

**SUN ‘N LAKE OF SEBRING IMPROVEMENT DISTRICT  
BOARD OF SUPERVISORS REGULAR MEETING  
Friday, August 23, 2013**

**MINUTES**

The Regular Meeting of the Board of Supervisors of Sun ‘n Lake of Sebring Improvement District was held Friday, August 23, 2013, at the Community Center, 3500 Edgewater Drive, Sebring, Florida 33872.

The meeting was called to order at 9:00 A.M. by President David Halbig.

**SUPERVISORS PRESENT:**

Mr. David Halbig, President

Mr. Richard Miller, Vice President

Ms. Richard Hulbert

The District General Manager, Michael Wright; Board Secretary, Julixa Robinson; Finance Director, Tanya Cannady; Public Works Director, Greg Griffin; Community Services Director, Tenille Drury-Smith; Kitson and Partners, Ron Wonderling; and McClure & Lobozzo, David Schumacher were present. There were approximately 17 people in attendance.

\*Please note that the audio recording was inaudible during the first half of the regular meeting. It was resolved at the beginning of the district attorney’s item.

1. Call to order – 9:00 A.M.
2. Pledge of Allegiance
3. Announcements:
  - a. Next regular meeting is scheduled for Friday, September 13, 2013 at 9:00 A.M. at the Community Center, 3500 Edgewater Drive, Sebring FL 33872
  - b. The Quorum present voted on whether or not to allow Supervisor Gangemi to be phoned in for the meeting

President Halbig stated that Supervisor Gangemi has selected only parts of paragraphs in the Attorney General’s opinions to suit his purpose. President Halbig also said that the Attorney General had said that telephone conferencing or other electronic technology should be permissible when such absence is due to extraordinary circumstances such as an illness. He said that someone on a holiday is not an extraordinary circumstance.

It was also mentioned by the Board of Supervisors that a policy be made up regarding phone in participation by an elected official at a board meeting. Mr. Wright said he’d follow up on that request and bring the item to the next meeting that all board members are present to discuss.

President Halbig moved to approve not to allow the phone in and Supervisor Miller seconded.

Public Comments:

1. Mr. Kosty: The attorney general indicated that it is the board's prerogative to determine whether or not simply being away and not under any kind of medical emergency... When Charlie Crist was attorney general, he opined that it's up to the board to decide whether a simple absence can be construed as an emergency or as a serious situation that would therefore allow participation by electronic means. References made in those opinions to modern technology. I don't quibble with Mr. Crist opinions on it. However, all the cases that he presented, footnoted, in that opinion referred to situations where there were medical problems with persons that wanted to participate. References made about modern electronics... By modern electronics, you know that there's technology out there that you can have face to face meetings with multiple people in multiple locations, remote locations, with everyone able to view each other during the meeting. My opinion is that communication means a lot more than just hearing a voice especially when a voice is coming from someone that's so far away that you don't know that he's heard everything that's going on at the meeting, you don't know that he's even been present throughout the entire meeting and, in my opinion, it would not be wise to allow remote participation on that basis especially in view of the fact that the only so-called modern technology that we have here so far has been a telephone laying next to a microphone and then being piped into this room. It's been very spotty in terms of performance. The comments that I would especially like to make is the fact that the supervisor that was requesting to be able to participate via telephone, I believe, today is the fourth meeting in a row that he has missed. I believe that these positions on the board are more than just honorary. I believe that they're functional especially during budget time. I believe that the summer meetings of our board are more important than perhaps many of those that take place at other times during the year. Not only has three or four meetings in a row been missed, the actual number of meetings has been cut drastically from what it has been in the past. Over the past year we have reduced our number of board meetings by 25% and we've increased the compensation for supervisors by 50% at the same time. The net result being that the compensation per meeting is doubled what it was two years ago for supervisors certainly enough to buy a plane ticket to get back here for a meeting. I've worked with Mr. Miller for several years before he became a member of this board. Every summer he drives to South Carolina to his home up there and he's always felt... The reason that I have supported him so strongly is the fact that he feels it important enough that he's driven back for every single board meeting that has taken place since I've known him. I don't believe we're getting the same kind of commitment from the gentleman who is asking to participate remotely. As a matter of fact, I believe when we started cutting the number of meetings, it was on his watch when he was president of the board. I object strongly to trying to participate via telephone. I should also mention that in the past Supervisor Johnson and her husband drove back and forth for these meetings as well. I think throughout her four year tenure, she may have missed two board meetings. Thank you.
2. Commissioner Handley explained that Ross Macbeth had stated that having a supervisor participate by phone was a violation of the Sunshine Law. He further stated that the county does no such thing.

