through the review process the county has requested us to add one additional exit sign light. It goes down the corridor where the day camp will be in the amount of \$165, so the total proposed change order for number 02 is \$495. We sent the drawings down to the county for their review and this was their review costs.

Ms. Minnis asked did they site any update in the code or do they ever?

Mr. Lucas responded no. Change order number 03 we have existing service there but the county decided that typically when you have a renovation they don't make you do certain things but they decided that they wanted to update the service and they wanted us to provide a disconnect on the outside of the buildings, so that when someone is coming in and doing work on it there is a trip over there that you can go break the glass and turn the power off. The new code would require this but this building was built in 1995 and they didn't require it back then, so they

wanted to bring it up to code. They are requiring a disconnect panel on the outside for the amount of \$3,270 and then you have soil treatments and miscellaneous for a total of \$3,927.

Ms. Minnis asked again this is a safety issue, as well as the sign is and I don't have a problem with them bringing it up to code but this unit that you are putting is it if someone is responding and needs to turn off the electric or if someone comes in and they can't turn it off?

Mr. Lucas responded it is mainly like if an electrician is coming in to do some work on the units or something like that. We have a shunt trip over there. A shunt trip is like in case of emergency break the glass. This you actually go and pull the lever down and it cuts all the power to the building.

Ms. Beaugrand asked so if there is a fire you can go outside and shut the power off?

Mr. Lucas responded yes.

Mr. Jacob Myers stated it is really just a safety concern because right now the building is wired that you have 400 amp electrical service coming inside the building basically unprotected, so if someone was to cut into it or hit it, it is live. This way there is a main breaker on the outside of the building that can be shut down, so you can do work on the electrical system on the main line. It is a code issue.

Mr. Lucas stated this is in addition. You have your breakers on the inside of the building. This would turn off the whole building.

Mr. Lucas asked will it have a lock on it?

Mr. Myers responded it is a standard electrical panel, so it can be locked.

Mr. Lucas stated the one issue in doing this is there is existing wire that is there and hopefully it will be long enough to do this routing. The electrician doesn't know until he gets in there but hopefully it will be long enough to do that but if its not we will have to pull another wire.

Mr. Myers stated from the JEA transformer to the building in what we call secondary service. It has to be unbroken. It can't be spliced. We won't know until we pull the existing wire back out of the building and reroute it to the new disconnect in whether or not it's long enough. If it is not then that would necessitate a new service run from the transformer to the building.

Mr. Lucas stated and that is about 500 feet away and it would be about \$5,800.

Ms. Beaugrand asked what is the timing of pulling that wire to see if it's long enough?

Mr. Myers responded if we get the approval to do it then you will know within four days. We have to cut the flooring to get it outside the building, so we will know right away if it's long enough.

Ms. Beaugrand asked from a progress standpoint does it make sense to consider whether we need to talk about a change order for that in the event it is not long enough?

Mr. Myers responded I think so. I didn't draft anything. I just basically got a ballpark figure based on the length of the service today but that is something you should discuss.

Mr. Lucas asked if we wait for a month to get that approved is that going to affect your schedule?

Mr. Myers responded we need power on the building once we start doing all the electrical roughing, which is going to happen in less than a month. In order just to do this disconnect we have to call JEA and get the power shut off and reconnect everything. I'd like to know if we do run into this issue that we could have some sort of approval. Again, I would need to send that to somebody who can actually give me a hard figure if we run into that issue.

Ms. Minnis asked based on getting that estimate do you know what the worst case could be?

Mr. Myers responded as far as cost, today the figure I got was about \$5,800. I would say worst case \$6,100 or \$6,200.

Ms. Minnis asked is there a top number that we should look at?

Ms. Beaugrand asked are you guys good with that concept?

Mr. Pincket responded yes.

Mr. Lucas asked can we have the power to approve or disapprove a change order?

Ms. Beaugrand responded that was with non-financial impact.

Mr. Myers stated I can have a more accurate figure by tomorrow.

Ms. Beaugrand stated what we can do is to come up with an amount not to exceed and then re-verify it if the board wants to have them call me with the final number.

Mr. Lucas asked would \$6,500 be enough?

Ms. Minnis asked did we have an issue like this with the drain that it ended up being farther away because the drawing wasn't right?

Mr. Lucas responded this is a transformer, so we know where the transformer is.

Ms. Minnis stated this is a requirement to bring it up to code.

Mr. Lucas stated when you do a renovation and you are doing a certain percentage normally it is about 30% of the value but it is still very arbitrary. If the county wants it they are going to find a way to get it done.

Ms. Minnis asked should we say \$10,000 to give you the authority, so you have coverage or is that way above?

Mr. Myers responded I think \$6,500 is sufficient because our electrical contractor has a pretty accurate schedule of values, as far as what service like this is worth per linear foot and he calculated it today. I'm also very hopeful that it won't even be an issue.

On MOTION by Ms. Minnis seconded by Mr. Pincket with all in favor PCO Nos. 01 through 04 were approved.

Mr. Lucas stated if we go over to the existing aquatics complex I have change order number 22 that you approved last month. It had to do with all the traditional renovation for the building. The total cost was \$58,486 and that is for PCO 83, 84, 85, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106 and 107.

Ms. Beaugrand stated the minutes only have up to 104.

Mr. Lucas stated I take that back PCO numbers 104 through 107 was credits. The total was \$58,486.

Mr. Pincket asked are you sure 104 was a credit?

Ms. Beaugrand responded 104 wasn't a credit.

Mr. Lucas stated sorry 105, 106 and 107 were credits.

Ms. Beaugrand stated actually 105, 106 and 107 were approved separately.

Mr. Lucas stated 107 was the playground allowance that we gave back to you. 106 was a \$1,000 credit. 105 was a credit of \$1,361.

Mr. Pincket asked so is the net a credit of \$58,486?

Mr. Lucas responded correct.

Ms. Beaugrand asked so that is change order number 22?

Mr. Lucas responded yes.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Change Order No. 22 in the Net Amount of \$58,486 was approved.

