

# Bayshore Gardens Board of Trustees Workshop Minutes

June 5, 2019

Item 1. Roll Call (do not need a quorum) Sharon Denson, Chairman, opened the meeting at 7:00 pm a roll call was performed and pledge to the flag was given. Trustees in attendance were Belle Baxter, Jim Frost, Steve Watkins, Sharon Denson, Dan Rawlinson, and Terry Zimmerly. Barbara Susdorf arrive shortly after the pledge. Others attending were Gwen Norris, scribe, Allan Riga, Barbara Greenberg, Don Gassie, Suzanna Young, and Susan Donaldson.

Item 2 Florida League of Cities discussion coverage of facilities (Insurance Presentation). Sharon introduced and welcomed John Ligon of Florida League of Cities, our insurance representative. John gave a presentation of our current insurance policy. He said he wanted to go over a few items he felt we need to know about. He stated that Bayshore has purchased four lines of insurance coverage: General Liability, Auto Liability, Property Insurance, and Workman's Compensation. John had provided packet to the Trustees that he referred to. He said the first part is the 'the Declaration'.

General Liability Insurance. John referred to the Packet on General Liability and stated it has a \$0.00 deductible and is on two sections, which includes a \$500,000 general liability that covers trips and falls; and a policy for Public Officer that covers the board and the decision that you make.

John said the Florida League of Cities was established in 1977 has policies for 280 of the 411 cities and another 600 special districts. He noted our policy has a limit of \$500,000 and advised the Board of the Florida Statute on Sovereign Immunity which affects all cities, taxing districts, counties, school boards, which basically states that you cannot be held liable for any claim in excess of \$200,000 per person or \$300,000 per occurrence. He said some may ask why we would purchase \$500,000. He said he did a survey a few years ago and 70% of the cities purchased a policy for \$1,000,000 but they have a lot of different exposures than this district has and there more operations within the city that they perform. He said what we need to know is that claims that go to federal court are not protected by the State Statute cap. He said some claims that are not affected by the cap are wrongful termination, sexual harassment, and any claim that goes to federal court. He said this is a brief overview of General Liability. He feels the \$500,000 policy is sufficient for Bayshore. He said if you want to consider changing it to a \$1,000,000 policy there would be about a \$2,000 increase in the premium.

Barbara Susdorf asked for clarification that doubling the coverage to \$1,000,000 would cost about \$2,000. John said that is correct, and to go from \$1,000,000 to \$5,000,000 the premium increase is less because even though you have additional coverage, they look at where the claims fall into.

John said the largest claim in ten years was \$3,500,000 which includes attorney fees. He said most insurance policies the attorney fees are part of your limit and the older policies like Bayshore does not include the attorney fees in the limit. He said if we spend \$100,000 in a claim in attorney fees it would not be counted towards the \$500,000 limit. He said they also have an aggregate coverage that means an aggregate limit is the most the policy will pay in any given year. He said if you have 10 \$500,000 claims you would have \$5,000,000 paid in claims.

Dan Rawlinson asked if we went to \$1,000,000 to \$5,000,000 would it be much of an increase in premium and asked what do we pay now (for General Liability). John said we pay a premium of \$8,452 for General Liability for \$500,000 coverage. John said the only way the cap can be raised is by our local Senator sponsoring a bill in Tallahassee to pierce the cap. He said that Florida League tracks the bills

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which would affect every city and county in the State. He said there is not a huge market for insurance and we really only have like two options in Florida, and two self-insurance option. He said that the largest cities are self-insured. He said that only fifteen or sixteen claims are filed in the State Legislature per year and only three or four get payments. He said the judgements are not a 5-10 year judgement just a \$1,000,000 to \$2,000,000 and to \$3,000,000 so there is not a great risk. He said cities and districts like Bayshore cannot be held liable for punitive damage which is where a lot of time you get into bigger dollars.

Auto Insurance. John said we pay a premium of \$156 for a policy for hired, non-owned vehicles. Most Trustees tried to find this policy information in the packet.

General Liability continued. Steve Watkins asked if the General Liability limit of \$500,000 is sufficient. John confirmed this since the attorney fees are outside the limit. He said their largest claim of \$3,500,000 is a land use issue. He said land use issues are their largest claims, not accidental death i.e. by a law officer in a vehicle, which paid \$200,000. He said however. if you have a wrongful termination claim, which employment practice claims are their most frequent and common actuarially and can go to federal court for settlement, is the claim they have the most issues with but not our largest claim but the claim that they have most issue with. He said General Liability premiums are usually flat but for public goes up 3-4% because that is the line of coverage we have the most losses in.

Auto Insurance continued. Sharon went back to the \$156 premium. John said what that is for is called hired, non-owned, that includes employees that have an accident while on an errand for the district in their car. He gave an example of an employee having an accident when going to the bank to deposit money on an errand on behave of the district they may also sue you and the coverage will be like an excess insurance policy to cover amount above the employees insurance. He said it protects the district and that is why we need the policy even though we don't have any vehicles.

Workman's Compensation. John said the benefits are statutory. He said everything they do in the Florida League, 'we have to pay bills at a certain time and the benefits are statutorily set and it is the same for all of the carriers of the state'.

Property Insurance. John referred to a declaration page in the packet and said we have a \$1,000 deductible for named perils. He said named perils are from fire, lightening, theft, and etc. He said we have a wind/storm insurance that has a deductible of 5% for a coastal county and 3% for an inland county. He said we have a 5% deductible for a hurricane or tropical storm or named storm. Jim Frost asked if we pay 5% of the total damages repaired. John confirmed that it is the deductible. John said we have a 'great value blanket coverage' which has to do with the 'Asset Survey'. He said that we can't suffer any kind of penalty for having under insurance on this building. He gave an example that if we did not have 'blanket insurance', as an example if the building was insured for \$500,000 and it is worth \$1,000,000 as the replacement cost, they would divide what you 'should have had' by what you 'had' and if you had a \$10,000 loss then they would cover only half of the loss. He said we will not have that problems because we have a 'great value blanket coverage', but that also requires that every six or seven years having an appraisal performed which Florida League pays for. He said they call it an 'Asset Survey' because they actually look for other pieces or items that we might not have listed so that we are

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aware of it and we might want to insure if we wish to. John said to keep in mind that unlike auto insurance that property insurance is for replacement cost.