Supervisor Hulbert-N, Supervisor Miller-N, President Halbig-N  
**Phone in rejected 3-0**

- c. Introduction of representatives from Billy Casper Golf

Mr. Chancy was introduced on behalf of Billy Casper Golf. He introduced himself and the company. He wanted to make the community aware that the transition from Kitson and Partners to Billy Casper Golf would be seamless. Supervisor Miller asked if all paperwork was signed, sealed and delivered and he explained that most of it was, but not everything.

#### 4. CONSENT AGENDA

- a. Minutes of the Budget Workshop Meeting held Thursday, July 25, 2013
- b. Minutes of the Regular Board of Supervisors Meeting held Friday, July 26, 2013
- c. Acknowledge receipt of the Treasurer's Report including District Financials and Golf Operations Financials for the month of June 2013
- d. Acknowledge receipt of the Treasurer's Report including District Financials for the month of July 2013

Supervisor Miller moved to approve the Consent Agenda and Supervisor Hulbert seconded.

Supervisor Miller-Y, Supervisor Hulbert-Y, President Halbig-Y  
**Consent Agenda was approved 3-0**

#### 5. ACTION AGENDA

- a. Resolution 2013-08/23-23: A resolution of the Sun 'n Lake of Sebring Improvement District to award the bid for the Water Meter Replacement and Fixed Network Advanced Metering Infrastructure System to the Avanti Company

President Halbig was not satisfied with the fact that there was one sole bidder. He advised that he would vote against approving the resolution because the project was too big to approve the sole bidder; a \$1 million project. He suggested the bid be re-advertised in major papers such as Orlando Sentinel, The Miami Herald, and trade journals for a six week period at least.

Being that the sole bidder, The Avanti Company, had attended the meeting to present their bid, they were still asked to present. Mr. John Corey introduced the company and explained why their company should be awarded the bid. He further explained that he did not know why there was only one bid because he expected at least three.

The Board of Supervisors agreed with President Halbig and voted against awarding the bid to sole bidder on a \$1 million project.

Supervisor Hulbert moved to reject and Supervisor Miller seconded.

Supervisor Hulbert-N, Supervisor Miller-N, President Halbig-N

**Rejected 3-0**

- b. Resolution 2013-08/23-24: A resolution of the Sun ‘n Lake of Sebring Improvement District to approve Budget Amendment No. 3 to the 2013 Budget

Mr. Wright explained that no action was needed on this resolution because the previous resolution was rejected.

**6. Add-on Items**

**7. Petitions and Communications**

**8. Staff Reports**

- a. Security Report June 2013
- b. Security Report July 2013
- c. Code Enforcement Report June 2013
- d. Code Enforcement Report July 2013

**9. General Counsel Report – David Schumacher**

- a. Litigation Report
- b. Foreclosure Report

Mr. Wright just yesterday executed the B&L settlement agreement, so that matter is now settled. The Deer Run annexation, NRP has signed off on that and it has gone to Fifth Third’s attorney. I received communication from him Wednesday that he had a couple of minor changes. We’re expecting to have that agreement ready for execution by the Board at the next meeting.