Mr. Lucas stated to date all the pavers have been installed. The white railing has been reinstalled. They are putting the showers in. They are going to start tomorrow on putting a chain link fence around the back of it. The shade structure frame work is installed. Presently we are working on all the interior renovations. The basketball court lights have been installed. The shade structure frame has been installed. The sand is ready to be spread out on the volleyball court and as soon as they get some dry weather they will reseal the basketball court. They are on schedule to be done I think the middle or end of January.

Ms. Minnis stated I agree the pavers look fantastic. The pool hasn't been remarsighted?

Mr. Lucas responded I talked to DJ and they aren't doing that till January.

Ms. Beaugrand stated I was there the other day and DJ was there and they are going to wait until the very last thing to do the marsighting.

Ms. Minnis asked I was wondering how you protect the pavers?

Ms. Beaugrand responded you block it off. The same way they protect the tile.

SIXTH ORDER OF BUSINESS

Approval of Pay Requests

A. No. 332, Payable to Julington Creek Plantation Creek Plantation Community Development District, in the Amount of \$2,495.11

Ms. Beaugrand stated included in your agenda package is pay request 332, which is relating to some of the change orders for Davis Pond because it has the awning and self storage and the audio visual stuff. This is in the amount of \$2,495.11. Someone needs to be tracking the progress on this. The total for this was like \$22,100. Is that being handled out of your office, Jim?

Mr. Oliver responded yes.

Ms. Timbol stated the advanced awning invoice is for the new aquatic office here.

Ms. Beaugrand asked that is for here?

Ms. Timbol responded yes.

Ms. Beaugrand asked but the other three relate to Davis Pond, right?

Ms. Timbol responded yes.

Ms. Beaugrand stated let's table 332 and let's split it out.

B. No. 333, Payable to Governmental Management Services, LLC, in the Amount of \$15,000.00

Ms. Beaugrand stated included in your agenda package is pay request 333 payable to GMS for \$15,000 for the assessment methodology report.

C. No. R-006, Payable to Hopping Green & Sams, in the Amount of \$202.00

Ms. Beaugrand stated pay request R-006 is payable to Hopping Green & Sams in the amount of \$202 for legal consult.

D. No. R-007, Payable to O.R. Dicky Smith & Company, Inc., in the Amount of \$90,016.00

Ms. Beaugrand stated included in your agenda package is pay request number R-007 to Dicky Smith. This is the draw request for December.

Mr. Lucas stated this is for the work that is ongoing. This relates to change order number 16 for the competition pool and deck. Change order number 17, which was for the family pool and deck. Change order number 18 was for the interior work over there. PCO number 72 is the parks and pavilion. PCO number 21 is all the things that are ongoing over there right now in regards to the renovation.

Ms. Beaugrand stated it shows an overall completion of 95%.

E. Application for Payment, The Angelo Group, in the Amount of \$22,457.00

Ms. Beaugrand stated included in your agenda package is the application for payment from The Angelo Group for the work at Davis Pond with a current payment of \$22,457.

Mr. Lucas stated this is for demolition, plumbing and air conditioning.

Ms. Beaugrand stated since we didn't have a pay request number on this it will be 008. We are going to table pay request number 332.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Pay Request Nos. 333, R-006, R-007 & R-008 were approved.

SEVENTH ORDER OF BUSINESS

Consideration of Change Order No. 22, in the Amount of (\$58,486)

This was discussed in Section V.

EIGHTH ORDER OF BUSINESS**Consideration of Grant of Waiver – 3A, LLC/Julington Creek Plantation CDD**

Mr. Haber stated as you may recall Tom Jenks with the law firm Pappas Metcalf Jenks & Miller represented the CDD as it relates to the District's acquisition of real property. I think for purposes of constructing this facility. Tom has been approached by 3A, LLC, who is the owner of a commercial parcel, which Tuffy is located on. Tuffy is the tenant and 3A, LLC is the owner or the landlord. He has been approached regarding the assessment that has been levied on that piece of property. They have been in touch with Jim about the assessment. Tom would like to look into the issue and potentially represent the owner 3A, LLC and potentially challenge the assessment. In order for him to do that he wanted to be cautious and have the District agree to waive any conflict that he may have as a result of his previous representation of the District and the land sale. This type of request is fairly routine in this situation. As long as we are comfortable that Tom's previous representation of the District by virtue of that representation he did not learn any facts or any confidential information that would result in him having an unfair advantage or knowledge that he shouldn't have as it relates to this protest. I'm generally comfortable with the waiver being approved but it is up to the board to approve the waiver.

Ms. Minnis stated I know I had requested the assessment methodology and it is public record. Haven't we given it to other people?

Mr. Oliver responded yes, we have as a matter of fact to this owner several times and attorneys over the last three years.

Ms. Minnis asked so we have given it to other people as well that have requested it?

Mr. Oliver responded yes.

Ms. Minnis asked so Tom doesn't have anything by virtue of representing us that no other person would have?

Mr. Haber responded I think all of Tom's representation of the District with respect to that land purchase would be public record; the purchase and sale contract, etc. Frankly, I think the information he will need for this issue is all public record, as well. If I had to guess he would need the methodology, the minutes of the public hearing where the assessments were levied. Tom has a relationship with the District. He deals with my firm on a fairly regular basis. At least we would know we are dealing with a familiar person to the extent you approve the waiver and they move forward with investigating and seeing if they want to challenge the assessment.

Ms. Minnis stated I personally don't have an issue because I know that Tom has come to these meetings and what he has said at these meetings is also public record.

Mr. Pincket stated I don't have an issue either. Didn't Tom also represent the District in connection with the acquisition of the administration building?

Ms. Beaugrand responded yes, he did on this property, parcel, 50 and the administration building.

Mr. Pincket stated I agree with Wes. I don't think his representation of the District is giving him any information or knowledge that would assist him unfairly and uniquely in terms of representation.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Approval of Waiver of Conflict of Interest & Authorization for District Counsel to Execute the Waiver on behalf of the District was approved.