Asset Survey. John referred to the packet and asked us to quickly take a look at the asset survey. He said it is called the 'Scheduled Asset Endorsement Report' (two pages). He said these are the current assets that they have appraised. He said they have left everything pretty much the same with exception of the building we are in (the hall). He said the current reconstruction cost is \$1,325,000 and the current building limit is \$1,112,790 which is a difference of \$212,210. He said it is important to update and adopt the new value. He said if the building depreciates and it burns down you have to put it back to the exact square footage at today's code. He said that the district has adopted that and it was about an additional \$1,300 in premium. John said you will see in the appraisal backup where they are only charging \$125/square foot for replacement cost on the hall in the Report. He said it is on the low end and they stand by their numbers and did not think that that was unreasonable at all. He said in the Asset Survey report items are the items insured. He said the items behind the Survey are not insured.

John said the only other decision we have to make is insuring assets not currently insured. He asked everyone to look for the survey number at the top of the page. He said anything that says NEW at the location number is not listed for insured assets and he will research these. He referred to the Report that listed the following: chlorine building, docks (marina), 10 lights (marina), 4 lights (picnic area), Multi-Play structure with playground border, observation deck (over bay), 8 pavilions (picnic). He said he will not say they are uninsured because if you go back in our policy in the 'declaration page' in property coverage it states we have \$100,000 of 'property yield' (for things not itemized), a miscellaneous type coverage for anything that is not a building at the insured address. He gave an example if the chlorine building can be considered partly opened may it may be a feature, not be a building. He said that if a building has four sides, it might be considered a 'building' but is not listed in the assets. He will ask for a ruling on it. He said we have the \$100,000 of coverage to cover the lights, etc. He said if everything was wiped out we may exceed the limit slightly. John said he lived in Florida all of his life and we did not see hurricanes like Donna until 1960 and then there was not really anything until Andrew in 1992, then in 2004/2005 things kind of changed.

Jim Frost asked what if we had a storm that wiped out the docks and the fence, but we exceeded \$100,000, then what? John said every property policy piers, wharves, and docks are excluded from 'storm'. He said if we are insuring the docks we would be insuring for fire and lightening. He said wind coverage is excluded. Jim restated that we would be paying for the storm and wind damage on our docks ourselves and not through the insurance. John said that we would probably be able to file for some FEMA money on that because they are very familiar with their policies and they work very close with them, the disaster recovery people and they understand that it is not really an insurable asset. Jim stated that it is not part of the 5% deductible that is for the building. John stated that in a lot of cases we could get our deductible back from FEMA, whatever the declaration states. John said that we would have to have a letter from Florida League and if we have a storm and we need to file a claim on everything. He said even if it is under the wind/storm deductible we would have to get a letter from Florida League to go to FEMA. John said we could insure the docks once replaced but it does cost a whole lot more than any other asset. Jim Frost asked about the pool deck. John said he thinks the pool is

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on the schedules and covered. He said he is not sure the wind would damage it and the biggest threat to the pool would be a sinkhole and the reason he says this is - they have a lot of cities that don't insure their waste water treatment plants, their big tanks, because they don't think anything would happen. He said the City of Winter Haven lost a big tank and it cost them \$1.5 Million to prop it back up and fix it. He said it can happen. Jim Frost said he was thinking of flooding causing damage or leaks and how that is covered. John said it would be covered like a hurricane coverage and there is no exclusions. Jim asked if it is covered with a 5% deductible. John confirmed this, as in a 'storm surge'. Jim said all of the pool pumps would be first thing that would be wiped out which would be \$10-\$20,000 or more of equipment in that pump room. John said the pump and electrical damage, for most cities in the state, 'it is all about the lightening'. John said one of their most frequent property claims is lightening hitting a lift station which can cause electrical damage of \$20-\$30,000 to repair. He said that they do not cover the underground part of the lift stations. John said electronic damages at our pool are also covered for lightening. John said that this has a \$1,000 deductible per occurrence without a named storm. John said the deductible is per occurrence, not per item. He said if it is a named storm it is 5% per item.

Jim Frost said he has seen parks with pools have lightening detecting devices on rods. He asked if this would help in our deductibles. John said no, and the rating of the system would take some considerations, the address (location), construction time, and the value. Jim said it is a safety feature that we would put in for our people to alert them safely out of the pool. Jim said it is becoming more popular especially in lifeguarding as they are able to know right away that something that far out to clear the pool and when it goes away it says 'clear' and you go back in the pool. John said sometimes you have to take the human element out of it, especially when you are being questioned on the call.

Dan Rawlinson said we had a liability with the slide and diving platform that were removed. Dan said everything that he saw was (researched) was about a diving board and we did not have deep enough water for a diving board. He said he did not see anything that addressed a diving platform that is like diving off of the edge of the pool. John said a slide and diving board adds liability. John said they do not track if there is a diving platform out there but if you have a home owner's policy and they ever find out you have a slide or diving board they would not cover you. John said he was glad we removed it as it will save us in the long run on any lawsuit as result of it. Dan asked if it is a liability to have a diving platform. John said they don't charge for it but it is a liability for a risk of injury. He said he does not know deep a pool is for a diving platform. Sharon stated that according from a letter that he sent us from Florida League of Cities, the pool is not deep enough for what we had. John asked if that was when he was Controller Person. Sharon said a diving board and diving platform, by definition of the State are the same. He said that it was probably their risk control person that came by, who makes recommendations. John said that there is nothing in their policy that would deny that claim. He said he read the exclusions in the policy and it was not excluded. John said that they don't tell us to take it out or cancel or exclude it. Sharon said when Jim Frost took the slide out they discovered the bolts were rusted and it wasn't safe for anyone to be on it. John said that we did a great service in taking it out for the safety. Dan said he only asked the question because several people had asked him and now he has an answer for them. John said to say the safety person came by and told us to take it out. John said that they don't mandate it. He said he would say it is a 'hazard and a liability'. He said Dan doesn't have to

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say that he did it voluntarily, just tell them it is a 'hazard and liability' and he was worried about the safety of the citizens.