There are some issues with the billboard. Mr. McClure had a conversation with the state person who had denied the request regarding the permitting of the billboard that’s out there south bound of 27 at the north entrance. We believe that we’re going to prepare a document for him that... Technically we believe we’re exempt from having a permit because we’re a government entity and based on the statute,

there's no requirement for us to have one. We're going to prepare a document for the state and have pictures of the billboard showing what's being advertised. That's, basically, the issue. We receive no revenue from it and we're advertising our own services. Based on that reasoning, we should be exempt. Once that's presented to him, we will hopefully have an exemption. That's all I have.

Supervisor Miller: Dave, this might sound a little strange after the last presentation, but I'm not clear on whether or not, as a district, if we so choose... It's not related to this situation. Are we able to sole source, say, in a consulting situation, if we think that a firm has special expertise, where do we stand on bidding and not bidding? Mr. Wright had indicated earlier that's a district decision, but there's got to be a Sunshine Law that applies. Mr. Schumacher: Actually there is. Do you know what sole sourcing is? As you said, if they have a unique issue that only that person or business can supply... That was the issue from the last meeting where they had a patented process that only they had and that's why the sole source can go through that. Regarding consulting services, I can do some research, but I would think that you would have to really be able to document why there were these unique issues that warranted not putting it out for bid. Mr. Wright: I think my experience is you can do that, but you do need to justify why and say we want a, b, c because this company has this particular unique characteristic. I know, for example, legal services do not necessarily have to be competitively negotiated either. Supervisor Miller: I guess my follow up question then is are we legally on solid ground with regard to making these kinds of decisions based on what we have in our charter, state law and so forth? Mr. Schumacher: I can do some research on that, but I would... Supervisor Miller: I would like to see stronger, firmer context on do's and don'ts in that area because we are using a lot of outside services and I'm not sure we're... Mr. Schumacher: I'll definitely do some research on it and see if I can present a memo. Mr. Wright: Statutorily, there are specific rules dealing with architects and engineers. There are certain procedures dealing with attorneys and then you get into the area where if you run into an individual that has certain unique characteristics that are applicable to your particular situation versus someone who would be coming in. There are ways to do it is what I'm trying to say.

#### **10. General Manager Report - Michael Wright**

I'll be brief because I know we want to get to budget. We're anticipating all the paving including the cart paths around 18 Deer, speed humps and some other work to be done by the 13<sup>th</sup> of September. I received that information late last night from the County Road and Bridge.

I sent you a memorandum yesterday regarding TD Bank closing in Sebring. That will not affect us. It'll actually give security a little more time because they've been making our deposits for us, but now they'll be sending an armored car service. They're also treating... I think the county does banking with them as well. They're basically just going to take the money to Lake Placid.

News this week indicated that the mosquito population is three times what it normally is. We've had three years of drought. Greg is our mosquito expert, but mosquitoes usually lay eggs at the low level. Now we have this much rain, so we've got three years worth of mosquitoes hatching out, which is why we're spraying every morning and every evening. If you go to some other parts of the county where they don't have mosquito spraying, you'll see what happens to you. (Laughter)

Last but not least, it's kind of an interim report on the trees. We have planted 132, what I call, large live oaks and 254 of the smaller live oaks and we're going steady. President Halbig: I've heard a lot of good comments about those trees. They've done a really good job so far. I said to wait a few years and see if we can continue to apply this work to that golf course how nice it's really going to be. My compliments to what you're doing. Mr. Wright: Please recognize there's going to be some failure rate. Some of these trees are root bound. We know we're going to have some failures and we'll deal with them accordingly. That's all I have, Mr. President.

Supervisor Miller: Mike, we're getting to the end of this repaving project. Included in that, we're doing a new circulation pattern for both roundabouts and there hasn't been one aisle of communication or information regarding that, so our residents are forewarned as to what's going to happen at those roundabouts. Supervisor Hulbert: We've had the sign up there... Supervisor Miller: I think people need to know because that's a change. Mr. Wright: We'll advertise it in our newsletter and I'll coordinate onsite sign boards with the county engineer. Supervisor Miller: Yes, sign boards will be good and communication. Mr. Wright: Having talked with him a couple of months ago, he recognized there'd be an education process as that got closer to the end. Hopefully that end is soon. President Halbig: Do you remember my prediction that we haven't had a wreck there in 40 years? I guarantee it.