NINTH ORDER OF BUSINESS

Discussion of Issues Relating to the Hiring of a Family Member by the General Manager

On MOTION by Ms. Beaugrand seconded by Ms. Minnis with all in favor to amend the Agenda to Add Agenda Item to Discuss Issues Relating to the Hiring of a Family Member by the General Manager was approved.

Mr. Haber stated I will give you background information and I have spoken with each of you independently, so you know some of this. The board has been made aware that Stacie Hernandez has hired her daughter to serve as the Risk Manager for the District. In light of receiving that information I did some research as it relates to issues with respect to that particular hire. As far as the law on the issue, the District is governed by Chapter 112, Part III, Florida Statutes, which is the Code of Ethics for public officers and employees. The members of the board are public officials and are governed by that section and that particular part. Within that part there is a section called "Restriction on Employment of Relatives." In that section it defines the term "agency." There are several items that fall within the definition of agency; such as a state and a city. There is one definition that I think the District arguably falls under and that is "any other political subdivision of the state except a district school board or community college

district.” I think the CDD falls within that definition of agency. To the extent it doesn’t, I think the section serves as a useful guideline of how to deal with the issue. The next item defined in the statute is a “public official.” A public official means an officer, including a member of the Legislature, the Governor and a member of the Cabinet, or an employee of an agency who is either vested the authority by law, rule or regulation, which I don’t think we have here, or to whom the authority has been delegated, to appoint, employ, promote or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency. Although I’m not aware of any particular motion or resolution whereby Stacie has been delegated the authority to appoint, employ etc., I think this board is aware of the fact that such actions are part of Stacie’s duties and I think it is implicit in what has transpired by the operation of the District. I think Stacie falls within the definition of public official within the statutory section. This section also provides that a public official may not appoint, employ, promote or advance or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercise jurisdiction or control any individual who is a relative of the public official. It is that statement that I think Stacie’s hiring of her daughter violates. There is that violation of that hiring and there is also a violation that the continued employment of Stacie’s daughter would be a violation in that, it says the public official may not appoint, employ. The way I interpret employ means continued employment, which as long as Stacie is acting as the person in the District who is overseeing her daughters employment with respect to whether she would be fired, whether she gets a raise or a bonus I think that is problematic and can be interpreted as a violation of this section. There are really two violations that we are looking at here; one, the hiring and the second one would be the continued employment. There is a section in Chapter 112 that also provides for penalties for violating Chapter 112 and the penalties differ based on what type of public officer you are. In particular, it says in case of an employee or a person designated as a public officer by this part would otherwise be deemed to be an employee. Then it gives a list of penalties that the board may choose to impose for the violation. These would be penalties against Stacie in her capacity as a public official and not against her daughter. These penalties are entirely at the board’s discretion. They range from the most severe being dismissal from employment, suspension from employment for not more than 90 days without pay, demotion, reduction in salary level, forfeiture of no more than 1/3 salary per month for no longer

than 12 months, a civil penalty not to exceed \$10,000 and restitution of any pecuniary benefits received because of a violation committed or public censure and reprimand. Those penalties I think are what the board needs to take into consideration as it relates to the violation of the hiring. As far as the ongoing violation of continued employment I think there are a few ways the board can deal with that. Obviously if there was a resignation, or if the District terminated Stacie's daughter, that would fix that ongoing violation. I think also if the oversight of Christiana was changed that would also cure the violation. In other words, if Stacie no longer had the authority to make the decisions as it relates to Christiana's hiring, firing, promotion, bonus, etc. If that responsibility was shifted to someone else then I think that cures the ongoing violation. Bill Curtis, who is an attorney, is here and he represents Stacie. Bill and I just spoke yesterday regarding these issues. I'll note that Bill has made representations to me that if the board is able to address and discuss this issue and ultimately resolve it such that it results in a public reprimand, then Bill would be willing to waive any demand for a public hearing. In the conversations I had with Bill he specifically requested that the District provide Stacie the opportunity to be heard, an opportunity for a public hearing, an opportunity to be represented by counsel. Bill was not comfortable with the short notice the Board has today to make the decision. Subsequent to having those conversations, Bill said that to the extent that the board would ultimately conclude that the result would be a public reprimand, and he actually gave me a list of other things, which I don't recall off the top of my head, but I think Stacie writing an apology letter and taking a class on ethics, etc., that he would be willing to waive the demand for a public hearing and I assume waive any claim Stacie may have against the District as it relates to acting inappropriately on this issue. Alternatively, if the board can't end in that result today then I think the request is for a public hearing sometime in the future, which I think is a reasonable request. To the extent we held a public hearing, I think my recommendation would be that the public hearing resemble the public hearing that this board affords someone who is having a bid protest. The way that typically works, and this is set forth in the District's adopted rules, is the District would schedule a hearing. I think this hearing process is appropriate because it is already part of the District's adopted rules and therefore is already something that we set forth as a way to deal with someone who feels like they have been wronged by the District. What the adopted rules provide is that the board would schedule a hearing and that the Chair would designate a hearing officer and a hearing officer would preside over that hearing. A

hearing officer would have the ability to do a number of things. They almost serve as a judge during a trial but it is less formal. Once a hearing is held, the hearing officer has thirty days to file a proposed order on the findings. There would then be 15 days for the parties to submit written exceptions to the proposed order and then within 60 days of receiving the proposed order the District would issue a final order on the issue to determine how it is going to deal with the situation. That is the matter in which the public hearing would be held. That is how it would be held if you had a bid protest. I think that affords Stacie the opportunity to be represented as Mr. Curtis requested and I'm comfortable with that process. I'm happy to answer any questions. It is a decision for the board to make at this point.