John went back to the assets, he said the piers, wharves, and docks are excluded and we need to make a decision on whether we want them included as assets. He noted the observation deck, docks for boats, concrete pavilions, and playground equipment. John asked if they were plastic, and how they are secured. John said he has had some city clients that had plastic playground equipment and wondered what could happen -some kids could douse it with gasoline and catch it on fire. He said it would take \$250,000 to make it new again to the make it compliant with all the different rules. John said if there are any items that we want to mature (establish), he can email Jodie with costs and that would be to help make that decision. John said that Ms. Denson had asked what would happen with rates. He said Work Comp premium -may go down slightly, auto -probably stay the same, GL -will go up like 3% or 4%, property -add 10%-15%. He said the real-estate market is really what controls the insurance rates in Florida. He said re-insurers is where they ensure their Trust against catastrophic losses and it is spread throughout the world. He said they are not only domestic re-insurers, located here in the US, and also Lloyds of London. He said after Florence hit North Carolina a year and half ago with the massive flooding, the California fires, Irma, Michael, property rates have been going down for the last ten years since Charlie, and all. He said the rates are probably going to head back up. John said what you have to worry about the capacity in Florida. He said what is happening is the domestic re-insurers didn't want to write a lot of insurance in Florida this year, so they had to rely on other sources. He said re-insurance is more than happy to do it, but at a higher rate.

Sharon Denson said we are in the process of re-doing our marina and asked if when we are done could we have them come back and look and then have them consider adding more coverage because it will be a brand new marina. John said they will take a look at that. He said they have a re-insurance program that will insure wind but is usually is expensive. He said he understands why they are since the hurricanes because most of his cities that have pier or docks, like Cocoa had boats all over it and they tore it all up on the Indian River, not the beach. He said all of the dune walkovers were gone, piers damage by floating debris, not the wind or the storm surge. He said the premium on it, like if you had a \$200,000 dock, would be \$20,000, like 10% of the value for a premium. Jim Frost said he could apply to FEMA money to fix his marina because it was a named storm. John said yes, they are fully aware of that. John said that the League of Cities uses Insurance Services Organization (ISO) policy that all insurance companies use for statistical information. He said the point is that it probably would not be eligible to be insured so you would be eligible for FEMA money to replace the docks.

Jim Frost asked about the concrete pavilions that appear to not be insured and asked if the playground was the same way. John said yes. Terry asked about the \$100,000 for property yield. John said it can be applied to the playground equipment and pavilions. He said he can check on the pavilions and the chlorine storage to see if they are eligible. He said that 'property' is for any building structure, it (they) could be. He said the \$100,000 policy is limited to \$25,000 per item, totaling \$100,000. Jim Frost said Jodie wrote a note on the bottom stating \$82 premium for the buildings that cover the chlorine. Barbara said there is also a note for \$8,821 amount for the center pier only. Jim Frost said that would cover fire only. Barbara said another note says \$2,802 for the gate/fence and the replacement cost is \$40,500.

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John said you can get \$25,000 for anything that is completely destroyed. John said to keep in mind hopefully not everything would be damaged, but then you see what happened in Panama City, where everything is gone.

John said that they have a disaster recovery and if we get flooded or another problem they can send their disaster recovery people here and there is no deduction. He said he was curious and looked at hurricane statistic back to 1851, the top six strongest storms in hurricane seasons were reported since 2005. He said from 1851 the top ten most hurricanes in any given season were of years happened since 2000. He said he is concerned because Michael was a Cat one and you wake up 8 hours later and it is a Cat five and Michael was not expected to be anything more than a Cat two, much less the third strongest storm ever recorded. He said if H. Charlie had come just 75 miles north we could have had a really ugly situation. John said he is now happy to answer any questions and again to let Jodie email him on anything we want insured. He said we do have property yield insurance to \$100,000 for \$25,000 per item. Steve Watkins asked if we are considering raising the General Liability to \$1,000,000 would that be raising the replacement cost to \$125.square foot. John said no, because General Liability and Property are two different coverages. John said the \$125/sf is the estimated construction cost. Jim Frost said it is higher than that. John said it is a 'gift' and they are not trying to raise the premiums and they use the Marshall and Swift program which is the national pricing software that looks at the height of the building wall, square footage, location, etc. He said in the recession the construction cost only went down 7% and now is going way up. Gwen Norris asked for the premium increase for the General Liability going from \$500,000 to \$1,000,000. John said he will get the exact amount for us but it is about \$2,000. John said he is glad we are taking the precautions with the pool because in order to become liable for a claim you have to know, have 'knowledge'. Sharon said we also added the ADA lift for the pool, re-done the ramp and the railing to make them ADA compliant. John said they get a lot of ADA claims. He said keep in mind that anything that you have knowledge of and it is a hazard that is the .... Jim Frost asked about the surfaces like our basketball court that is in rough shape, and would cost about \$40,000 to repair, he asked if he knows it is bad and could harm people should we close the court? John said it depends on how much of a hazard it is. Jim said it is a hard decision, keep it open and risk turned ankles or close it to save an ankle. Sharon said that they don't really play basketball, just shoot hoops, at least she has not seen them play basketball. Jim Frost asked if we have a medical policy for that kind of claim. John said no, they used to have one but the cities had asked them to take it out because everybody was showing up on Monday morning and they were not paying any more claims because of children playing on the playground. John said if you get hurt you have to use the General Liability coverage and sue, and the medical coverage was 'you got hurt and we have to pay'.

Dan Rawlinson asked how many claims would cause a termination. John said he knows that \$8,000 is a lot for a district but when you put it in context of what you could lose it is a bargain. He said that they have a minimum premium for General Liability of \$5,500 and it used to be half as much and they had to pool all of the members together because one claim made up 20 to 30 premiums easily. He said it is hard to have a claim of less than \$8,000. John said it costs \$20,000 just to file the paperwork for federal court and not representing, just to file the paperwork. Gwen Norris asked how sound Florida League of Cities is. John said their recent financial statement says they have \$494 million in assets as of 3/31/19 and \$194 million in surplus, which is down \$8 million. Jim Frost said that have the ability to tap into

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Lloyds of London and other insurers. John said that they have 20 different insurance companies. He said we use a Cat 5 long extended program and can withstand more than a one in 500 year event storm. He said Michael was \$6 million of losses and they will pay about \$5 million. He said the Cat 5 storm hit in the best location. John said in the entire world the most catastrophic hurricane came in at the Dade/Broward line which cost about \$30 billion and was the largest re-insurance event in the entire world. John said there was nothing left in Homestead. He said this was what Michael was like but in a better location. Gwen Norris asked if you have a wind that is pushing the water (on to land), is that 'wind' or 'flood'. John said wind driven water is considered a storm surge and a hurricane. Sharon asked if there were any more questions for John. There were none. John said it took longer than he thought as we had a lot of questions. Sharon said, as they had spoken about before the meeting, when he has more concrete numbers to email them to Jodie. The Trustees thanked John and he was excused at 7:52 PM.