Supervisor Miller: Mike, the other thing I have is this certified letter that we received from the planning department. Mr. Wright: That deals with our participation in the local mitigation strategy. Supervisor Miller: Let me go on. Mr. Wright: Okay. Supervisor Miller: They indicated in this letter, which I guess every board member received, they had sent a similar letter in April to you as to why we wanted

to leave off our representation, but you didn't bother to share that with us, the board. You also didn't bother to share the fact that you, I guess, petitioned to remove us from this mitigation committee. I think you're trespassing on board prerogative here because when you have an intergovernmental relationship involved, you bring it to the board. Mr. Wright: Yes, sir, I understand. The only reason we're a member is we have three old projects that are possible potential for funding. One of them was something dealing with pandemic flu, which I never understood, that was about eight years old, a possibility that we might get a tanker. That was put on the list, but they have absolutely no hope for funding. And the fourth project was one that was on there for nine years that had to deal with the replacement of structures in the back that have absolutely no potential for funding. To be honest with you, it's a committee that really doesn't impact us that much. Supervisor Miller: Mike, it's not your call. Mr. Wright: I understand. I should have brought it to you. My apologies. Supervisor Miller: Okay. President Halbig: I had a similar conversation with him about this same letter when I got it. You are going to... Mr. Wright: We will with the next one. Supervisor Miller: So we are going to continue that relationship?

President Halbig: Is that it, Mike? Mr. Wright: That's all I have; yes, sir.

**11. Unfinished Business**

**12. New Business**

**13. Committee Reports**

**14. Public Comments**

Supervisor Miller: Given the events in the last year in terms of moving things through governed bureaucracy, I'm concerned. I would like to revisit the idea of rezoning around the clubhouse. Basically, all of the land around our clubhouse, Rick, is zoned agriculture. If we want to put... If, and when it's correct, if we want to put golf villas or any other activities on that property, we have to go to the county for rezoning. It's not a process that's going to be done in a month. It's a process that might take... The way things work around here, six months. If you've got a developer coming in and he meets with us and says he'd like to do it and he's going to foot the bill for building these and marketing these facilities, which is a gateway to Sun 'n Lake then we ought to be ready to go. I would like to start that rezoning process. Mr. Wright: The reason it was contended maybe two years ago was the thought was brought up that we need a committee to decide what areas. Do you still want to do that or do you want to go in and actually rezone certain properties? Or do you want us to bring it back and you tell us what areas you want rezoned? Supervisor Miller: Either way will work for me. I just think we should

be prepared in case. Mr. Wright: We brought it to you two years ago. Supervisor Miller: I know that and I tried to get it through three years ago, but I didn't get it through, did I? I think we need to take another look at it because we're a little bit farther ahead in terms of rebounding from the 2007 fiasco we had with housing and development. Mr. Wright: Would you like me to bring an item at the next meeting for discussion? Supervisor Miller: Is that okay? President Halbig: Yes, that's fine. I wholeheartedly agree with what Dick said. I had forgotten that we had not done it. Thanks for the reminder. Okay. Public Comments.