Ms. Beaugrand stated I am not adverse to what Mr. Curtis suggested as far as the hiring violation is concerned. I don't think this was something that Stacie did for any wrong reason based on my conversations. There were a number of different resumes that she reviewed. The mistake she made was not conferring with at least me or Jim or someone but having someone outside of the just the employment center here to make sure that full disclosure was there. She and I talked about that and I think we are both in agreement with that. From my perspective, I don't have a problem with going to the lighter end of that spectrum, which is you did the wrong thing. I don't think she is real happy with the fact that this even came up as an issue. She is sorry that it happened. As far as the continued employment there is a way for us to change that hierarchy. I think it was always contemplated that Christiana would be reporting to Jerry and that is the proper place within the management structure for her to report to but we need to make sure that Stacie doesn't have any say so over her hiring, firing, raises, etc. That goes along with anyone else because we have a number of relatives who work here and many of whom have worked here for a long time. We have had relatives who have worked here that have been terminated too. I think in any case if there is an employee who works in the same area as another family member that family member should not have hiring, firing and wage control over that employee. In the case that it is not the general manager, then the general manager should supersede and not the manager themselves. In the case presuming Christiana stays on with employment the same goes on there. Jerry has the day to day management. Maybe the next step is to have Jerry discuss the hiring, firing and wage issues with someone the board appoints to do that but that would take Stacie completely out of that hierarchy structure. That is one suggestion and there are probably other ways to do that and I'm open to other ideas.

Ms. Minnis stated in thinking about this one of the things that I went back and thought about was we discussed the employee handbook and we all looked at it but what I don't think we all have is a final version, so I think as a board we need that. I think we need an organizational chart and as it changes we are updated with the organizational chart. I think as a policy we should put in place a disclosure form. This is a small community. This could happen anywhere where you are working at the same place with someone you are related to. I think we should put in a policy that people disclose if they have any relative working here. Then any member has access to that to know not to put them under or can say up front you are telling me you are related. You are not qualified for this position. I would also like to understand our hiring policy and how do we advertise jobs and how long are they open. Are there any laws for us to notice these positions?

Mr. Haber responded I don't believe there are. I think the District can set its own standards in the matter in which it hires employees. I think the board has the authority to set those standards. The board has never sat down and set those policies, so I think it is certainly something we can do.

Ms. Minnis asked would it fall within the rules of procedure or would it fall within the employee handbook?

Mr. Haber responded I think it would be more of a policy, employee handbook related issue as opposed to the rules of procedure.

Ms. Minnis stated I think as a board we need to go back and review that and go back to the one that we last looked at and see if there are any other holes.

Ms. Timbol stated we have Paychex do our payroll and they also provide HR services for us. We asked them their hiring practice procedures, as far as the forms that we use, the application, the background checks, all of the legal forms, the W4, the I9. We do affidavit of goodwill character, which needs to be notarized. We do drug tests. We do background checks. All of those things need to be completed on every person before they are hired.

Ms. Minnis stated I just think we need to see that as a board to know along with the employee handbook. I think we need to see what all the positions are and who is in those positions.

Ms. Beaugrand stated maybe a flow chart scenario. As far as advertising of jobs, I know we often times have it on our website but do we advertise in any kind of local publications for job openings?

Ms. Hernandez responded when we changed from the YMCA to the CDD we took everybody with us, so we had a good staff already together. When we were getting ready to open a new facility we had hundreds of resumes, so we really didn't have to go out to look for people. Craigslist has also been used. We are most successful with word of mouth.

Mr. Pincket stated I'm a little concerned because Del is not here to discuss this issue that we are kind of short. I understand that we can address the issue just because he's not here but I'm just concerned because he can't weigh in on the issue. I agree with what you said Susan that we do have some relatives here. I'm familiar with Stacie's daughter and that is the only one I'm familiar with. They should not be in a report to capacity and that should be no matter what. The difference we have here is that Stacie is defined here as a public official, so these laws apply to her uniquely. They wouldn't apply to Shelly the way I understand the definition on a public official, so there is a big distinction between them. We should not have relatives reporting in anyway in a vertical structure to each other but there is a big difference between a public official and a non-public official. As to the second violation I think you need to focus on that. The way I read it is we cannot even have Stacie's daughter working in the CDD, whether she reports to Stacie or not. It says a public official cannot employ in the agency in which the official is serving or over which the official exercises jurisdiction for control. I think its does the public official exercise jurisdiction or control of the agency and if so, then that person cannot have a relative working in that agency at all. At this point and time I don't think we can continue to employ Stacie's daughter. It was also brought to my attention a few minutes before the meeting and I think it was a conversation that Stacie's lawyer had with Wes that because my daughter applied for a job as a lifeguard and she was rejected for that job and because I placed a phone call to Stacie or Shelly asking what the criteria was for hiring a lifeguard, so that somehow was an allegation that I violated this law. I want that to be on the record. I don't know how to deal with that. I don't want to recuse myself from the vote because of that and I certainly don't want to be intimidated by Stacie's counsel or Stacie into how I deal with this issue.

Mr. Haber stated I think it is to some extent a call for you. You are ultimately on the board and you are going to have to make a decision as it relates to this process. If you feel that

what you just spoke about would impact you and make it so you can't act impartially and objectively and make a decision based on the facts then you can declare a conflict and recuse yourself. If you feel you can act objectively and make a decision independently then I don't think you need recuse yourself.

Ms. Minnis asked did you say your daughter applied?

Mr. Pincket responded my daughter applied for the job and did not get it and I made a phone call asking what the criteria was for hiring a guard then afterwards I know I spoke to the head of the lifeguards and asked her what the specifics were in terms of why.

Ms. Minnis stated the reason I was asking is my son too passed the lifeguarding class and applied for a job here and he was turned down. He was recommended by one of the staff members to the Plantation Club at Ponte Vedra and he was hired there. I just frankly told him that I guess it's because I'm on the board. I told my other kids to not bother applying there because I don't think they want board members kids having to deal with that. I just didn't follow up by calling.

Mr. Kyle Nelson stated I'm the one that talked to you Brian. We had hundreds of applications and we sat them down and interviewed everybody. Sometimes we called them back to be interviewed twice. We did number those applications from one and so on. What happened is we hire these kids and then once these kids got let go or fired we would call the next group in. The ones that did not get hired we did tell them where they could go, so whoever wasn't hired for their being so many applications we did give them an alternative.