Item 3. Club facilities access keys and fobs 1020KF. Sharon Denson stated the Policy was for Clubs' access only. She gave an example that if the Yacht Club wanted to have a pool party they can get a fob issued to them and return it after they were through. She said there was no cost to the Clubs for the keys.

Suzanna Young said she was not clear on the keys and fobs. She asked if the HOA wanted to use the hall does that mean they have to come into the office to get a key. Sharon said each Club will be issued two keys for the door. Sharon said that for keys to the storage room or other areas they may need they will go the office and check them out and then return them. Sharon said that during the day the Clubs can get into the storage areas but after business hours they will need to have a key checked out ahead of time and then turn it back in. Suzanna said she finds it cumbersome and the reason being the Yacht Club officers work and the freight captain takes care of all the stuff and somehow get the key from the office. She asked if they are at work, how they get the key. Sharon said somebody in the organization should be able to come in and get the key during the normal business hours. Sharon said the concern that we had too many keys floating around out there and the solution was to get one assigned, and return them. Suzanna said she still finds it cumbersome because the storeroom is the one place the Clubs can keep their stuff. Jim Frost said that if there is a party in the all we don't need people to be tripping in here getting their stuff from storage. Suzanna asked when someone has done that. Jim said you are asking for full access all of the time and that is one of the reasons it can't be done because you are asking for access while it there is a rental of the hall and we aren't giving out twelve million keys to everybody on a whim. Suzanna said Terry if this has not been a problem in the past. Jim said if we do this, it can be, so to prevent this... Suzanna said that she has been here for 25 years and we stay out of here if there is a party. Jim said that that is common scenes and we are not allowed to have that anymore without something in writing. Suzanna said sometimes they need to get into the mic room when the mics weren't left out, she said it seems to be hampering the public from using the clubhouse. Jim said we are not saying you can't, but you can't during rental times. Suzanna said she is not as active as before but she used to come in and get into the storeroom and get her stuff out and work on it and not everybody can go to the office during working hours. Sharon said that during those time they usually have Austin working and he has keys to get into things. She said we have to get the keys under control and we have a number of club members that went through and come up with this. She said it wasn't her idea it came up collectively to get the keys under control and the facility secure. Terry

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Zimmerly said she has to come in the office and get a key for the storeroom or speakers storage. Suzanna said she didn't know we had a problem and asked if this is the same issue about 24 hour access to the office. Sharon said no, this is clubs, a separate issue. Sharon asked for any more questions. Sharon said if we find it is a problem we can revise it, it is not cast in stone. Jim Frost said if something comes up missing out of the storage room it's hard to blame everybody, but if we have very limited use of keys out we can keep track of who is coming and going and get a handle on some sticky fingers. Jim said by issuing everybody keys it is hard to track who is going and coming and losing our equipment around here, so in using it or breaking it or whatever the case would be without us knowing it, so it's just a way for monitor a little better our safety and security of our building and our facility and our maintenance of our facility. Sharon said that there is nothing in here (Policy) that would restrict any club from the key to anything they need just by going in and checking it out. She said then we know who has it and who is responsible and they turn it back in. Sharon said there is not charge for it. Sharon said the only change on the Policy was changing Crime Watch to Neighborhood Watch. Jim Frost asked if they are wanting two key fobs for 24/7 access. Sharon said yes, for Neighborhood Watch, that way they can drive into the marina. She added so they can drive through and 'if you see something, say something.' She said having someone driving through periodically cuts down on people wanting to mess around there. Dan Rawlinson said there is no reason to drive down into the marina because you are going to interact with someone there that shouldn't be there. He said you can see with your light and can call the police. Sharon said that this (Policy) doesn't say the Neighborhood Watch has to have two fobs, it says they can. She said you would not have to have them if you chose not to. She said no one has to get their keys here unless they chose to.

Item 4. Proposed bylaws change (Special Meeting process). Sharon said she put the recent changes in italic print. She read parts that changed 'the district's attorney who shall determine if it meets the requirements of this section prior to notice being sent to the newspaper and ...' 'The District attorney will respond in writing to the Trustee requesting the meeting and that response shall be attached to the agenda. Should the District's attorney advise against the purpose for the meeting, that written opinion shall become a public record and a part of the attorney book kept in the District office.' She said if anybody wants to have a Special Meeting all they have to do is send an email or call the attorney on what it is for and he will tell you whether it is appropriate or not, then he sends an email and we are 'good'. Dan Rawlinson asked if we have criteria for that. Sharon said we do but somebody has to look after it and decide, to one person it may not be the same to another, and that is what our attorney was concerned about. Sharon said she changed that from the Chairman having this authority to the attorney. She said anytime she has had the request she has sent it to the attorney because she did not think that is something that she wants to decide on. Dan asked if the attorney makes the decision, not Sharon. Sharon said yes. Dan said he does not have a copy of the revised amendment. Jim Frost asked if there is a cost involved with getting the attorney involved every time one of us want (a decision). Sharon said yes, but it is minimal. She said he can tell you right off the top of his head 'yes' or 'no'. Sharon said in general 'if it can wait (for a regular meeting) it should wait'. She continued 'that is the bottom line – 'what' is appropriate business that needs to have a Special Meeting'. Jim Frost gave an example of an incident at the boat ramp that needs a decision, and added that it is a no-brainer. Sharon agreed. She said there are things that I may think are important and may not be to you, so we take it right out of this



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realm for a decision. She said for the attorney fee you are looking at 15 minutes tops. Barbara Susdorf asked if the attorney recommended this. Sharon said he said we needed it and wrote the original draft. She said the only thing he had in there was say that the Chair would be responsible, which was fine with her, but she would not assume that anyway and she did not want to be responsible for it.