1. Tom Kosty: I had a question that came to mind. It's not directly because of the water meter project, but in reading through that specification I became curious as to why we put a statement in there that we wanted the bidder to allow other entities to piggyback on our project. Does that tie to any possibility in particular that somebody else might want to become part of Sun 'n Lake's new infrastructure project? President Halbig: I saw that, too, and I thought it was the strangest thing to put in the specifications as far as piggybacking. I couldn't make any sense of it. Mr. Wright: It's a practice in Florida where other governments can piggyback on another government's bid. It wouldn't impact us, but it would give the ability for the City of whatever to use our bid without having to go through the competitive process. President Halbig: Are you talking about an individual bid for a meter installation? Mr. Wright: They can piggyback on our contract. President Halbig: They're doing it for Avon Park, so maybe we can piggyback Avon Park. (Laughter) Could Avon Park piggyback us? Mr. Wright: Because they have a different system. If they wanted to adopt what we had, yes. Let me give you an example. There are cities that actually have 10 year contracts with certain types of products, for example, fire trucks where you can actually... If you want to buy a certain type of fire truck, you can piggyback off the City of so and so's contract and use that pricing. Mr. Kosty: The other question that came to mind in going through that process... I would just make a suggestion that if you're going to reissue specifications, the relationship between the local distributor and the manufacturer's of the product that's going to be used ought to be examined to some extent as well. Those are pretty important relationships with a project that's going to be going on and we're going to be living with over the next 20 years or so. For instance, I did go to the Mueller Company, whose meters are being proposed and they do not list Avanti as the distributor. However, they're referred to as the distributor and that just raised a little flag. Having been a distributor with a major manufacturer myself in the



past, I know that sometimes those relationships can go south. I think the board should be aware of a good, solid relationship between not only, for instance, Mueller, but also KP. I don't know how long they've been here; they're an Israeli company as I understand it. I would just want us to be fairly confident that there's a good, solid relationship between the major suppliers of this equipment and the local company.

Thank you. Mr. Devlin: What are you going to do with our bid for the next six weeks? Are you going to make that a public record? Mr. Wright: It is a public record; it's already a public record. President Halbig: Everything is a matter of public record. Mr. Devlin: Everybody is going to know exactly what we came in with pricewise. Mr. Wright: If they request it, yes, sir. We don't have a choice on that. Mr. Devlin: We just did something for the Water Management District and they held the bids. They said they were going to go out for bid on the same project, so they held that bid. I can give you the RFP number if you want it, but they held that bid until the new bids came in. Mr. Wright: I understand, but in this particular case, we've made it part of an agenda package, which is public. It's been on our website, it's been distributed widely, and you can't unring that bell. Mr. Devlin: That's pretty sad. Supervisor Miller: Dave, is that true? He's got a point; he's got a major point. Mr. Schumacher: It may be exempt from a public record request. I'll check the statutes, but I'm relatively sure that may be exempt from that. President Halbig: That would be good. Supervisor Miller: I think we should do everything we possibly can to protect that situation. Mr. Wright: I understand, but I'll be surprised considering the dissemination. We'll check. Mr. Devlin: To answer his question, we have a letter on file I'll be happy to give you on Mueller's letterhead about the relationship we have with them. Mueller is now the North American marketing agent for KP. That's on their letterhead as well. I'd be happy to supply it. President Halbig: I know these fellows that I talked to are all really happy with KP. They're using two types of meters, but the KP electronic seems to be the... Mr. Devlin: KP is mega net and KP mega net was Elster; Elster was the marketing arm, which had a huge factory up on I-75 in Ocala. We were distributors for them for a long time. President Halbig: They went south. Mr. Devlin: Right; that particular division. They're owned by a huge company that owns a lot more companies. KP had a marketing arrangement with Elster. We have that on file and we'll be happy to supply it. Thank you.

2. Larry Bertetto: I have just a quick question about trees. A board member and another member of the audience asked me about the tree that was dying outside my yard. I noticed that some time ago someone came by and sprayed. Shortly thereafter my wife looked out and asked if that tree was dying. She was looking at the leaves, but when you're colorblind you can't see the leaves. She said there were no more birds left in that tree. It wasn't the fogger because I know when they fog for the mosquitoes. Someone sprayed to kill something along there because I saw a district vehicle go by and spray and now things are dead. Mr. Griffin: I think what's wrong with your tree is water stress. There are two trees; one directly in your back yard and one adjacent to it. You've got substantial amount of water standing there. We don't spray any herbicide in that area. The only herbicide we spray is in the adjacent ponds and the herbicides that we spray there would not affect that tree. I believe it's a water stress issue that you're dealing with. Mr. Bertetto: Okay. You mentioned it's a water stress issue and you'll notice you have a drain in that clearing. I went out and inspected it because the water has been sitting there for some time and I know we've had a lot of rain, but I don't see any water going into the drain going to the lake. I'm no engineer, but one thing would be that drain plug. Number two, is the water level higher by the lake where the drain enters into higher than it is in the other section? Again, this is not your problem, but 13 years ago or 12 years ago I brought that up of why there's water there because the entire golf course drains to that area. I'll give you some history. When it was not done right, the reply I got from Ms. Whittington was the fact that since the builder did not do it right, we will withhold all future... When you approve the building, we'll withhold all those. The gentleman who was in charge said this could be fixed very easily and that is to run the same size pipe from where that entrance is to the next drain, but we can't do it because of the wetness of the land, which I understand, so they were to do it in the dry season. Then we approached the dry season and it can't be done because people on the board, which were not friendly to people, said the builder had to do that and they weren't going to do it. After arguing many years, a pipe this big was installed to drain the water where just down the road there's a 20 inch pipe, plus the fact it could have went from my yard to here to the next yard, which is not too far away. It's not your fault, but yet the district and I believe Mr. Bell worked on this... Then what we did is put a pipe all the way across the golf course, which is probably 200 feet where you could have went 50. I just question that. Mr. Wright: Why don't

we meet outside with Mr. Bertetto rather than try to do it here and see if we can resolve the issue? President Halbig: Can you look at it, Greg? You're going back a long way. Mr. Bertetto: It's not their fault. I've been arguing this for 13 years. I certainly can't sell my house; that's for sure. Mr. Wright: We'll take a look at it. Mr. Bertetto: Thanks.

3. Pat Holmes: I've got a couple of things. Mr. Wright, thank you very much. I've been wondering about that cart path along the outside of the 18<sup>th</sup> hole that we were going to blacktop. Now it's going to get blacktopped by the 19<sup>th</sup> of September. I'm glad to hear that. Thank you very much. Mr. Wright: 13<sup>th</sup>. Mr. Holmes: I've got one question to ask that I keep asking and I keep getting the same answer. When it's raining cats and dogs, two hours later the sprinklers come out on the golf course. When it's dryer than Haiti, no sprinklers. The answer I keep going is the sprinkler system is messed up. Do we have a bad problem with the sprinkler system on the golf course or what is the problem? I just don't see it. We have water restrictions on watering the golf course, but we're watering two hours after a torrential downpour. Something is wrong somewhere. Do people not look at this stuff? Another thing I want to say is we put all these trees in, and I look at some of these trees now and some of them are on a 45 degree angle from the winds. Do they have to be staked or what happened? Am I the only one that sees this? Mr. Wright: No, sir, we're planning on... Those we need to adjust we will. We're trying to get as many in the ground as we can now then we're adjust as we need to. We'll straighten them up. Mr. Holmes: That's all I've got. Thank you. Supervisor Miller: Mike, Ron and Dave were here earlier. Are they going to be here for the budget? Mr. Wright: I believe so. President Halbig: They're going to have to be here for the budget. You've got to call Ron. Supervisor Miller: They should address Pat's question.
4. Kelly Duppenthaler: I've been asked to come before you on behalf of my fellow firefighters. I would like to speak about the aftermath of the previous decision that the Board of Supervisors have made concerning the consolidation process between the Sun 'n Lake Fire Department and the West Sebring Volunteer Fire Department. During the decision making process, the topic of severance pay was brought up. At the board's request, the topic was set aside due to the possibility of using the firefighters in a different role. Now that the final decision has been made, we would once again like the board to discuss the topic of a severance package. It's to my knowledge that you have

received information on three different options. Is that correct? President Halbig: Yes, I've gotten some things. I was asked that question before, but typically you don't give severance to part-time employees and I also know that our part-time employees, which is a very, very liberal benefit, accrue vacation and sick pay along with their hourly pay. I think it's too liberal, so you guys have really been getting that accrual. It's very unusual to have part-time people getting accrual on sick and vacation, but you guys have been getting that all along, which is probably substantial over the life of the time period that you worked here. I just don't think it's in the best interest of us to do it. That's my opinion, but of course I'm only one of the supervisors. That's my take on it.

Mr. Duppenhaler: Okay, I respect that opinion. It's like you said, typically, you do not provide severance packages and I agree with that. Typically, you don't get vacation and sick time. This was decided on a form of compensation that was given. You've got a unique situation that you don't normally do, but you're doing that situation now. I still feel that there should be more conversation on this topic. I also have a couple of personal notes that I would like to relate to the Board of Supervisors. I would like to say that these are my thoughts and not necessarily the thoughts of my fellow firefighters. If the board so chooses not to provide severance pay while I search for other employment opportunities, I would at least like to have the verbage of the dismissal discussed. The word termination in no way, shape or form represents the hard work and dedication that I've given to the district and their employees for the past 12 years. This verbage on any application is only going to hinder my ability to seek further employment. I would also like the opportunity for an exit interview. I believe that's pretty much common in any industry, but we were not provided that opportunity. In closing, I have no doubt that a great deal of thought went into the decision or the idea of consolidation. I can only hope that the same great deal of thought will go into the idea of severance pay for your previous employees. Thank you for the opportunity to speak.

Supervisor Miller: The one point I get out of this is you feel that the language of ending our relationship is a hindrance in terms of new employment. Is that what you're saying? Mr. Duppenhaler: Yes, Michael Wright can correct me if I'm wrong, but a letter of termination was written up for all the employees. Mr. Wright: I just think it basically... It was a letter just basically saying that they would no longer be employed by the district. I don't remember the exact wording; it was like one paragraph. Supervisor Miller: Mike, I think the gentleman has a good point and the

last thing I think that this board ever wanted to do is to put any impediment... Mr. Wright: We certainly didn't mean that. Supervisor Miller: Maybe we can write a letter that makes it very clear to any perspective employer that we ended our relationship with honor. Mr. Wright: The proper place to put it would be in the employment file, so that three or four years from now if somebody calls asking about so and so, we look in the employment file and read what it says; that we consolidated with another department. Supervisor Miller: I can understand where he's coming from. Would that be satisfactory? Mr. Duppenhaler: I think that's only fair. Supervisor Miller: I agree. Mr. Duppenhaler: I didn't ask to do this and I lived up to the responsibility that the district handed to me. I wasn't terminated. I was but I wasn't. Supervisor Miller: I agree. We'll make the change on that. Mr. Wright: Yes, we'll put that in the personnel file. Mr. Duppenhaler: Thank you.

5. Rex Bond: I was a little disappointed and happy Tuesday at the Board of County Commissioners meeting when the decision was made to eliminate the Sun 'n Lake of Sebring Fire Department. I use the word elimination. I was a little concerned that the contract that we're supposed to have with West Sebring, one of their statement of issues was the West Sebring Fire Department provide fire protection and service to their area. Sun 'n Lake at this time does not have a fire department and West Sebring has the capabilities to provide this service. West Sebring is a good fire department, but for someone the size of the Board of County Commissioners to make a decision that we didn't have a fire department on April 20<sup>th</sup> concerns me. We have other enterprises here in the district and if they could be eliminated the same way that this situation occurred, we're in dipped coffee because all it takes is for the county commission to say we're not doing a good job or they want to expand and they'll combine our golf course with another golf course. I was a little disappointed that the Board of Supervisors here were not present at the meeting. If we want to continue this route, and it does bother me, but if we want to continue this route of the county taking us over, we need to put a cap somewhere as to our cost and if we give it away or sell it; we have the option of either. It's rather scary when you have procedures that allow the takeover to be completed just by signing an agreement. We are, I'm going to say, publicly owned. The people out here are supposed to put up the money and they have done a pretty good job in the past, so it's not a matter of a natural disaster that we would agree to something like that. What I'm saying is there are certain authorities that are being

taken that I'm not so sure that we're so sure that they're right. For instance, in the constitution, and I'm not a constitutional person, but the people have the right to vote and have a referendum concerning a takeover like this. My last say, and I'm sure all of you know this, but to make this transaction that we just agreed to a couple of day ago is going to cost somebody at the county's own estimation about, and I think Ron Handley recognized this at the meeting, it's going to cost about \$30,000. They all might have touched on it a few weeks ago, but about \$30,000. You might get down and ask who initiated it; okay, kick that down, but somebody will have to pay for all of the legal requirements and notify people that this is being done. I know in the constitution, it say's Transfer of Powers. "By law or by resolution of the governing bodies of each of the government's effected, any function or power of the county, municipality, or special district may be transferred to or contracted be performed by another county, municipal special district after approval by vote of the electors of the transfer or an approval by vote of the electors or the transferee or as otherwise provided by law." That can be interpreted in most any way you want to, but there is another section that I read that absolutely gives the people the authority. We need to do that. In a situation like this, we can't ignore it. I have not heard an official, and I'm not being critical. It's really information that we do like to protect the district. People have put in a lot of sweat and tears to get the district to where it is today. I would hope as we continue on down the road that we do take a look at some of the other laws that govern the transfer of power amongst political bodies without approval of the people. Thank you, Mr. Chairman. President Halbig: Thank you. Remember, Rex, we asked Mr. McClure if we were on solid legal ground when this transpired. I'm sure Mr. Macbeth was at the meeting at the county. If we weren't on legal ground to do that, I'm sure he would have raised the issue. Mr. Wright: He was asked and he did say we were on solid ground. Mr. Bond: That's fine, and he's a nice fellow, but strangely enough there was no legal counsel that I could see Tuesday. Maybe you did, sir, but our attorney wasn't there. Mr. Wright: No, sir. Mr. Bond: Absolutely wasn't. In fact, there was not a person that I recognized except Mike who came in late. I didn't see a person from Sun 'n Lake at that meeting. It's a serious situation. I'm not advertising, but do you know anybody that wants to buy some used fire hydrants? We don't have any equipment to hook into those things. West Sebring will at the proper time bring some of our equipment back and can hopefully work out a deal with the district to use our fire

hydrants. We've kind of got ourselves a little touchy situation. I'm not up here screaming wolf; it's just we need to know and we need to have good, solid advice on what to do and how to do it. Thank you, Mr. Chairman.

**15. Discussion to/from Board**

President Halbig: At that meeting... As a matter of fact, I don't know if that was on the agenda because somebody said it wasn't on the agenda. Mr. Wright: Yes, sir, it was on the agenda. I did arrive prior to our item. I did not go at the beginning of the meeting because it was the last item on the agenda.

President Halbig: Okay. What I read in the paper, what June Fisher said about not having the money to do this new fire/EMS station bothered me more than anything I read in that whole article. Mr. Wright: What Ms. Fisher said at the meeting was that there was \$200,000 set aside to deal with the Valerie station. It was called a rollover project that was in this year's fiscal year and it was rolled over to the next fiscal year. Am I saying that correct, Mr. Handley? The fact that the reporter didn't report it accurately, I can tell you at the meeting that's what she said. Just like I didn't say \$500,000; I said \$100,000. President Halbig: I'm glad you clarified that. Mr. Wright: I will assure you that if I had said \$500,000, these guys would have snapped it up in about a half a second. President Halbig: We're still on track? Mr. Wright: Yes.

**16. Adjournment – 10:58 a.m.**

Date signed: \_\_\_\_\_

\_\_\_\_\_  
David Halbig, President

\_\_\_\_\_  
Transcribed by Julixa Robinson, Administrative Assistant/Board Secretary