Mr. Pincket stated Wes, I'm going to somewhat change your criteria for whether I recuse myself or not. You said if I feel I can't be impartial. I think I can be impartial. There is another reason why I'm going to recuse myself in the vote and that is I don't want to give Stacie's counsel or Stacie any argument whatsoever to challenge any decision by the board.

Mr. Bill Curtis stated I am the attorney for Stacie Hernandez. I would like to weigh in on the legal aspect. I believe there are other public officials involved here that could be construed to be public officials in the statute. Right here it says these people just have to be delegated the authority to recommend individuals for appointment, employment, promotion or advancement in connection with their employment and the agency and I'm sure those recommendations would come from Kyle, Shelly, or other people who have the job of supervision here. I believe they too could be deemed to be public officials. Likewise, Brian you probably know that you are also a

public official as a member of the CDD board. I was just bringing up to Wes that there may be a can of worms here that we are opening up and in talking with Stacie about the subject there are a number of family members who work here and there have been a number of family members who have applied with family members weighing in on the subject of whether they should be hired in or not and what the qualifications would be. Now whether or not you want to recuse yourself that is between you guys and ultimately, Wes is your counsel for advice.

Mr. Haber stated I don't necessarily disagree with that interpretation that to the extent that someone else other than Stacie has that authority if they are making recommendations and if they have those hiring powers then I think the statute could be interpreted to impact those individuals.

Mr. Pincket stated that maybe true but that doesn't address the second component.

Ms. Beaugrand asked the second component being?

Mr. Pincket responded assuming we have multiple public officials then. Then there could be no relative of those public officials working with the CDD.

Mr. Haber stated I don't know if I interpret that way.

Mr. Pincket stated I understand.

Mr. Haber stated I would be comfortable as it relates to the particular situation with what I advised the board of when I initially spoke as far as changing the hierarchy. I think it shows the District is taking an affirmative step to address the issue and that counsel would be researching in light of your question on my interpretation. I would like the opportunity to take a look at it more closely and then, if I think I'm wrong, I think the 30 days of that change in hierarchy is okay.

Mr. Pincket stated I would like for you to do that. Obviously, the board wants to make sure we are not violating the law and I'm not going to put you on the spot with that interpretation, so you can use the resources that you have with your firm. I think from a practical standpoint I'm not sure this change in hierarchy works. Stacie is still at the top of the totem pole. Stacie is the one that hires and fires, so anyone that her daughter reports to ultimately will report to Stacie. The reason question is how can other employees interact with Stacie's daughter? How can Stacie's daughter be properly managed by somebody who ultimately reports to Stacie whose job is on the line? It raises all kind of questions.

Mr. Haber responded I think if there is a fine line between a supervisory role of Stacie's daughter and the person that is making the hiring and firing employment, promotion decisions. What my advice was and what I wanted to recommend if it didn't come across was that person would.... I agree I don't think it makes sense to put that person to be someone who is below Stacie. I think it should be someone on the board and someone that is not below Stacie. I would like to reserve the right to review it but from my perspective at least for the time being I think that shows an affirmative move and the right step to deal with the issue, such that the employment of Stacie's daughter is completely out of Stacie's hands. No matter what anyone who works under Stacie has to say with respect to that employment it wouldn't matter because the sole decision maker as it relates to any of those issues would be someone above Stacie or the board. That was my proposed recommendation and I think that would work for an interim timeframe to allow me to research in more detail the issues you raised.

Ms. Minnis asked so the interim is the interim from now until the next month?

Mr. Haber responded yes until the next meeting.

Ms. Minnis asked so it would be change the supervisory position to someone else? Does that meet what we have to do?

Mr. Haber responded that is Brian's question. Coming in I thought it did. I can see Brian's reading of it and would like to take another look at it. I think it shows that you are acting in good faith to take affirmative steps to address the issue and I think if you put it off for a month with that situation with the idea that we will address that issue as to whether it is an absolute yes or no. I am comfortable with that.

Ms. Beaugrand stated I think at the same time we have to take the same steps with the other family members.

Mr. Haber stated I agree.

Ms. Beaugrand stated I understand Brian's interpretation. We are talking about a lot of good employees that have been with us for a long time. We have 27 related employees. I think to take a step backwards for a second we are talking about a fully functional organization too. We have been successful on a pretty rough start up year with the big facility. I think that we need to take similar steps with the family members who are reporting to other family members and make sure they report to a different manager directly to Stacie or whoever the General Manager is to be generic, rather than reporting to their family member and at least during this

interim time period until we get back for our January meeting with a more in depth interpretation. We need to take that second step to gel that good faith.

Ms. Minnis stated I agree with you because on the second hand we did not have this. We have reviewed this book in meetings and we have gone over it and we gave recommendations. When we were notified of this issue we did not have this book in our hands. We only had previous drafts. I think that we need time to make sure. I think we are taking a step towards rectifying the problem but in the next month we need to look at this and we need organizational charts to understand the whole structure to prevent this going forward.

Mr. Pincket stated I'm fine with the suggestion for the next 30 days. Obviously, it will depend what Wes advises the board with at that point and time but we have to realize that depending on what his advice it we might have a big issue to deal with.

Ms. Beaugrand stated but I think rather than cause a major upheaval overnight that we should take the measured steps of doing the proper research to make sure we are doing the right thing and in good faith we are taking interim steps to take care of direct management issues.

Mr. Haber stated I think that discussion addresses one of the two violations.

Ms. Beaugrand stated I think we have kind of addressed the continued employment issue with Stacie as Christiana's manager. The other one being the hiring violation and from my perspective I'm comfortable. We basically already publicly reprimanded Stacie in a public meeting. Accepting her apology or a letter or whatever the rest of the board wants I am comfortable with that. It is up to the rest of the board to determine what they are comfortable with.