Suzanna Young said she read that (proposed amendment) and found it very cumbersome. She said 'in hoping the attorney is available all the time', she gave a scenario of working on the docks in the marina and the contractor says he has a problem and he needed to change the way he is doing this, it's going to cost some extra money, and he needs to know right away. Suzanna added that they can't get ahold of the attorney. Sharon said that it would be an Emergency Meeting. Suzanna said they would ask if they can have a Special Meeting of the attorney and she thought he (attorney) explained it well at the last Board Meeting, the difference between an Emergency and Special Meeting. Suzanna said it is an operational thing and not a legal matter. She asked if the attorney has to make a decision for you, she feels that if a Board member doesn't know the difference between a Special Meeting and an Emergency Meeting, where are we? Sharon said what she described would be an Emergency Meeting and we would not go to the attorney for it. She continued that we would call an Emergency Meeting on something that could not wait. Suzanna said ok, what if he said he needed to bring in a crane or something is going to collapse she could see 'that' (Emergency Meeting), but she said she means if they foresee a problem or something comes up and we need to change something, 'when can you let me know?' She said that she would say it is common sense... Sharon said that our attorney advised us to do this way (amendment) and if we don't take his advice and have a problem we are on a... Suzanna said she heard him say that even though his name is there it is a suggestion and it doesn't have to be verbatim. Sharon said we don't have to but she doesn't know why we wouldn't. Suzanna said, to her, it seems like it is cumbersome and you are calling the attorney on how to do your job, and she has given it a lot of thought. Sharon said that they are just trying to follow what our attorney advised us to do and we were asking for some meetings that didn't meet that criteria. Sharon asked for any more comments, thoughts, consideration. There were none. She said that it would go forward then to the Board Meeting.

Item 5. Board of Trustees access to facilities 1036BA. Sharon said this policy we went over several times and the issue discussed was the access to the office after hours. She said Terry was most adamant about that. Terry said that she doesn't think that they need access to the office when the office was not open. Sharon said that she was a little bit more liberal than Terry, but she doesn't see any reason. Sharon said we will have the 4<sup>th</sup> of July (picnic) on the 29<sup>th</sup> and it dawns on her that she has to remember to get the pizza coupons on Friday because it will be locked in the safe. She said what we need something like change out of the office for a district event, we are going to lock it in the records room and sign out a key for the weekend so we can get our stuff, and then turn the key back in. She said it could be in the concession, we don't need to use the records room. Jim asked if she said to limit the access to the office. Sharon said yes, other than business hours. Dan Rawlinson said we also don't need to be in the maintenance area or maintenance building. Sharon said that is what the policy basically says adding the Trustees are bonded and are responsible. She said she doesn't have keys to all of the places and she doesn't want them. Dan said he didn't either. She said you may have it (access) but don't know why you need it. She said she doesn't know how we could write a policy that says you can have it and you can't. She said any of the board will get a bunch of keys that they don't need. Terry asked if there is

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a reason for access. Sharon said if there was a break-in and you got a call from the police, or something happened, she didn't know and she doesn't want a key. Sharon said she thinks Jim Frost should have a key to the maintenance building, as House and Grounds (Chair). Jim Frost said he would come down if it is a property management issue. Barbara said she thinks it is nice if some people think they will be some type of security with it, they can have it and if you don't want the key you don't have to have it. She said maybe two people will have it and that will be it. She continued if that there is some type of emergency and you have to get in there for some reason. Sharon said if something happened and we need tools, but also we will have a record of who has the keys because the office has a record when they hand them out. Dan said not all of us need access to everything. Sharon asked how we can say 'you can and you can't'. She said the office (access) is a little different because we have what Jim Couey said before - his social security number is in there. Terry said that is a good idea (Office access) but she thinks probably for the maintenance shed it should be House and Grounds and that is all. Sharon said we can make that, but we have all of the other buildings. Dan said House and Grounds should have it and he doesn't want it. Sharon said nobody has to have a key if he doesn't want it. She said she has to believe that this group of people are responsible enough to not run in there and get a handful of keys because they can. Jim said he never goes in without at least two people just for safety and security. Sharon said she doesn't want to go in there and doesn't want to go in any of the places and was concerned that she may (inadvertently) let someone in there. Terry said if something is missing we will know who it was. Sharon said that when the keys are signed out we will know who did it. Jim said not to mention there are cameras all over here. Barbara agreed. Sharon said she can't imagine who would want to take things from the maintenance building.

Suzanna Young said she has asked for records on something that was from years ago and was told there were missing records. She said that if anyone has a key to the office for after hours, then she thinks that you should make a policy for Jodie's sake, that the Office Manager or Keeper of the Records is absolved from all responsibility that the records stay intact mainly because you have already undermined that if there are any keys out for anybody, because she keeps hearing we are missing records and files. Sharon said she has not heard that and will have to find out. She said no one has told her that we are missing records. Suzanna said Sharon told her. Sharon asked what records she told her were missing. Suzanna said that she said she couldn't find the minutes or records on the Marina Rules passed in 2004 and Suzanna said for instance the posters. Sharon said that we have all of the minutes and Gwen and herself had been through them and we have all of the minutes. She said whether it is written up in the minutes is something else. Suzanna said there was a motion in the Banner. Sharon said the Banner is not the official record. Suzanna said it is in the official minutes for the board minutes. Sharon said the official records for the minutes are the hard copy that come to the office. Sharon said that what is in the Banner, we are putting things in there now that haven't been approved and are drafts. Suzanna said she knew the person that wrote the rules for the Marina and he knew that they would pass and so she has to believe him and they were in the Banner reported as passed in the Banner. She said that is not the only thing that she has been told is missing. Suzanna asked to finish. Sharon said her three minutes were up. Suzanna asked if this was a Work Shop. Sharon said it is but they still stick to the three minute rule. Suzanna said she doesn't hear from anyone else and asked if anyone objected. She said she is trying to make a point and feels that they are undermining your Office Manager's responsibilities if they are going

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to have access at all after hours. Jim Frost suggested that we don't use the records room for transferring event merchandise. Sharon said she just threw that out and the office will determine where the stuff will go for the district event. Jim named many rooms that could be used. Sharon said there are no minutes missing because we checked them all and they are all there. Steve Watkins said that Suzanna is assuming that the records were missing because someone got the key and went in there and got them and he does not know that that is not the case. Terry asked if the key to the office is only for the Chairman of the Board. Sharon said there have been times when Jodie was out of town, for example: Sally did not get the contract and Sharon had to go down and go in. She said you have to remember anybody in the office is recorded through a key so it's not hard to find out who opened the door, because you have to put a code in there that identifies that person. Jim suggested that we don't use the records room for.... Sharon said she did not want to determine that, she wants the office to determine where there is a best place to hold stuff so Belle can get it out on the 29<sup>th</sup>. Dan said once this is approved the Chairman of the Board and Office Manager are the only ones that can respond in an emergency. Dan said that doesn't mean at 8:30 at night someone can go in there, it has to be an emergency. Sharon said a couple of times she has had to because we had a party coming and that is kind of important and when Jodie was gone she had to stay in the office during business hours.

Gwen asked if the Jim, House and Grounds, is the only one with a key in an emergency. Sharon said Jim won't have a key (to the office). Gwen asked if it is only Jodie with a key. Sharon said she can go down there. Gwen said that Sharon said she does not want a key. Sharon said she doesn't but she has one. Jim explained that the Chairman and Office Manager are the only ones that can have a key. Sharon said the office key was forced on her and she did not want it, but as it turned out a couple of times if she didn't have it we would have been in a mess. Terry said we were talking about Jim having a key to the maintenance and he, House and Grounds, should be the only one that has access to the other buildings (not office). Sharon said she doesn't know that we want to tie the hands of the Trustees by putting that in the Policy. Terry said she would. Barbara asked for clarification. Sharon said that Terry is saying that only the Chair to House and Grounds can have a key to the maintenance building. Sharon asked if we are we going to go down and list the certain things certain people can have. Steve said the only thing is listing people for the office (access).

Sharon asked if Belle would like to put it in that only the House and Grounds can have the maintenance building key. Belle said she thinks that is becoming a little too restrictive and maybe we should think about this a little more. Belle said she doesn't object to what is written here (on the draft policy) but she isn't sure we need to make it a policy and maybe it could be part of a procedure that follows the policy. Sharon said the Board has to set the policy that is administered to and we have to determine who can have what, that is their job. Belle agreed. Sharon said she doesn't know that they need to cast in stone what each person can have. Belle said she is not sure that... Jim read part of the policy "Trustee shall have 24/7 access to all properties whether by key or fob except for the District Office." Jim stated that they 'shall' if they 'want'. Sharon added that they have to sign the keys out and everybody knows who has them. Belle said that should cover it. Jim said he does not see a problem.

Barbara said she thinks that we can't pick one person over another person having a key because it becomes unfair to everyone else. Barbara said if you want a key and you can contribute in some way,

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then you might need a key. She continued that it will be recorded and we have cameras all over. She said if you have a key and you are going into the maintenance building they will see that you entered at 7:30 at night and 'what are you doing there'.

Sharon asked Steve to speak. Steve said that the only thing we need to be concerned about is who goes in the Office and that the keys are restricted to the Office. Sharon asked if the draft was alright with him. Steve said yes. Sharon said it (the draft) was fine with her the way it is.

Dan said he thinks we need to restrict that (the office) and he thinks that House and Grounds is the only one who needs access to the maintenance (building). Dan said he is on the House and Grounds (Committee). Sharon said we have 5 to 2 on the draft. Jim asked for clarification. Sharon said that they Terry and Dan) want added that only House and Grounds has access to the maintenance building. She said that we are all bonded Trustees. Jim said that was fine, and he has no problem putting it in.

Sharon said that we will keep it as it is and if you want to vote it down when we get to the meeting we can 'go back', but this is something we need to do so we don't run into another situation like we had. Barbara asked why people on the board would not want each other to have a key. Sharon did not know, she said if you need a key to something, you should have a key. Sharon said she understands (for) the office (key), not handing out to everybody, however there is still an alarm system there and you know who went in. Jim said it lowers their liability risk with a lower number, not to have keys to everything. Jim said that they are lowering their personal liability by not having keys to everything. Barbara asked if you have to punch a 'key' and they would say 'Barbara was in there at 4:22'. Sharon added with the fobs it comes up on the system and tells you. Jim added that the cameras will show you too and there is no hiding, regardless. Barbara said that is why she thinks we are making more of it than it is. Sharon said this is the framework so that we don't have a problem that we had a few weeks ago.

Sharon asked for Don to come to the podium to speak. Don Gassie asked if this will address when Gia was in the office with her husband or boyfriend after hours. Sharon said nobody would have access after office hour's period, except for in an emergency. Don asked if only two people would have it. Sharon said 'right'. Don said that would address that problem and no one else can get in there. Sharon stated that other people will have keys but they can't access it after hours. Sharon said she thinks that was an unusual circumstance and it wouldn't happen again anyway. Jim Frost recapped what happened during a hall rental event. He said Gia, as Hall Monitor, wanted to stay out of the hall while the party was going on so she took her key and sat in the office to do some work, but her husband was with her. Jim continued that they both sat in the office during the party and locked the building after the party and left as normal. He stated that the issue that has come up is her husband being in the office when she was in the office during the party. Sharon said it was also a breach of our (hall rental) contract. Jim said that we don't want someone in the office afterhours and said it comes down to: she is an employee and we could pull the video and see what she did for four hours, but to lower the liability and the risk on her part, and our part is to not letting anybody in the office afterhours. Sharon said to have someone that is not an employee, too. She said she would not come down and bring her grandchildren for the evening. Jim said if it was just her by herself, this wouldn't even come up. Sharon said it would because the Hall Rental Contract says a Hall Monitor will be in the Hall at all times. Barbara asked where Sally stays. Sharon said Sally stays in here. Terry said she doesn't always, and that she stays in the board room, but