Ms. Minnis stated I'm comfortable with the fact that these are public records and these minutes are open that we had this discussion and this is a public reprimand. The minutes are well documented on he said, she said, this is me and giving our names, so I'm fine with it being this meeting, as well.

Mr. Haber stated there are two things you officially need to decide; one, would be the penalty for the violation being the hiring and the next issue would be a motion to change the hierarchy such that all decisions related to Stacie's daughters employment, such as a promotion, firing, etc. would be made by Susan or someone else designated to do that for the period between this meeting and the next meeting for the board to then weigh my further advice as it relates to

the interpretation of the section to that situation, as well as a number of other employment situations the District is facing as far as nepotism.

Mr. Haber stated with Stacie's counsel here and, to the extent he is still comfortable doing it, I know he made a demand or a request for a public hearing but with respect to that I would want a representation that Stacie is going to waive any issues with respect to the demand of the public hearing and that she will waive any issues that the District acted in a way that was in violation of Stacie's rights or contrary to Florida Law. If we can't get that waiver then I want to afford you that opportunity to have that public hearing.

At this time Mr. Curtis and Ms. Hernandez stepped outside the meeting room to confer.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

There being none, the next item followed.

C. Manager

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Minnis stated I was hoping to ask Mike Lucas when he was here. We were talking about the fountain in front of the current recreation center and then they were talking how the glass block is corroded, etc. and we talked about a garden or another fountain and they recommended they could put in a different type of fountain and I said there was one over by Publix. I was going through the expense reports and I saw an expense and it's not in this one, so it could have been last month. It was approximately \$2,000 by Rick Arsenault to clean that fountain on a quarterly basis.

Mr. Hill stated they do go in and drain the fountain. They pressure wash the inside. They scoop up all the junk that gets in there. Yes, they do that.

Ms. Beaugrand asked is it on a quarterly basis though?

Mr. Hill responded that I couldn't tell you.

Ms. Timbol stated I think it is once a year.

Ms. Minnis stated I thought the requisition said quarterly but now I'm just bringing it back up to the cost of the fountain again. I know we have landscaping costs and you don't want to replace it with something you are putting perennials and annuals in.

Ms. McVeagh stated I can call Rick Arsenault and ask him how often he is coming out to do that.

Ms. Beaugrand stated we decided we didn't need to make that decision immediately on the fountain.

Ms. Minnis asked is there a way to make it cleaner if we change this? Can they make it like they clean a pool?

Ms. Beaugrand asked does that fountain have chlorine in it?

Mr. Hill responded yes.

Ms. Minnis asked so it just doesn't have a filter system in it?

Mr. Hill responded it has a filter and uses chlorine.

Ms. Minnis stated if you could follow up with the annual costs, so when we come back to a fountain or the plants we have an idea. If the costs were only once a year then that may be cheaper than planting and maintaining of landscaping.

ELEVENTH ORDER OF BUSINESS

Audience Comments

Ms. Nina Kanna stated I have two comments. The first one relates to the hiring issue you were talking about a little bit ago. Listening to the whole process it sounds like in terms of who you hire and how you advertise it, it sounds like it is word of mouth and you have 27 family members employed. This is a government agency. If this was the Federal Government you would have to advertise a certain way and there is a minimum time period that advertisement needs to be out. I would think that it would be incumbent from the board to ensure that we have a solid process. It doesn't have to be for every job is 30 days but at least an advertisement and not just word of mouth. That would help these types of situations and in this process to help not have the appearance of given propriety. How would I know unless I'm here all the time? I think at least put announcements in the Plantation Press or the St. Johns Sun.

Ms. Beaugrand stated we can post them on the website. We will discuss how we will modify the policy.

Ms. Nina Kanna stated my second comment has to do with an event that the Plantation Club has just had this past month. Brad and Stacey did a phenomenal job as our food and beverage manager's. My family had a barbeque here and we had 133 people attend. We didn't know going into the event whether we would be at 200 or 100 or less. Many months ago when I spoke to Stacie Hernandez I said my sons bar mitzvah is next year and I'd love to have it here but do we have the capabilities? What if it rains? What if we have 200 people where are going to put everybody and she didn't say do it or don't do it? So we decided to go for it and give the facility a chance. In the back of my mind I kept hearing Sue Beaugrand's words. I heard probably eight or nine years ago she said we want a top quality facility that provides value to our residents and it did. We had an incredible party. When we went into it I didn't know what I wanted. I thought I was renting a room but I wasn't really sure. Stacey and Brad were defining their rules and how they were going to make it happen. We all knew this was going to be the first time for a private event like that and we all knew there were going to be pitfalls but Stacey and Brad handled it with professionalism. They made sure we had a top quality event. They knew the importance and significance of the event. They found us a caterer that did a phenomenal job. Entertainment that was coordinated perfectly. We had music piped into this room. We were concerned about lighting. Three days before the event Brad called me and said I've been watching the weather reports and I said I'm not watching them because we were planning on having something outside and 133 people are not going to fit in here. He said we have it all under control and we have a plan if you come in later in the day I'll show you the plan. I said I don't want to know the plan. I know you guys have a plan. I didn't want to send a letter that maybe you wouldn't read or see. I wanted to make sure you know what a great job you've done and what a great job Stacie has done in hiring the right people to do the job and to provide value and quality to this community. You've done it and you've done it well. I commend you for it.

Ms. Beaugrand stated we could use a letter for resume purposes for future events.

Ms. Nina Kanna stated I haven't gotten to the letter part yet.

Ms. Diane Battle stated I've been working on the website committee for the property owners association and as of yesterday we have a new website. I wanted to make you aware of

the new website and I also wanted to ask that you consider giving us a link. I know you have at least one link on the CDD website now that leads to the POA. My reason for coming here is because one of the things that drives search priorities is the number of links that other websites make to you and the more links you have from other websites and the more links they provide to you is sort of like a recommendation. The more that you have the more your website shows up higher in predominance. I have been a resident here for two years and prior to this the first experiment in putting up a website for a property owners association ran terribly awry because a realtor volunteered to get a domain name for the organization and to help with the website and once she secured it instead of turning it over to the board of directors and getting reimbursed she kept it for herself and continued to use it for purposes of promoting her business. There are a couple of these websites out there when you go to it, it has graphics like you would see at CDD building. It looks very much like an official website and you start clicking on the links and then you realize this is a realtor or someone who is trying to get advertising money for people. There is no law against it. One thing we would like to be above the realtors who are basically just using the name of the Plantation in order to drive up their business, so that is why I'm here. I would like to get permission to discuss with your website developer where it would be possible to include some links to our website. We serve basically the same people. There is often a lot of confusion what is the CDD and what is the POA and getting some of these links between the two websites would certainly help that.

Ms. Beaugrand stated from my perspective I don't have an issue with links between the two websites because it is mutually beneficial. Do any of the other supervisors have a problem with that?

Ms. Minnis responded no. This is coming with permission from the POA as opposed to the ones that are out there. I have gone out and tried to get to the POA.

Ms. Dianne Battle stated this is just the first phase. It should be a service to the community. We hope that at some point it will be useful and friendly enough.

Ms. Beaugrand stated Shelley would be the appropriate person to talk to about it.

NINTH ORDER OF BUSINESS

Discussion of Issues Relating to the Hiring of a Family Member by the General Manager

Mr. Haber stated I received Stacie's and her attorney's thoughts as far as the waiver and I'll read them into the record. I'm going to add one thing that I discussed that the first sentence

says, "We are okay with waiving the public hearing and the public reprimand is the only penalty affecting Stacie personally from both violations mentioned tonight, i.e. the hiring violation and the ongoing employment violation." One thing I think needs added to that sentence is they are comfortable with being okay to waive the public hearing and any claims that Stacie may have against the District as it relates to the actions taken tonight and the penalty imposed as a result of the violations we discussed. Then it says, "We want the release to be mutual, so that the board does not pursue Stacie again relating to the hiring and employment of her daughter unless she violates whatever hierarchy or conditions are put in place for Christiana's continued employment in the future. If that is acceptable then we will accept on this condition.

Mr. Pincket stated we can't waive our rights to deal with a continued employment if we determine that is a violation.

Mr. Haber stated I guess the question is the continued employment to the extent that is a violation by Stacie this reprimand would deal with that. To the extent, we need to take further action with respect to Christiana's employment then that is something the Board still has the right to do.

Mr. Pincket asked if the board comes to the conclusion that it is a violation and that Christiana has to be terminated then are you waiving your claims?

Mr. Bill Curtis responded I just represent Stacie.

Mr. Haber stated so we would still be potentially subject with any claims that Christiana may have.

Ms. Beaugrand stated so we are back to two motions at this point; one is relevant to the hiring violation. I was going to make a motion that the board through this public meeting has publicly reprimanded Stacie Hernandez for being in violation of Chapter 112, Florida Statutes.

Mr. Pincket asked has there been admission on the record that she has violated that section?

Mr. Haber stated regardless of whether it is a violation or not there could be a reprimand because you disagree with the fact that it was appropriate for her to do that hiring, so the motion does not need to include that.

Mr. Pincket asked I thought you had told me earlier that there was admission by counsel or Stacie that she had violated it?

Mr. Haber responded no. There was an admission that she hired her daughter. We spoke with Stacie and she said yes she hired her daughter and that was the admission. It would be a motion to approve a penalty for Stacie Hernandez's hiring of her daughter of a public reprimand, which reprimand was imposed during the public hearing section of this evening's meeting.

On MOTION by Ms. Beaugrand seconded by Ms. Minnis with a favor a Penalty for Stacie Hernandez's hiring of her Daughter of a Public Reprimand, which Reprimand was Imposed during the Public Hearing Section of this Evenings Meeting was approved with Brian Pincket abstaining from vote.

Ms. Minnis asked does he have to fill out a form?

Mr. Haber responded he does and I'll speak to him about that. If you don't think you have a conflict you can't just abstain but because he identified this earlier I'm comfortable from his abstaining.

Ms. Beaugrand stated we need a second motion.

Mr. Haber stated I think we are going to take specific action as it relates to Christiana to switch the supervisory role and as far as the employment of all the family members I don't think our motion needs to address that today but ultimately we have to do something about that.

Mr. Pincket stated that would be too disruptive over the next 30 days.

Mr. Haber stated I think because it's clear that we have that relationship between Stacie and Christiana we need to deal with that, so that motion from my perspective would just be a motion to relieve Stacie of any role relating to the employment, supervision, hiring, firing decisions as it relates to Christiana and appoint whoever the board wants to appoint to hold that roll until the next meeting at which time I will provide you with my interpretation to Chapter 112 as it relates to the ongoing employment of Christiana.

Ms. Minnis stated this is where we have an issue where we don't know the structure and I have tried to figure that out based on job descriptions and that is where we need a better template that is consistent and has the same things.

Ms. Beaugrand stated but initially we are talking about taking that hierarchy structure above Stacie, so it's got to be someone on the board during the next 30 days. She can be managed by one of the manager's as far as tasks that need to be assigned on a daily basis, which still needs to be done but any hiring, firing, salary issues, etc. would be managed by someone on the board. For the record Christiana's last name is Rosario.

Ms. Minnis asked so temporarily the job description would be to report job duties to Jerry?

Ms. Beaugrand responded no. I think the risk manager position reports to Jerry.

Ms. Hernandez stated at the time the job descriptions were reworked Christiana was still under my supervision for training because we do not have office space here she had to go to the recreation office, so Jerry wouldn't be able to train her, so I trained her. It was initially said that she would report to Jerry.

Ms. Minnis asked so when this was passed out?

Ms. Hernandez responded she was still at the recreation office in training as I trained Jerry. She is back over here because we had storage space Jerry can work out there. Right now it is working out well to reporting back to Jerry but when those were written she was at the recreation office.