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Gia could not sit there because the power was out and that is why she went into the office. Sharon said we would never want to make a practice of that, and she thinks if there is a problem we will have to come up with some other solution. Sharon said there is room for people to stay because Sally has been in the hall a number of times when she came down. Sharon said the contract calls for someone in the hall at all times. Jim said we may need to revisit that (hall rental contract) because that is awkward. Jim said we are the only rental hall, from Fraternal Hall of Eagles to ... nobody has a monitor during somebody's party. He said it is awkward for the party having someone watching over them. He said they may need to revisit that as a board because it is awkward for the party renter and for us. Terry said John Woodruff, when monitoring, would go outside when there was a party. Jim said there is no reason to stay as whoever unlocked the door would do a pre-walkthrough and show everybody the way everything is supposed to be and when they came to lock everything they did a post-walkthrough. Barbara said she understands: they just unlock. Jim repeated what he said. Sharon said there can be a sign in the kitchen with the contact information available. Jim said it is awkward for them and us to babysit them and asked where the person would sit, in the kitchen in the way, or sit in the back room. Sharon said a lot of times the back room is used for dressing. Sharon said we need to take that issue up because she always felt that a hall monitor was kindergarten class. Jim said because we are there it could fall on our insurance. He said if we are not in the room and there is an accident, it falls on them. Sharon said she is not sure because they (renter) has a liability insurance, but she agrees that... Jim said the attorney would say 'Wasn't one of your people there?' Sharon said we will take it 'up' but not tonight. Dan said we have no power to enforce anything. Sharon said on a contract we can.

Suzanna said she wants to apologize for yelling earlier. She asked how a Hall Monitor can be responsible if someone has too much to drink, it's not their call. Jim said if you are in the hall when it happened the attorney will say 'Weren't you here?' Jim said if something happened like a slip and fall during a party, the Hall Monitor, a paid employee, we could all added to the law suit. Jim suggested that we check our (legal) books. He continued that if we are not here as a paid employee and we rent the hall, the liability would fall on the person's (renters) liability insurance. He said it becomes ours only if we were here. Suzanna said she thinks that it is a bit extreme, but she thinks on the key issue- and has two things that she doesn't see: somebody is charged with a duty to carry out- to represent the Board, the Board should approve. She said we will have one person to have a key to the office for afterhours, the Board should make it a formal approval or designation. Sharon said it is in the policy. Suzanna said if you do have the key for afterhours then we need to make a policy that protects our Office Manager from being liable. Sharon said the Office Manager is protected because if you were the one in there they know because of the security system. Sharon said if something comes up missing, it is not the Office Manager's problem. Jim said there are only two people with the access. Suzanna said that they may be comfortable with that, but she is not comfortable. Sharon said if something happened the board is ultimately responsible and she doesn't know any of them that would go in there without a reason. Suzanna said she has to oppose the idea of bringing people into the office with you afterhours. Sharon said that the board oppose it too. Suzanna said a Hall Monitor is a Hall Monitor no matter who they are. Sharon said they agreed. Suzanna said when we hire a Hall Monitor they would be a hall monitor. Sharon said that they will take and review the (hall rental) policy, but not tonight.

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Don Gassie said Jim is correct, if the renters are a religious group the monitor should not be there if they start taking their shoes off and do this or that, they don't want a monitor coming in, they want to have their private thing. He said the monitor should not have to be in here. Sharon said it is a policy decision and a contractual decision the board will have to make. Don suggested that we take out that the monitor has to be in the hall.

Terry Zimmerly asked about the records room (access). Sharon said the records room is... if you want a key you can get it but she doesn't know who would. Sharon said she doesn't know how they can go through each room and say 'so and so can do this'. She said it is not a problem right now, if it becomes a problem we can revisit it. No one on the board has a key. Sharon said right now the key is in the office and you have to go in and ask for it. Jim said we should leave it like it is, that way they are only going in there during business hours. He added we can make it two persons with access, the Office Manager and the Chair. Sharon said a Trustee does need a key to the records room. Dan said in the old days the people would open and close the door and Crime Watch would check the door to make sure it was locked. Sharon said we may look at other options like we might hire another maintenance person that we could find work to do in the dark and they could unlock and lock up, there is a lot of options. Jim said they could open the hall and lock the hall and see if everything is ok and we don't need any more than that.

Gwen Norris said the power breakers are in the records room and suggested to not restrict the access and maybe should be looking at changing the use of the room. Sharon asked if Jim has the key to the records room. Sharon said the breakers are in there. Jim said he always went into the office and got the keys. Sharon said if we wait until there is a problem, it is too late. Steve said if it is afterhours we can't go into the office. Jim said 90% of the breakers for the hall are in the hall. Gwen said the breakers start in the records room and split out here (hall) and split out there (wood shop) and then it goes to the maintenance building. Sharon said if it becomes a problem we can get a key and we are not restricted from it.

Steve Watkins said that about a year ago a church rented and exceeded the hall's capacity about 100 people. He said that there was one person here who didn't know to tell the renters they can't have that many people. Steve said if you just open the door and then you leave you have 100 or 200 people on top of the maximum, it has got to be monitored. He said someone has to be here to make sure no more people come in that door. Sharon said they don't need to sit in the room, though. She said we will take this up at a later time.

1:40:00

Future use of Small Boat Area. Terry said since we don't have anything that we are going to use the Small Boat Area for, yet, she suggested that we leave it alone at least for another year. She said that it is making \$2,000 and all the boats are sorted out, except for two, and just leave it alone until we need that space. Sharon said we have it on the agenda. She said the reason that we were going to do it is because it was way too much work (for the office). Terry said a lot of people said they would really like it to stay. Barbara said that people are using it and that is good. Sharon said the reason it came up is it was a mess.

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Letter RE website posting of proposed policies. Sharon passed out a letter from Jodie (undated) to Trustees. She said it is an email that all of the Trustees got. She said she wants to take a look at it with them because there are some errors in it and she wants to straighten them out. Sharon said the letter is assuming that we are not posting our items on the website. Sharon said the facility usage policies have to be posted on the website two weeks before, which is in our bylaws. She said it is so the people using the marina and hall and all of the things affected, the general public, know ahead of time. She said that there is nothing in here (Bylaws) that says where on the website it must be. Sharon read a portion of the letter 'I would like to request that these documents be forwarded to the office for posting on the website fifteen (15) days before the vote is taken in accordance with the bylaws'. She said these (propose policies) were in the office two days before they were due. She said if they want to post them other than on the agenda, where they were, they could. She read on 'It was recommended and implemented by most Special Taxing District (learned in the CDM program) that review of the policies with each board member to ascertain that they understand the ramification of a proposed policy and ask the proper questions to determine if the policy is: reasonable, necessary...' Sharon said anybody can go in and talk to anybody in the office, and talk to your neighbors, call somebody on the phone, but the board makes policy. She said it is not dictated by the office. She said she was upset when she got this email because it's inferring that we are not doing it correctly and we absolutely are. Sharon said the email she sent with the agendas attached... 'now, let's say they don't think that is sufficient, and would like them out there plainer'. Sharon asked them to go to the third page - Website Policy (1009P) and she read 'The District Office Manager will post the required information in a timely manner and will keep it current.' Sharon said it has been in effect since 2/19/19. Sharon said if in fact the Office Manager, Jodie, wanted to do it some other way, all the authority in the world is there. Sharon said it was on the website. She said by the time the email was sent to the Trustees it was already on the website as required by the bylaws. Gwen asked for a copy of the letter to do the minutes. Sharon said if you have any questions... Barbara asked what it is basically saying, and she said it's saying we didn't do it right, right. Sharon said that is how she read it and she doesn't see any other reason for this going out to everybody. Barbara said 'so Jodie felt she did not get the information sooner'. Sharon said she doesn't know what she felt because she sent it 'in' and it had three weeks before the Board Meeting and had plenty of time before the Board Meeting. Sharon said what we are doing here is not facility usage policies anyway. Terry said that is what she read 'facilities usage policies'. Sharon said she is not sure why the email went out. Barbara said maybe she did not understand. Terry said she thinks she did not understand the policy. Sharon said she should have understood since she already had those policies in the office. Barbara said she didn't think she did. Sharon said that this is not ok, to send the email. Steve said she should have called us and talked first before writing something like this up. Sharon said that they are getting more emails and she would like them to ask, take a look, because she gets the agendas in ample time to be posted on the website and the policy says the policies are posted on the website and when it is on the agenda it is on the website. Sharon said they were on the website even though these particular ones are not required to be anyway, there is no reason not to. Sharon said she wanted to bring that up since she can't call them individually and talk with them about it. Sharon said we are doing it correctly and posting it as we are supposed to and the other thing we added is the financials. Sharon noted the financials now have our new format. Sharon asked if Terry liked it. Terry said it is much better. Sharon asked if it isn't easier to follow. Terry said yes. Dan asked why the minutes don't go to the

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is perfectly feasible. Sharon said again, the approved minutes are the lawful minutes of this board, not the draft minutes or wishful thinking. She said that is what the legislature said, the official minutes. There were people talking over each other. Steve asked if the minutes should not be released until it is approved at a Board Meeting. Sharon said no, they could go in the next month's Banner. She said if you put it in the Banner, the Banner is not the official anything. She said you can put them in and say 'draft' if you want. Steve noted that you don't want 31 pages of minutes in there. Sharon said maybe not that and added 'in terms of the Banner, it doesn't have any standing in terms of the minutes'. She said it is not an official anything, it's a newsletter. Terry said that it could say 'draft' and people can read what we do here. Sharon said she would rather see them on the website and have people go to the website to view them. Sharon said looking at logistics, if you put the draft on the website and there is a minor change, somebody has got to stay on top of that and keep that current. She said she is not sure that it makes that much difference for people to wait to read them. Terry said she thinks that two months later is a long time to wait for minutes. She suggested that 'Draft' be added to the website and after they were approved you could add 'these minutes were approved' or 'these changes were made', that's all you would have to do. Sharon said that is normally how they put up the minutes for government. Belle said that this is something that we should get some advice from the people that take care of the website and see how they feel about posting things twice. Belle said if somebody is tech savvy and organized, it may not be an issue. She continued if somebody is not tech savvy and totally unorganized... Sharon said it is not so much that, she said if you look at the minutes we have to approve next time, 31 pages, and now we are going to have 62 pages on there. She said even if we don't make a change we still have the approved one up - signed. Barbara asked if we have always done the official minutes in the Banner. Sharon said she didn't think they were, they had always been the draft minutes. Belle asked if people understand that they are not the official minutes in the Banner. Sharon said she doesn't think they know the difference. Gwen asked how the official minutes are put on the website. Sharon said she signs them, and Jodie scans them and they go 'up' that way. Sharon said she knows another district that tries to do them both ways and it becomes a real mess.

Terry moved to adjourned. Suzanna Young said this is time where you bring your comments and wanted to offer for the future, for food for thought, and a future policy, and it doesn't need to be discussed tonight. She said she thinks it is something the Board needs and have needed. She said since you have the privilege of an attorney and anybody can make an appointment to see the attorney, she thinks it is only fair, as it is a cost to the district, she thinks that we should include in our policy on attorney visits, the Trustee share with the board what the visit was about and what they learned. Sharon said that that is not always possible and when it is possible, it is done. Suzanna said it is board business and the district's attorney the district is incurring the cost, and asked if they are in private with the attorney shouldn't they bring that out in the Sunshine and be transparent. Sharon said that it depends on what's... She said 'let's say I think Barbara is doing something awful and I have got to talk to the attorney and he says "that's not so awful", do you think I want to write that up?' Sharon asked if Suzanna thought that Sharon wanted to write that up and put it in the attorney's book, she did not think so. She said there are some things that need to be discussed, 'we are all Trustees and all adults, and everything that can be brought back is being brought back and shared with everybody already'. Gwen stated on personnel things, you cannot and it is against the law. Suzanna said she sees what they are



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saying. Sharon said you have to trust that they are doing the best they can for her without spending any more money than necessary, and they are trying very hard to do that. Suzanna said to her it seems that it is one item that is like a private meeting that the public is not privy to... Sharon said the attorney/client is not covered by the Sunshine Law. She said when you talk to an attorney... there may be one thing that you may know that everyone else may not know because of the sensitive nature. Sharon said it could be a risk to the district. Suzanna said ok, she just thought that would be.... Sharon said it makes perfect sense but in practice it doesn't always work. Jim said he wants to make a motion. Sharon said he is too late. Jim seconded the motion. We adjourned at 9:02 PM.

Draft by Gwen Norris



A handwritten signature in blue ink, followed by the date "6-18-19" written in the same ink.