Ms. Minnis stated so before next meeting we need updates from this on everything. We need an organization chart and these updates because I went by information that I had at hand to look at this and on this I don't have that piece of information.

Ms. Beaugrand asked when you say "this" are you talking job descriptions?

Ms. Minnis responded yes.

Ms. Hernandez stated we are constantly revising everyone's job descriptions. I bet everyone has been rewritten at least five times since we started. People are moving around and we are trying to get better organized and put people in the right spot. I have not updated that, so I would be happy to update all those for you. Plus, I will provide you with an organization chart.

Ms. Beaugrand asked so that will be available for the January meeting?

Ms. Hernandez responded I can get it to you sooner.

Mr. Haber stated so for purposes of this motion I guess it would be a motion to amend the job descriptions, such that it indicates that Christiana would report to Jerry and for any hiring, firing, promotion related decisions she would report to whoever you guys decide you want her to report to.

Ms. Beaugrand stated I'm fine doing it if you are all comfortable with me doing it.

Ms. Minnis stated I cannot do it because I am going to be out of town.

On MOTION by Ms. Minnis seconded by Ms. Spears to Amend Job Description for Christiana Rosario so she would report to Jerry Hill as her direct supervisor & she report to Susan Beaugrand for hiring, firing, promotion related decisions was approved with Brian Pincket abstaining from vote.

A. Recreation Facility Manager

Ms. Hernandez stated during my vacation Shelly informed me of an issue that Shelly, Jerry and Ms. Young were investigating. We have implemented new protocol for opening and closing. Due to the nature of this type of change I don't think it is wise to go into detail about the procedures. Amy has contacted Susan Beaugrand. In addition to the new procedures we have a new security presence, added additional cameras and changed angles and lighting. As you are aware crimes have happened at JCP. The aquatic complex has been hit regardless of the alarms four times over the last eight years. It is unfortunate. We take good secure measures and we are able to eliminate the majority of them. The second attempt was just that, an attempt. They broke the glass and as soon as they were in they were out. Security was on site. They heard the noise and fortunately it scared them away.

Mr. Pincket asked how much money was taken?

Ms. Hernandez responded \$1,200.

Mr. Pincket asked cash?

Ms. Hernandez responded yes.

Mr. Pincket asked how long ago was it taken?

Ms. Hernandez responded it was in October.

Ms. Beaugrand stated the Sheriff's Department is handling the investigation. I don't know the status. The Sheriff's Department tried to get finger prints but I don't know if they got anything.

TWELFTH ORDER OF BUSINESS

Financial Reports

- A. Balance Sheet as of October 31, 2009 and Statement of Revenues & Expenditures for the Period Ending October 31, 2009**
- B. Treasury Report – October 31, 2009**
- C. Check Register Summaries**
 - 1. General Fund**

Ms. Beaugrand stated included in your agenda package is the check run summary for the general fund consisting of check numbers 1739 through 1746.

On MOTION by Ms. Minnis seconded by Ms. Spears with all in favor General Fund Check Nos. 1739 through 1746 were approved.

2. Recreation Fund

Ms. Beaugrand stated included in your agenda package is the check run summary for the recreation fund.

Ms. Minnis stated I got very confused when I read this and I saw duplicate charges because I missed the comment that checks had been voided. I had contacted Jim Oliver. I do have a question about a \$310 cell phone charge.

Ms. Hernandez stated that is when I was on vacation and out of the country. This is when staff and Susan were contacting me regarding the robbery.

Ms. Minnis stated if I look at this month's bill we had \$800 a month in cell phone bills and this is where I have a question on reimbursement because in the September minutes I asked what is the cell phone reimbursement policy and it stated \$30. I said I don't have an issue with that. They are using their personal cell phones then this charge came up and there are other charges that aren't \$30 and are above \$30.

Ms. Hernandez stated the charges are less. I went and spoke to all of the managers and asked them questions about their usage and we made the determination that it was on the lower end. As far as the \$300 that was unexpected. I could have put that in contingency but I left it in cell phone, so the budget process next year I can see if I need to put more in the cell phone item.

Ms. Minnis asked what if you are not available? Who is the second in command?

Ms. Hernandez responded Shelly Timbol.

Ms. Beaugrand stated we also have an emergency protocol list too with us on that list.

Ms. Hernandez stated if you prefer I can put your name down on there. I think I needed to know what was going on and I think I needed to relay and tell information to staff and give them direction. That is the first time that has ever happened.

Ms. Minnis stated this just goes back to the mowing four miles down the road. We say in one minute at a public meeting we are not going to do that and if someone comes back and says why did you do this I just want to get on the record why it goes against what I just talked about

two months ago. I looked at last month and it was very consistent. It is a small charge but what I'm looking at is to make sure it doesn't get out of hand and how many people are reimbursed. Who is eligible for reimbursement and who is not?

Ms. Beaugrand responded all the managers. Personally, I hate the fact that there is a \$310 charge but I agree with Stacie that she needed to know what was going on. She called me and I called her back and I'm sure she had a multitude of conversations with staff here, so I think that is a legitimate expense. You are right in that it was good to get it on public record but I don't have an issue with the cost.

Ms. Minnis stated we have two charges for \$500 for website updates. How often does she charge us?

Ms. Timbol responded she charges us once a month.

Ms. Minnis asked so we average \$500 a month for the website?

Ms. Timbol responded correct. She makes changes and updates daily.

Ms. Minnis asked who do we reimburse on mileage, everyone?

Ms. Hernandez responded yes.

On MOTION by Ms. Minnis seconded by Ms. Spears with all in favor the Recreation Fund Check Nos. 4921 & 4954 through 5111 were approved.

THIRTEENTH ORDER OF BUSINESS

**Next Scheduled Meeting – January 12, 2010
at 6:00 p.m. @ Julington Creek Plantation
Club Parkway, St. Johns, Florida**

Ms. Beaugrand stated our next scheduled meeting is on January 12, 2010 at 6:00 p.m. at this same location.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Minnis seconded by Ms. Spears with all in favor the meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairperson