

MINUTES OF MEETING  
JULINGTON CREEK PLANTATION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Julington Creek Plantation Community Development District was held Tuesday, January 12, 2010 at 6:00 p.m. at the Julington Creek Plantation Club, 350 Plantation Club Parkway, St. Johns, Florida 32259.

Present and constituting a quorum were:

Susan Beaugrand	Chairman
Kathy Minnis	Vice Chairman
Del Dosch	Supervisor
April Spears	Supervisor
Brian Pincket	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Matt Maggiore	District Engineer
Stacie Hernandez	Julington Creek Plantation CDD
Shelly Timbol	Julington Creek Plantation CDD
Jerry Hill	Julington Creek Plantation CDD
Stacey Passen	Julington Creek Plantation CDD
Ashley McVeagh	Julington Creek Plantation CDD
Mark Corley	Julington Creek Plantation CDD
Jennifer Ferguson	Julington Creek Plantation CDD
Mike Lucas	Basham & Lucas
Jacob Myer	The Angelo Group
Residents	
Jim Perry	Governmental Management Services

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the December 8, 2009 Meeting**

Ms. Beaugrand stated included in your agenda package is a copy of the minutes of the December 8, 2009 meeting. Are there any additions, corrections or deletions?

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor the Minutes of the December 8, 2009 Meeting were approved.

**THIRD ORDER OF BUSINESS**                      **Discussion of Facilities Improvements**  
There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**                      **Approval of Pay Requests**

**A. No. 332, Payable to Julington Creek Plantation Community Development District, in the Amount of \$2,293.95**

Ms. Beaugrand stated included in your agenda package is pay request 332, which is reimbursing the District for some expenditures. This looks like it is all related to the construction for the other building. Is that correct?

Mr. Maggiore responded no. It is for this building.

Ms. Beaugrand asked so these are fixes?

Ms. Hernandez responded the advance awning and design was the additional awning that we have up at the competition pool.

Ms. Beaugrand asked what about the Black Box invoice?

Ms. Timbol responded this was for work that was done at the aquatic center when they changed the office around.

Ms. Beaugrand asked what about the Immediate Audio Visual?

Ms. Timbol responded I believe that was for the room that was changed from a game room to a fitness center.

**B. No. R-009, Payable to Julington Creek Plantation Community Development District, in the Amount of \$201.16**

Ms. Beaugrand stated included in your agenda package is invoice number R-009 in the amount of \$201.16. This is for the self storage to move the office stuff, right?

Ms. Timbol responded right.

On MOTION by Mr. Pincket seconded by Ms. Minnis with all in favor Pay Request Nos. 332 & R-009 were approved.

**FIFTH ORDER OF BUSINESS**                      **Discussion of Swim Team “Loggerheads” Leader Board**

Mr. Corley stated I am the swim team head coach. Jennifer is passing out information. The picture that you see is an existing board at Golden West College and ours would be similar to this. The board itself, the read out board, would be the same. The installation is kind of up in the air at this point on the structural aspect. We already have purchased part of the scoreboard. It is just the structure part that we have to get installed and buy whatever structural things are necessary for that. Dicky Smith did do an estimate for us and it is quite more expensive than the original estimate. About nine months ago they gave us an estimate of \$5,000 to \$7,000. The swim team did a fundraiser and we raised \$7,200 but now as of today they are saying \$24,000.

Ms. Beaugrand asked to do what?

Mr. Corley responded that is just to install. That is for everything including the concrete, the brick, the steel, electrical, permitting, etc. We are going to get some additional quotes. This was just for your information. The swim team will continue to raise funds. This other drawing is the approximate location they were looking at. The original location was next to the pool house but apparently underground we would run into electrical and plumbing guts of the pool itself, which is being repaired today. Down towards the other end between the tennis courts and the pool is the end we are looking at right now. The score board is kind of a necessity for a swim team and what this score board would do is when each swimmer finishes the race it will display their time. If you have a swim meet that doesn't have that then teams and swimmers would not want to come because they are so used to that happening at every other venue that we go to. It is very important that they have that and it is very important for them to come back. I thought we had that covered but apparently we don't but we are going to keep working on it.

Ms. Minnis asked this is only for the pool here and you purchased part of it?

Ms. Hernandez responded yes. It is called a Colorado Timing System and yes we did purchase it. We were looking forward to getting it installed.

Ms. Minnis asked what is special about the installation? When you are watching a swim competition how do they know that when it's really close who won? Is it by sight or is it something with the construction of that?

Mr. Corley responded this part is just the result. Everything else is the electronic timing system and when we have a meet you put into each lane a touch pad, so when a swimmer comes in and finishes they touch the wall and that turns off the timing computer, which will then send that message to that board.

Ms. Minnis asked does that part come in and out between meets?

Mr. Corley responded yes.

Ms. Minnis asked so you are looking at the permanent construction and that is the cost you are looking at now?

Mr. Corley responded yes. This picture here would be permanent that would be here all the time. The rest of the timing system you would set up prior to a meet and take it down when the meets over.

Ms. Beaugrand asked the part of the system that is within the pool itself, was that already purchased?

Mr. Corley responded everything has been purchased.

Ms. Beaugrand asked but what you raised money for was it just for the leader board?

Mr. Corley responded just for the installation of this board.

Ms. Beaugrand asked so we had already purchased the whole system?

Mr. Corley responded correct. All we are talking about is just the installation and structural price.

Ms. Beaugrand asked so you all raised the \$7,200 to get it installed?

Mr. Corley responded yes.

Ms. Minnis stated I don't remember having the discussion about putting one of these in.

Ms. Beaugrand stated it was all in the original planning. Are you all using the touch pad portion of it yet?

Mr. Corley responded not yet. We are waiting to have our first competition when this is up. We don't want to bring teams in and then not want them to come back because there is not a scoreboard.

Mr. Pincket asked can you have a USA sanctioned competition without the scoreboard?

Mr. Corley responded you may have that but nobody will come back. In fact, nobody will come in the first place.

Ms. Minnis asked is there any method on having it portable or do you have to hook up all the electronics to that part?

Mr. Corley responded correct.

Mr. Dosch asked could you go to Basham & Lucas and get it engineered as far as installation, structure and foundation?

Mr. Corley responded I don't know.

Mr. Pincket asked what was the explanation that Dicky Smith gave you for the difference in price?

Mr. Corley responded they underestimated the magnitude.

Ms. Beaugrand stated there are a couple options it seems to me; one is to go back to Mike Lucas and see if there is a simplified way of installing the board and also, we could talk to the Angelo Group and get them to take a look at it and give us a quote.

Ms. Minnis stated I recommend that approach.

Mr. Jacob Myer stated (inaudible).

Ms. Beaugrand asked if it were lower would that make a difference?

Mr. Jacob Myer responded probably not. It is usually just based on square footage and this looks like a pretty decent size board but whether it is \$24,000 I don't know that sounds a little extreme.

*Ms. April Spears joined the meeting.*

## **SIXTH ORDER OF BUSINESS**

### **Discussion of Hiring of Family Member by General Manager**

Mr. Haber stated by way of background at the last meeting you may recall that the board addressed the fact that Stacie, as the General Manager, hired her daughter Christiana Rosario to serve as the Risk Manager. At that meeting I advised the board regarding Section 112.3135, Florida Statutes, which specifically addresses the hiring of a relative by a public official. Essentially, a public official is an employee of the District who has been delegated the authority to make hiring decisions. At that meeting I indicated that there were two violations as I interpreted the statute; one violation was Stacie's act in hiring her daughter and the other violation I indicated was the ongoing employment of Christiana. As an interim measure to deal with that issue the hierarchy structure as it relates to Christiana's oversight was changed such that Susan would have that oversight as an interim measure, so I could research the issue further. I have done that additional research. What the research has shown is that Section 112.3135 is silent on the issue as it relates to the ongoing employment. My initial advice at that meeting was an error as it relates to it being an ongoing violation. I think it is clear that the statute prohibits a public official from hiring a relative, so I would say the hiring was a violation of that statute. As far as dealing with penalties for that hiring, you did that at the last meeting as it relates to Stacie

and that was a public reprimand. I cannot give you advice as to any action you need to take with respect to penalties for Christiana because the law is silent on the issue. That is something that the board can address and it is up to the board's discretion but it is not something that I can say the law dictates how it is handled. One thing I would like to bring to the board's attention is that because the definition of a public official is an employee who has been delegated the authority to hire, there are other employees of the District who are also public officials. Subsequent to the meeting I was provided with the employee chart, the breakdown and who hired whom. There was sort of a two step analysis; one, are you a public official and two, if you are a public official have you hired a relative? If you have hired a relative then you have violated this section. There were three individuals in addition to Stacie that we identified that hired relatives and they were public officials based on the fact that they were managers. Those people were Maria Gunther, Shelly Timbol and Stacey Passen. I think there are two issues to be addressed today; one is very similar to the issue you addressed at your last meeting where these three employees who were public officials hired family members. I haven't spoken to all three of them regarding the issue, but I went through the penalties at the last meeting and they range from a public reprimand to termination of employment and there are other penalties in between that I'm happy to review with you again. Then the board needs to discuss what the board would like to do as it relates to Christiana's ongoing employment.

Mr. Pincket asked I'm assuming Stacie Hernandez was the General Manager when these three individuals were hired?

Mr. Haber responded correct.

Mr. Pincket asked do Maria, Shelly and Stacey all report directly to Stacie?

Mr. Haber responded I believe so.

Ms. Minnis stated the reason I asked to see this paperwork was when there was the comment that we have a lot of people employed. I asked to see the JCP employee list and this was provided. You have names on here, but Christiana has a different name than Stacie, so it is not obvious on this document that the two are related. You would have to look at the other document to see who is related to whom.

Mr. Haber stated I believe an attorney in my office had a conversation with Stacie to go over the chart to find out the family relations, so we could come to the conclusion that these were the three that met those criteria. We spoke directly to Stacie to clear that up.

Mr. Pincket asked when you say the law is silent, is it silent in respect to penalties that we can impose on Christiana or is it silent with respect on whether or not the continued employment of Christiana is a violation of law, or both?

Mr. Haber responded I think both. Based on my research the law is aimed to deal with the act of hiring and the person who did the hiring and less so on the person that was hired. I can't conclusively say that there is a law, a case or a statute that details the manner in which the District needs to deal with Christiana.

Mr. Pincket asked and your conclusion that the statute is silent with respect to the continued employment is a violation of law is based on your interpretation of the word employed means hired not continuing employment?

Mr. Haber responded yes. There was an Attorney General opinion that interpreted employment as hire as opposed to ongoing employment. I will say that the law is unclear on the issue. I think the vast majority if not all of the cases that I read and I use the word cases broadly because I think there was one actual Florida Supreme Court case and they were all distinguishable on their facts in one way or another. I think the statute is silent on it and there is no clear direction. It is clear that the hiring was in violation of the section and I'm comfortable with the action that the board took at the last meeting.

Ms. Minnis asked were you referring to AG 8257?

Mr. Haber responded no.

Ms. Minnis stated in some of the opinions that I read searching on their database was that the law is not to prevent employees from working together or for the same unit of government but it was that one could not advance another. A father can't hire a son.

Mr. Haber stated I agree. There were cases that give that general impression. The specific case that I was referring to is 70-018, which interpreted employment to be the original appointment or the original hiring of the employee. As I said none of these opinions were directly on point, so I'm pulling here and there from the body of the opinions to find something that is relevant.

Mr. Pincket asked so none of the opinions are directly on point and as you and I know AG opinions do not have the effect of law they are just the opinion of a lawyer, correct?

Mr. Haber responded correct.

Mr. Pincket asked there is also one conflicting AG opinion that is the 89-53 where it says it is a violation of Section 112.3135 if there is a relative of a public official working in the same agency?

Mr. Haber responded correct that exists. I thought that the interpretation was overly broad on the Florida Supreme Court opinion that was between the City of Miami Beach versus Galbut. The Attorney General opinion is just another interpretation. This is my interpretation of the law.

Mr. Pincket stated I agree with everything you said about the Supreme Court opinion are distinguishable about the facts. Just so everyone knows that was a situation where some guy was on a zoning board for 10 years and then his father-in-law got elected to the city commission, so this guy was on the board for 10 years, was an appointed position and had no compensation. His father-in-law gets elected to the city commission and it takes five-sevenths of the commissioners to reappoint him and the issue was could the commissioner be involved in that reappointment.

Mr. Dosch stated at the last meeting it was recognized that Stacie was at fault. If we take measures like we discussed at the last meeting to move people out from under their family or relative supervision and they are still employed because this organization is functioning quite well, are we still in violation if we continue to shift people but they still remain employees?

Mr. Haber responded not the way I interpreted it. My interpretation was what the section is seeking to prevent is the hiring, advancement and promotion by a relative. I don't think it is seeking to prevent family members from working within the same agency or even relatives of public officials as long as the public official does not have any direct line of supervision or otherwise for their family member. I am comfortable with having public officials having employees working within the District as long as they are not in the same hierarchy.

Ms. Beaugrand asked you said direct line?

Mr. Haber responded yes.

Ms. Beaugrand stated I want to highlight that.

Mr. Haber stated I think it is important for appearance purposes that the public official not have any ability to play a role in the promotion, advancement, etc.

Mr. Pincket asked so no ultimate direct or indirect line to the relative? So if Stacie is at the top of the organizational chart and her daughter works anywhere within the organization then ultimately she will be reporting to someone who will ultimately be reporting to Stacie? Do we

want to restructure the organization to address an existing problem that we have of multiple relatives reporting directly at some point to a relative? I think that is somewhat disruptive. I don't think I want to be here talking about how we can restructure this whole organization, so that the sins of the past can be corrected and addressed. I think it is the wrong move. It is an appearance that I don't want to give that we are trying to have the tail wag the dog and deal with a bad situation in an improper way.

Ms. Minnis responded after I saw these two documents we were given the employee handbook at the end of the last meeting and within section four page 10 is the part that has the "at will." When I went through this I started to question when was this made because I look at I see Wes Stevenson and Paul Stevenson working together but it is my impression that they are at the University of Florida and so is John Bratos.

Ms. Hernandez stated the reason why we put everyone on here was so the board could see. These people will come back to work, so I just wanted to make sure you saw all the activity on there.

Ms. Minnis stated in my recommendation I put that you need an effective date on every document and within the hiring I didn't see anywhere in any of the documents where anybody acknowledges that they have a relative working here. There is nothing for the hiring person that says this person is not related to me. I think going forward we should put in place that you can't hire, that it is acknowledged and that it is signed. We had a discussion about hiring and word of mouth can't be it. We have to have a higher level.

Ms. Hernandez stated this manual isn't used often. It is a very good document created by Paychecks Interviewing and Selection Manual. When you go to the recruiting you will see that the internal recruiting sources are really very valuable for companies and they save money when you go inside application files. The next most valuable one is the employee referrals.

Mr. Pincket asked should they be to the exclusion of advertising?

Ms. Hernandez responded no but these are some of the guidelines that we have looked at.

Ms. Minnis asked if anyone is employed and that position has been vacated are they guaranteed that job next year based on this?

Ms. Hernandez responded I'm going to let Ashley and Brandi address the lifeguard issue. They spend many hours talking during the offseason and reviewing and doing appraisals on their people that are top notch.

Ms. McVeagh responded we did a review on all the employees in the 2009 season. Those that we have asked back we sent them a letter in December and if they haven't been working here in the winter season and they are going to come back in March then we asked them to bring a new application, a resume and they also have to sit down and answer questions. They are not going to be asked questions that are in the employee manual but they do have to reapply for a position. Some of them may apply for a position higher and if we don't have anything in that position then we ask them to reapply as a lifeguard. They are not all guaranteed the next summer.

Ms. Minnis asked how do we correct the advertising of jobs?

Ms. McVeagh responded not only do I post it on the website and word of mouth through friends that may already be lifeguards, in the aquatics department we post positions and we also send a memo to the St. Johns County High School stating that we are looking to hire lifeguards. Jennifer and I have posted at the University of North Florida, also. In our department we don't just go off the website.

Ms. Minnis asked but what about if we are supposed to be an equal opportunity employer, what about other positions outside of that? What about management positions, how do we post those? Do we have any way of saying this is how we advertise jobs?

Ms. Hernandez responded I haven't lost anyone. I take that back I have lost one person in the last several years.

Ms. Minnis asked how did we advertise for the food and beverage manager position?

Ms. Hernandez responded I had spoken to Stacey Passen. I knew she had 30 years background experience in special events. I asked for her resume. She came in and interviewed twice. I think that was in December and the job was not available until March and she took another job. I had other people come in and Paula Holstein got the job instead. I held onto Stacey's resume because I indeed thought she was the best candidate for the position. I called her and she wanted to come on board.

Ms. Minnis asked, "Wes, can you look into the policy of advertising for the next meeting?"

Mr. Haber responded sure.

Ms. Minnis stated I went through all the documents that you gave in the package and I gave a list of add a revision date or a form number, so that if someone ever comes in and says I

signed this and I signed this, so we would know which document is the most recent. The fourth document I added was the email that came from Shelly in case someone hadn't read it in regards to Christiana's employment. I am with Brian I don't think we should shake up the organization. I just think we should tighten it up, so we are accountable.

Mr. Pincket asked, "Wes, you are of the opinion that the law is not clear as to whether or not her continued employment is a violation or not?"

Mr. Haber responded yes. If future promotion and advancement goes through Stacie for that position it would clearly be a violation.

Ms. Beaugrand asked can you define future advancement or what would not be an advancement?

Mr. Haber responded cost of living increases are appropriate. I think there was a case that addressed that. If there is a position that is above Risk Manager that there would be a problem if Stacie was related to the decision and promoting her into that position or if bonuses were ever paid.

Mr. Pincket asked who would evaluate that person's performance?

Ms. Beaugrand responded currently Jerry is her direct manager and I think it was a joint evaluation between Jerry and Shelly.

Mr. Pincket stated yes and those two people report to her mother.

Ms. Beaugrand stated and based on my conversations with them neither person has a problem with it. Obviously, you can't write a policy based on people who were here. Jerry and Shelly feel comfortable that they can give the appropriate feedback whether it is positive or negative. You have to write it to the general Joe who would be in this position versus that position.

Mr. Pincket stated it is a problem. I think we need to step back and say why are we trying to force this. It is a problem for her daughter to be working in this organization. I think we have a duty to the other employees of this organization to treat and to be fair with them in terms of how they deal with Christiana knowing that ultimately their job is in the hands of the GM. Shelly said there have been no complaints about she is interacting and of course there are not. Who would complain knowing that her mother could fire them? You mention that Jerry and Shelly gave a numeric evaluation of her performance two weeks ago and that was since the

last meeting. She was hired in February as I understand, so why was she given an evaluation two weeks ago?

Ms. Beaugrand responded everyone gets evaluated at this time of year.

Mr. Pincket stated it just seemed to be an odd time to be evaluated between the two meetings. This was raised in the email and it is raised now in terms of whether or not an employee of this organization can honestly and fairly give an evaluation to Christiana knowing that Stacie is the GM and her boss. I'm going to go back to the whole landscape committee issue. We appointed a landscape committee of three people that consisted of Stacie, Jerry Hill and Kathy Minnis. They also evaluated existing landscape proposal of our current landscaper who Stacie made very clear she wanted to keep and we had three or four other very highly qualified companies. The committee came back with their first vote and not surprising to me Stacie gave 10's to the existing landscape company and the only evaluation criteria she couldn't give a 10 on was price. Jerry also gave 10's to the existing company. Kathy Minnis was the only member of that committee who by any stretch of the imagination gave a fair assessment of these highly qualified companies. The committee came to this board with the recommendation. It was obviously flawed. It was challenged, so we went back and sent the committee back to do another evaluation. They came back with the exact same numbers. At that point and time we couldn't go forward because it was challenged once already. We took it away from the committee and we simply made a vote. Kathy, I have never said that to you but that was the explanation as to why that happened.

Ms. Minnis stated I kept the same numbers in every vote.

Mr. Pincket stated it was obvious to anyone involved in that process that Jerry Hill, and I don't slight Jerry for this because he was reporting to Stacie, but he gave 10's to the existing organization consistent with what Stacie had done. We had other great organizations with a lot of experience and low and behold ultimately the board decided to hire one of those organizations at a savings of \$80,000 to the CDD. To me, that is clear tangible evidence that we have a problem and that has been played out. Every meeting I have asked Jerry how the existing company is doing and every time they are great, so that is just an example of how employees in this organization can be influenced. Jerry would probably say that he wasn't influenced but we will never really know and that is the whole point. We will never really know if any of these

employees that deal with Christiana in this organization, can be honest in dealing with her and can honestly assess her.

Ms. Hernandez stated for the record I did not give Trim Terrific 10's across the board. On that second vote when everyone voted again Lynn lost the bid by less than two points, so it was very close again on the second one. Kathy was in the meeting. Jerry scored his outside of mine. I had no idea how Jerry scored his. He had no idea how I scored mine.

Mr. Pincket stated he knew how you wanted the result to come out.

Ms. Hernandez stated you are accusing me of doing the wrong thing.

Mr. Pincket stated I'm stating that you have influence whether you know it or not because of your position and that is the issue that we are talking about today.

Ms. Timbol stated I feel personally insulted that you would say that my job performance is dependent on an influence. I have integrity and if I feel something is right I will say it and if I feel something is not right I will say that. I have not always agreed with staff on everything and I think Stacie and I respect one another and we have a very good working relationship. The reason that I wrote the email was because I do think that it is in the best interest of the community that Christiana keeps her job because it is a very needed position and she does very well at it.

Mr. Pincket stated unfortunately you don't make that decision. We do.

Ms. Timbol stated no I don't but I can make an opinion.

Mr. Pincket stated I don't think everyone is aware of how Christiana was hired and I think it is important to understand the process. Susan made a comment at the last meeting that she had talked to Stacie and she was comfortable with the process and how it worked. I was curious to know how it works, so I had Wes call Stacie, so the information I am relaying here is information that was relayed to me by Wes. Apparently, there was no ad placed for the Risk Manager job. Not one. There was no job description of that position at the time she was trying to fill it. She took old resumes that were submitted when this organization was opening up and looked at those, so these are resumes that may not have had Risk Manager experience but that is not the way I want to fill positions at that level in this organization. I think we are spending a lot of time and money on this. We spent thousands and thousands of dollars on attorney's fees dealing with this issue. I don't think it is fair to any employee within this organization. Not everyone has the integrity that you have Shelly. I'm not impugning your integrity.

Ms. Timbol stated yes, you are.

Mr. Pincket stated I'm not but you are not recognizing the reality of the world that not everyone has that integrity and people are going to be influenced by the fact that they might lose their job in terms of how they deal with Christiana because her mother ultimately holds their job in her hands. If you can't see that then I can't explain what kind of world you are living in.

Ms. Timbol stated the world I'm living is one where day to day I'm here everyday and I see how this organization works. You aren't.

Ms. Minnis stated Brian and I both said in the minutes from the last meeting that my son took the lifeguarding class and applied for the job here and was turned down. He was recommended for a job at the Plantation Club in Ponte Vedra. He went to school out there and he was making significantly more. I said to my son I had no contact with anyone here before he took the job at the Plantation Club. I said I think they don't want to have a board members son or daughter working in this facility. When I toured the pool and I was talking to Brandi and I was telling her what a great job that Matthew had because he was making \$11 an hour and he got free food, etc. I said thanks for recommending him he is making a lot of money this summer. Based on this discussion are you saying that no relative of a CDD member should be employed in this organization?

Mr. Pincket responded that is what I'm saying now.

Ms. Minnis stated I don't have an issue with that.

Mr. Haber stated that is where Brian and I may disagree because I think as long as the board didn't hire then I would be comfortable if your children were hired.

Ms. Timbol stated Brian, if that is true that you do not believe a board member should have a child working for the organization then either you changed your mind from when you called me back and I felt intimidated when you wanted an explanation from me why your daughter was not hired.

Mr. Pincket stated I inquired as to what the criteria were to hiring a lifeguard. As a member of this board I have an obligation to do that and that is all I did.

Ms. Timbol stated that is not true.

Mr. Pincket stated my daughter has been a competitive swimmer. She is a straight A student. She is 5'10" and about 135 lbs.

Ms. Timbol stated you did not tell me that the first time.

Mr. Pincket stated I didn't have to tell the person that interviewed her. They saw her. My point is that I know of lifeguards that were hired here that have never swam in their life. They couldn't pull an adult out of the pool if their life depended on it. Those people were hired. I simply wanted to know what the criteria are. You must have some pretty super lifeguards here.

Ms. Timbol stated you just said that no board member should have a child working here.

Mr. Pincket stated no. What I said was I have changed my mind. I was not aware of the statute.

Ms. Timbol stated neither were any of us that is my exact point.

Mr. Pincket stated I understand that, but we are aware of it now, so we have an obligation to address it.

Ms. Beaugrand stated we have two issues at hand; one issue is that we have three of our managers who are in the same situation that Stacie was last month where there were issues. We dealt with that issue last month by passing a motion reprimanding her. My recommendation on that one issue is that again tonight we pass another motion basically reprimanding Maria Gunther, Stacey Passen and Shelly Timbol for the hiring of their family members within Julington Creek Plantation CDD. I think that is a reasonable move for us to take based on the precedent we set last month with that issue that we dealt with as far as Stacie is concerned.

On MOTION by Ms. Beaugrand seconded by Mr. Pincket with all in favor Public Reprimand for Maria Gunther, Stacey Passen & Shelly Timbol for Hiring of Relatives was approved.
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Ms. Beaugrand stated the other issue we have at hand, unless something new can be brought up, I would personally prefer to not get into the negative discussion that we have already had, and that relates to Christiana's continued employment. This has nothing to do with Christiana personally. This is a situation we fell into. None of us were aware of the statute. We wasn't even aware of that statute. The same thing goes with Stacie and the other managers who are involved here. This is just an unfortunate thing. We obviously have to take care of it and move forward. With that being said we obviously need to resolve the employment status situation. Clearly I know how Brian would like to see it resolved. There is the option of terminating the employment. Not due to anything negative that has been done by the employment because that is certainly not the case. There is the option of setting up some

reporting structure that bypasses the General Manager. There remains the issue that any manager who does have management responsibilities over Christiana and does report to Stacie. We have to set this structure up based on any human being in those positions and not the people themselves. Those are the two options that we have here. I would love to hear from the other supervisors.

Mr. Pincket stated it has nothing to do with Christiana's performance or her personally. It is just the situation that we are in. I don't think there is any other solution to it then Christiana be terminated. I think with respect to other employees if we can do some restructuring that is minor and it still makes sense then I'm open to reviewing that. I think we need to set up a structure and hiring practices that are professional.

Ms. Beaugrand stated this organizational chart that we have was restructured after the meeting last month and it did split out the reporting lines, as far as family members are concerned. This kind of already takes care of that issue. There are no family members reporting directly to another family member.

Mr. Pincket asked do we have a family member in one department reporting outside of the department?

Ms. Minnis asked what about aquatic directors that are brothers that work together?

Ms. Beaugrand responded those are assistant aquatic directors but they report to Ashley or Brandi. They don't report to each other, so I don't deem that to be a problem. The last thing I want to have happen here is a total disruption. I think we have a very well functioning organization. I think in a moving forward basis we make sure that we hire appropriately, where we don't have family members reporting to one another.

Ms. Minnis asked if we have the same issue with Stacey Passen and Shelly, do we have to address those two employees the same way?

Mr. Haber asked as far as what issue?

Ms. Beaugrand responded they are not in a reporting line to their family members.

Mr. Haber stated I think the issue is that Stacie is the General Manager, so she has oversight over everyone versus Stacey and Shelly who are in different positions, so it is an easier fix.

Mr. Pincket asked is there a relationship between N. Cema and A. McVeagh?

Ms. Beaugrand responded no. All the shaded employees are those who have family members working here. It doesn't mean they are working in the direct line.

Mr. Dosch on your comment regarding the tail wagging the dog this dog didn't have a tail in December. My point was I don't want to be so disruptive to this entire organization that we dismiss 41 people. Given the scenario that you described earlier that I was not familiar with on the hiring of Ms. Rosario, In my heart, I would like to overlook it, but you manage with your head and not your heart. Given the practice and what occurred and the lessons learned I think we need to make some changes because I don't think this is fair to the community and customers.

Ms. Spears stated I think we are all concerned personally about people but legally I guess I'm not exactly clear on what that advice is. I feel like we are kind of at the mercy of that. We are going to have to follow what the statute says but I guess what you are telling us is that it is gray and we don't really know?

Mr. Haber responded that is exactly right. It is clear with the hiring violation that is why it is easy for me to say to choose one of the penalties that matches the severity of the problem. We did a significant amount of research but based on that I don't have a specific answer to give you.

Ms. Minnis stated one of things that I was not aware of is how the process worked. I looked at pieces of paper and have recommendations that we need to tighten this up. I believe we don't want to shake it up. I don't want it to look like it is a machine. I think there are ongoing improvements that need to be made. When we discussed this last week we did not have the information that Brian brought forward today. I'm talking about Christiana's specific hiring on how that occurred.

Ms. Hernandez stated Wes, I don't believe that Brian's interpretation of our conversations were correct.

Mr. Haber stated that was information that I presented to him, so if there was a misinterpretation it was on my part.

Ms. Hernandez stated like any of the other manager's that I have hired I have sat down numerous times with each one of them on many occasions. Like I stated at the last CDD meeting we were flooded by a lot of resumes when we first opened. We had a lot of good resumes. There are a lot of people out of work. Kim got some resumes directly in her office. Ashley, Scott and I all got some resumes directly and indirectly. I got some through the mail and

got them laid on my desk. I had at least 20 resumes that landed on my desk for a reason. It wasn't the lifeguard's resumes that landed on my desk. It was people in more administrative roles that wanted their resume to be seen by the General Manager. At that time we were assessing what our risk management would be. This facility was new. We were talking about what it would include and how we would interpret what risk management would be here. It is obviously not an industrial site and a lot of the OSHA requirements in the documents that I got from Paychex didn't match what we were doing here. I had created documents and Jerry and I were reviewing those documents. We were tightening them up and we were looking at them on how we could check the facility. He at the same time realized that we were seeing 1,200 people on a daily basis, so we were both in discussions. We were both trying to work. We were both looking at resumes. We were talking to other staff members. I found someone for him for head of housekeeping and I started looking then at some of my resumes for risk management or someone that could help Jerry in identifying what was loose or what was broken, etc. We are different in many, many ways. Looking at those 20 good resumes and bringing it down to 10 people that had enough background that could change and move it along with us because everybody's job here has changed to one degree or another. They are having more responsibilities, more duties and more MOD shifts. Kyle started in aquatics but he wasn't the best fit for aquatics and he moved into helping to assist Jerry. Brandi was with us and with her 15 year background she wanted to work fulltime, so it made sense instead of looking for someone new. I narrowed those resumes down to 10. I gave them a personal phone call and I had some of the questions that I ask here. I always make sure that we background check and we are drug tested. I also then go into that the job requires that you work weekends, nights and holidays. Like I had told Wes and like I had stated at the last meeting that cuts your pool quite a bit. People were not interested in working those kind of hours. I certainly understand that. It takes a certain type of person that works 50 to 70 hours a week in the summer time to make sure things run smoothly and people are safe and that is what it takes in aquatics. We all do that in the up season. Mark is here at 5:00 a.m. and he doesn't leave till 8:00 p.m.

Mr. Pincket asked so what did I say was wrong?

Ms. Hernandez responded you didn't say what I just said.

Ms. Beaugrand stated I think it was a stale resume.

Mr. Pincket stated no ad was placed and there was no job description.

Ms. Hernandez stated it wasn't necessary to place an ad for the job. I'm not going to get into it. I did a good job. I have done an excellent job. I have hired the right people. I have one of the highest retention rates. I am thorough. I care about this community. I don't work 70 hours a week because I completely and thoroughly enjoy every moment of it. I truly care about the community. I truly care about everybody and I always have or I wouldn't have started eight or nine years ago. It wasn't old stale resumes that I was looking at. There was a thorough investigation on that.

Mr. Pincket stated the benchmark or the starting point is what is the law on this and I think Wes has stated it is not clear, so I think there is some flexibility but frankly, it could be interpreted against us. Stepping beyond that, I think we need to go to a policy decision on what is right and what is wrong and what kind of organization we want to be. I'm not looking to shake up the organization but I think the only person that needs to be terminated is Christiana and I think if we could look at the other employees. I don't think it is a shake up that I am advocating but we do need to address it. We are aware of the law at this point and time and we need to have a transparent organization that is free from any kind of favoritism or nepotism and that is what we need to set in motion at this point.

Mr. Haber asked was that a motion?

Mr. Pincket responded it wasn't but I will make a motion that we terminate the employment of Christiana Rosario and if it is the will to give her two weeks notice but certainly pay her for two weeks severance, whether she works it or not, so my motion is to terminate the employment of Christiana Rosario and giving her two weeks notice and two weeks severance.

Mr. Curtis stated I am the attorney for Stacie Hernandez. I think the conversation has been great tonight. I would also like to say that to the extent that we are talking about the process of hiring Christiana that was dealt with last week and resolved and that was not to be addressed again based upon the agreement that we had. I would ask that you strike that.

Mr. Haber stated only as it relates to the penalty for Stacie. In other words if this board wants to take that process into consideration then I think they are entitled to do that.

Mr. Bill Curtis stated I would also like to suggest that I would imagine that the District Manager could possibly provide an independent evaluation of Christiana without worrying about retaliation by Stacie.

Ms. Beaugrand stated at the last meeting the temporary fix to get through Wes' review period was obviously Christiana reports directly to Jerry and then any oversight of that would come to me. I have no fear of retribution from residents. It is a difficult thing because neither the District Manager nor the supervisors are here all the time. I don't have day to day or month to month interaction with Christiana. I would love to work out something like that.

Mr. Curtis stated I think the District Manager may also be uniquely qualified to do that because they can compare the performance of that Risk Manager to the performance of others at other Districts. I understand the sensitivity about the direct line and Stacie being the supervisor and that is how the organizational chart is set up, so something creative would have to be done but Stacie is also not the mayor of the CDD. She still does answer to the board, so it could be easy to carve out a situation where someone else reports to the board about Christiana's performance. There are laws in the books that protect these people's jobs. When people deal with each other out of trust and good faith what you ultimately have to do when you hire someone is you have to trust that someone is not going to take action just to get back at you for something that you say objectively and not only do you trust that but there are laws to back you up.

Mr. Pincket stated the reality is those are difficult to prove though.

Ms. Beaugrand asked for clarification, you are saying if an employee's manager gave Christiana a negative review and Stacie retaliated then there is action against Stacie for that retaliation?

Mr. Bill Curtis responded yes. I don't know if this environment has had a lot of firing but just as it is hard to prove retaliation it is also hard to say that there will be a problem with Stacie and Christiana. I think if you look at any evidence in the past it would be how much firing has been done in the past, which would be the ultimate point of intimidation. Then if Christiana did keep working on I would like some clarification about what authority Stacie would have to move her around in the organization, not necessarily from the standpoint of advancement but roles change frequently here, so she might have to change responsibility from time to time.

Ms. Minnis stated I believe that is the ongoing issue.

Mr. Haber stated I think that presents potentially a problem to the extent that even though it may not be looked at as a promotion if there is one position that is preferential to another. It is a complicated issue to say the least.

Mr. Dosch stated I think Brian's motion included two weeks of severance pay upon termination. Is that standard or is there a compassionate reason to maybe extend that another two weeks?

Mr. Pincket responded if you want to go with four weeks I will amend the motion to four weeks.

Ms. Minnis asked how long has she been employed?

Ms. Hernandez responded she was hired on January 12, 2009.

Ms. Minnis stated the standard termination of employment where I work is two weeks for every year you work.

Ms. Beaugrand stated but that doesn't apply to every other place of work.

Mr. Dosch asked is there no severance package described of service in the manual?

Ms. Minnis responded I believe it is only organizations of over 300 people that are letting go that have to do that.

On MOTION by Mr. Pincket with lack of a second the motion dies to Terminate Christiana Rosario & Provide her with Four Weeks Severance Pay.
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Ms. Spears asked is there anyway to put a plan into place with some type of guideline where we would review on how that is actually working? At any point we could revisit this if we find it is too complicated, there are too many issues, there are too many questions and then at that point if we feel we need to terminate we could at that point, correct? We could come up with a solution to allow her to stay on and set a timeline and then evaluate it.

Mr. Pincket stated it is hard to evaluate whether it is working or not because the whole issue creates a situation where people are hesitant to raise concerns.

Ms. Minnis stated I agree with Brian.

Ms. Beaugrand stated there is one other thing that is a possibility and Shelly actually made this suggestion and that is to have an employee open door communication option and this would be provided with the rest of the documents on any hire basis. Basically, it says if on any occasion an employee of Julington Creek Plantation CDD has a complaint about their work practices of any kind would prefer to bring this complaint directly to a member of the JCP CDD board of supervisors as form of use. No disciplinary action will be taken against any employee

by any manager of JCP CDD because of the use of this form. I don't think this is a bad idea regardless.

Mr. Pincket stated I agree but I think it should be real clear that if the employee opts for anonymity it should be on here.

Ms. Beaugrand stated yes. I don't have an issue with that either.

Ms. Timbol stated I had thought about putting that on there; however, since this would go to a board member I felt that it was on our part to guarantee anonymity. If the board member would then talk to that person then they could choose to make it more public or at least go to that person's direct supervisor.

Mr. Pincket stated what I'm saying is that it would be anonymous unless the person authorized any kind of disclosure of their name. They can talk to the board member and the board member understands it is going to be anonymous and they are not going to mention who files the complaint or files this form. Then with the permission of the employee only disclose their name.

Ms. Timbol stated I think that is great but again, that would hinge on the board agreeing to the anonymity.

Mr. Pincket asked, "Wes is that something we can do?" Do we have the option as a board member to keep something like this anonymous if the employee comes to us with a complaint?

Mr. Haber responded essentially all the Sunshine Law says is you all cannot meet outside of a publicly noticed meeting. This document would be considered a public record. We could set a protocol whereby employees could come talk to a board member.

Ms. Beaugrand stated that is what this does.

Mr. Haber stated I can't say that if there is litigation that it wouldn't be relevant in deposition, so it wouldn't be protected that way.

Mr. Pincket asked so you saying that even if you put it in the document the conversation would not be protected?

Mr. Haber responded the conversation is protected by the Sunshine Law but I don't know if it would be protected with litigation.

Ms. Minnis asked do we have the option to extend this another meeting?

Mr. Haber responded yes.

Ms. Minnis stated what you said before was that we had to address the issue and we had to make progress going forward every month. I wrote a report on what I think should be done to tighten up. They have a copy of it and they can review it and come back. We took all the documents and reviewed them, so I made up comments based on that. Shelly and Stacie have them. We made progress towards this. What you originally said was we need to make progress to get this resolved.

Mr. Haber stated right. I think in large part one of the reasons why I wanted to take the interim measure from the last meeting was an issue raised by Brian as far as is there just a flat out ban on a relative of a public official working in the District. On that specific issue I think I am pretty comfortable that the District is okay. The issue that this board is dealing with now is the more complex issue of Stacie and Christiana because of Stacie's position as the General Manager. Brian raises the point that could someone make the argument that Christiana's ongoing employment by the District is problematic. It is possible. I don't think that is a slam dunk winning argument. Could I make the argument that she is perfectly fine with staying here? There is definitely an argument for that but I don't think that is a slam dunk winning argument either. I don't think there is a clear answer on how that needs to be addressed, so to push it to the next meeting I think that would be fine.

Ms. Minnis stated I think based on the length of the conversation we should get the minutes and if anyone has a question send it to Wes, so if there is any question in here that needed further research we do it. I would rather say we are trying to have due diligence and let you go back and listen to the tape and see if there is anything that should be researched before we come to a decision. The first page of the manual states, "We are at will." I think we have to have a reason to be at will for termination.

Mr. Pincket stated no, you don't. As long as you don't terminate someone for a protected reason they are at will and we can terminate them.

Ms. Spears asked what are we risking? Let's say we allow her to stay on and for whatever reason we get legal action against us. What are the repercussions against the CDD at that point? What would even be an example?

Mr. Haber responded people are spiteful. The reason I even know about the issue is because we received an anonymous letter and I mentioned that at the last meeting. I think we received an anonymous letter because there is a hope that this board would address the issue. If

the matter in which this board addresses the issue is not to the satisfaction of whoever that anonymous person is then there is an entity called the Commission on Ethics. They could say we are not comfortable with how the Julington Creek Plantation CDD handled this matter, so we would like you to investigate it. If that happens at a minimum there are additional costs and legal fees to deal with that ongoing investigation. I frankly don't know that there are penalties that the CDD would be subject to. They may decide to take their own action. I think probably the biggest penalty would be money. The longer the issue is out there the more likely you are going to spend money to deal with it.

Ms. Minnis asked how long does it take for the Commission on Ethics to respond to someone?

Mr. Haber responded I'm not sure but I know there is an investigative period that they go through and then after they go through that investigation they then determine whether they want to hold a public hearing. If they want to hold a public hearing then obviously it is going to be a longer process but I don't know the exact timeframe.

Ms. Beaugrand stated but we have already addressed the issue with ethics.

Mr. Haber stated my point being if someone challenged something.

Mr. Dosch stated I don't agree to put it off another 30 days. I do agree with Brian because of the number of people in the organization that are connected with another relative and I don't know that putting it off another 30 days would change or give us any other scenario to resolve the issue.

Ms. Beaugrand stated I would like to spend sometime looking over the materials that Kathy presented. I would like to spend the next month trying to figure out a way to avoid terminating Christiana to be honest with you. I would like to figure out some kind of protocol that we could come up with that would make sense. In my mind 30 days is a very small price tag to try to avoid taking that action.

Ms. Minnis stated given what you said and given what we were offering was another month of severance I don't think we are losing anything. I think we are only gaining if we extend it another month.

Mr. Sullivan stated I am a homeowner here and I'm also Christiana's stepfather. I thought this would be an opportunity to share with you some thoughts about the decision that is in front of you. It is a decision that you all have to make. Based on the meeting last month it is

pretty clear that the legal issue has been addressed. What you all are trying to do is determine the interpretation and it is really up to the board. This is a Community Development District. This is a community facility and I think it is better because it hires a lot of residents from the community. As I have heard the discussion and the comments over the past couple of months in these meetings I haven't heard any question about the Risk Manager's qualifications and her skills. I'm wondering if each of you know her certifications and know her skills and whether or not she is actually qualified for the job and whether or not you have factored that into your consideration. I have also heard questioning of the General Manager's integrity and I wonder over the past many years that she has been employed by the CDD, as well as the past year what is her performance and what would lead you to believe that she wouldn't make the best decisions for the Community Development District and for this facility. I have to question that. When it really comes down to it you have addressed the legal issue. You have made good recommendations in terms of policy changes and policies that have been in effect for many years in terms of the employment policies that this board has supported. They are good recommendations and it will address the issue. The organizational changes make sense too. I work for a not so small organization and it happens that the head of national sales also has a brother who is an account executive, which is a very similar hierarchy. I think the relationship and the question that you are facing is very similar in my organization and many of our organizations. Again, it really comes down to a decision the board has to make. The board has to make a decision based on people who have been employed for many years and who have done extraordinary jobs. This is a Community Development District, so in the absence of a clear legal direction contrary to what the situation is based on the recommendations around changing the hiring policies and reporting structures and organizational structures there is no reason why you couldn't apply that on a go forward basis. The decisions you are making really impact an entire organization and with people that put in a tremendous amount of time and effort and with people you expect an awful lot out of and who deliver for you. In terms of is this a black and white thing? No, it isn't. In terms of the decision that you have to make as the board and as the board members I think you would do everything in your power and everything in responsibility and authority to make this work, so that you show the community really what this board does and what this board represents and really try and do the right thing for the community, do the right thing for the facility, the right thing for the organization and the right thing for the people that are

going to be impacted by these decisions that you are making. Thank you for the opportunity to say that.

Ms. Dorothy Davis stated it is never a good idea to have a family members directly report in a corporation but since this has happened and it appears as though no one likes the situation but no one really wants her to lose her job. My suggestion is that when it comes to evaluation time and pay reviews at that point she reports to the board and what the board receives is unsigned evaluation forms on her performance for the last quarter or year, so the board gets these unsigned evaluation forms and that way no one can be intimidated. The board reviews it and at that point they decide to go with whatever the routine pay review is for that day, that year or that month. That way she keeps her job and Stacie is not the one giving her the review.

Ms. Beaugrand stated that is an interesting thought process. We will spend the next month re-reviewing the information that Stacie sent us and looking at what Kathy took her time to do and thinking about the comments that Brian and Wes have made. In the meantime if there is any additional legal research please forward it our way.

Ms. Minnis stated I asked for the minutes early last time, so if we could do that again that would be great. They were way early.

#### **FOURTH ORDER OF BUSINESS**

#### **Approval of Pay Requests**

##### **A. No. R-010, O.R. Dicky Smith & Company, Inc., in the Amount of \$65,350.00**

Ms. Beaugrand stated included in your agenda package is pay request R-010 for the work that is being completed at the original aquatics center.

Mr. Lucas stated Dicky Smith is hoping to be substantially complete by the next meeting. They have all the pavers down. The new pool lights are in. They are waiting on the building lights. They were supposed to start marsighting the pools today and now they are working on the interior and the tile.

Ms. Beaugrand asked where the basketball poles the original poles are those new?

Mr. Lucas responded those are new.

Ms. Beaugrand stated someone mentioned that one of the poles had a bend in it.

Mr. Lucas stated I will check on that. I'm sure they haven't done their final coat because the moisture and now the cold weather.

Ms. Minnis asked on things that we have ordered or material you are putting in is there warranty on it?

Mr. Lucas responded yes, typically it is a year warranty.

**B. No. R-011, The Angelo Group, in the Amount of \$55,768.00**

Ms. Beaugrand stated included in your agenda package is pay request R-011. This is on the Davis Pond building.

Mr. Lucas stated the amount is for \$55,768. All of the interior walls are framed. They were putting up insulation last week and they were supposed to start \_\_ this week. They are typically working till about 4 or 4:30 every night but they are progressing very nicely. I do have three PCO's to discuss on that.

**C. Invoice for Payment, Basham & Lucas, in the Amount of \$1,625.64**

Ms. Beaugrand stated this relates to site inspections and time put in for the Davis Pond building.

On MOTION by Mr. Dosch seconded by Ms. Minnis with all in favor Pay Request R-010, R-011 and Pay Request from Basham & Lucas were approved.
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Mr. Lucas stated the first PCO has to do with a plan review comment. Originally we had a single drinking fountain and they came back and said they wanted to stick with a halo drinking fountain in there, so it would be an additional \$300. That is PCO number five in the amount of \$330. PCO number six is a recommendation by the general contractor. I had planned on reusing the front door but the general contractor is recommending that because the door is 15 years old that once he takes it off that it may not be as sturdy as he would like. It is just a recommendation. If you would like to change out that door that would be in the amount of \$556.

Ms. Beaugrand asked is there any reason to expect that the integrity would change by doing the change out?

Mr. Lucas responded it's just that it is worn and it has some dings on it.

Mr. Myer stated the two major concerns were one, when the door is swung you do then reverse the threshold and the rotation of the threshold, so it kind of looks backwards and also the door is not in the greatest shape. It is not broken. It is just worn. The jam is pretty worn and the threshold is pretty worn.

Ms. Beaugrand asked so when you swing the door do you have to change the threshold?

Mr. Myer responded you basically have to remove the entire door jam and pull all of the trim and basically flip flop the entire thing.

Ms. Beaugrand asked so this \$556 is just the difference of just the materials because the labor was already going to be there, right?

Mr. Myer responded it is a new door.

Ms. Minnis asked is there a difference in what the door is made of? Are they either wood or metal?

Mr. Myer responded they are fiberglass exterior doors with tempered glass. It is the exact spec that we are using. It is a wood door but it also has glass in it. It is essentially a very similar door.

Ms. Beaugrand asked except the material goes from wood to fiberglass?

Mr. Myer responded right.

Mr. Lucas stated we have two new doors and of course we tried to match the best we could with the middle door. PCO number seven is for lightening protection for the building.

Mr. Myer stated the first conversation was between Jerry and me. He had sent me an email asking about lightening protection, which I responded there is none and there is none in the engineering documents, so what I did was give him a price to have a basic surge protection system. We got two different quotes and that is what the second item is for. The first item is just a basic voltage suppression, which is very common and the second is for the actual lightening protection system.

Ms. Beaugrand asked so the second one doesn't replace the first one? They would work in tandem?

Ms. Minnis asked you could install the TVSS system by itself?

Mr. Myer responded yes.

Ms. Beaugrand asked didn't we add the lightening protection to the pool facility in the construction there?

Mr. Myer asked at the old pool?

Ms. Beaugrand responded yes.

Mr. Myer stated no.

Mr. Lucas stated it was budgeted for but we haven't done that yet. That was another thing I was going to ask you is if you wanted Dicky Smith to give you a hard number on that too?

Ms. Beaugrand asked and the lightening strikes have caused damage in both buildings?

Mr. Lucas responded yes.

Ms. Beaugrand asked and our server is going to be at the Davis Pond building, right?

Ms. Timbol responded the server is here.

Ms. Minnis stated I had lightening strike outside of my house and it hit the neighbor's car and traveled into the house and blew out their security system and basically every appliance. It started at a tree and then traveled over and it became a big nightmare because it hit the car of who was going to pay for it. Basically, they had to replace everything electrical. Does our insurance cover lightening?

Mr. Oliver responded yes.

Mr. Dosch stated I think anytime you put this kind of investment in something it is worth spending the money for the protection.

Ms. Beaugrand stated I think we would want a number from Stuart then. We have three PCO's. Number five is for \$330 for the drinking fountain, which is required. PCO number six is for a new front door for \$556 and PCO number seven is for \$9,876 for the lightening and surge protection systems. Are there any issues with any of these PCO's? Do we need to take them independently?

Ms. Minnis asked was it the county that wants the drinking fountain?

Mr. Lucas responded yes.

Ms. Minnis stated I don't have an issue with that at all, especially because the county has held things up. I think the investment of a \$500 new door because that is about what you would put into your house compared to restructuring and the work it is a good investment, as well.

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor PCO Nos. 5, 6 & 7 were approved.

Mr. Myer stated you may want to make note that at the last meeting we got preapproved not to exceed the amount of \$6,500 for PCO number 04, which was for the secondary service. That work is completed, so we did not have to do that, so you can strike that. The \$6,500 does

not total into this cumulative total, so this is a true accurate amount. If you look at the lowest number on PCO number seven that is the true contract amount. It does not include PCO number four.

Ms. Beaugrand stated okay we will void PCO number four.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

There being none, the next item followed.

#### **B. Engineer**

There being none, the next item followed.

#### **C. Recreation Facility Manager**

Ms. Hernandez stated we are starting the New Year in great shape. Last year our total in program revenues for the first three months in operation was \$145,597. This year we are already at \$203,459, so the programs are very helpful and very active. As for expenditures we are all within budget, so everything is looking good. December was very busy for us. In addition to the tennis camp and child watch camp, we had our first skate camp. The children had a great time at the camps and many are already talking about Spring Break and we are already getting sign ups for that, as well. JCP just concluded our participation in our 3<sup>rd</sup> Annual Giving Tree program, which represented the wish list of 25 St. Johns County charities that were hard hit by recession and budget cuts. We, here at JCP, were one of the 40 community groups, which raised more than \$25,000 in charitable donations. The Giving Tree program increased donations over 50% over this last year. Our 2<sup>nd</sup> Annual Biggest Loser started yesterday.

Ms. Harless stated this year our Biggest Loser 2010 challenge has really improved from last year. We now have 153 participants.

Ms. Hernandez stated work has started on the playground and I will let Jerry give a quick report on what is going on over there.

Mr. Hill stated the playground is pretty much almost finished. We are thinking it will be done by the end of this week. They are also working on part of the pool at St. Johns, so both of these should be this week or next week at the latest. As far as the cold weather we have had

three broken pipes. We had one at the water fountain, one at the tennis courts, one at the backflow meter in front of the entrance here and a three inch main off Race Track Road.

Ms. Minnis asked when you are facing the pool before you go up to the steps to the left we have handicap parking and the sidewalk goes down and there is a ramp, that sidewalk where it ramps down is very pitted, is there a way to patch that sidewalk to get those pits out of there?

Mr. Hill responded I can look into that.

Ms. Minnis stated I saw the construction of the new playground and there is an opening in the bushes near the sidewalk and that sidewalk has been damaged and it looks like equipment went over it.

Ms. Beaugrand stated that is from the port-o-potty guy.

Mr. Hill stated I noticed it when I was over there but it wasn't done just recently. It has been there for awhile.

Ms. Minnis asked so what do we do with sidewalks? It is not cheap to fix them.

Mr. Hill responded.

Ms. Beaugrand stated we had a similar to that over around the pond between the old aquatics center and the volleyball court.

Ms. Minnis asked so if it is CDD property then we will be responsibly, otherwise POA can deal with the county?

Ms. Beaugrand responded yes.

Ms. Hernandez stated on December 30<sup>th</sup> around 2:27 p.m. the St. Johns County Underage Drinking Sting Operation came to visit us here at Julington Creek. I'm very pleased to say that the café was on top of their game and the young man was asked for his I.D. We did refuse him alcohol. We try to I.D. anyone that looks 35 and under.

Ms. Passen stated residents will usually tell me they have a fundraiser or a non-profit or charitable event and they would like me to waive all rental fees or to heavily discount. I know we have already proposed our fee structures. This wasn't incorporated because this wasn't really an issue at the time. As far as waiving fees I am totally against that because that will bring on an on slot of people and we won't ever be able to rent it out because everyone will rent it for free. I would like to find out from the board if we can offer a discount if they can legitimize that they do have a specific event or fundraiser or some type of non-profit organization. This particular request that came in today they are trying to raise funds for a bike ride for a charitable event;

however, they suggest that they would sell food and beverages, which would be a profit margin for us but then they would charge an entrance fee for their guests. I know we can't really do any sales in here but I was thinking the resident could pay me and then I could supply the food and drink and then they can collect whatever they collect ahead of time but not at the door.

Mr. Dosch asked is this non-profit event?

Ms. Passen responded yes, it is. It is the AIDS life cycle ride, which is benefiting the San Francisco AIDS Foundation. They want to participate in the ride and they have to raise \$3,000. Most of the people they will be inviting are Julington Creek residents, so what he would like to do is utilize our facility here rather than to go to an outside facility. What he would do is with those entrance fees he would pay for the food and drinks and then the rest would go to his charity. The thought being that the only way I really see it working is that he has to handle all of his fees. Whatever he wants to charge people to come to his party he can do that outside. He would just need to pay me directly for what he wants to order food and drink wise. There would be no cash exchanging hands at the front door.

Ms. Minnis stated I came to a JCP Cares. It was an evening event and we purchased a drink and they went and rang it up and we brought food. There was no charge for the event and I don't know how the room was structured. The big question is you would have a limited amount of food and drink?

Ms. Passen responded correct. I'm trying to see a way for this to happen for him. The first question would be is there a discount on the room because he may choose to go somewhere else anyway if he can get a location for free?

Ms. Beaugrand asked if we change the price on the room we have to have a public hearing, right?

Mr. Haber responded generally speaking you can't do subclasses of different rates. There are potentially discrimination issues. I know generally speaking we frown on allowing different rates or different subclasses. I know I have lawyers in my office that have researched this specific issue. I think the answer was that we were not comfortable because of potential claims of why them and not me.

Ms. Beaugrand stated I actually had a resident call me with that exact question today.

Mr. Haber stated I think our advice has been, for both legal reasons and operation reasons, that it is not a good idea. I think whatever the organization is if they want to sell tickets

to this event and whatever money they get for doing that want to make arrangements through the way a normal group would make arrangements for food I think is fine too. I don't think we are doing anything to accommodate them. We are just letting them have an event and letting them normally do as far as providing food. How they get the money to buy the food I don't think we have any control over.

Ms. Passen stated that was the second half to my question. The first half of the question though he wanted to know about discounted rates and moving forward I want to know how to answer him and really anyone else because it does pop up from time to time.

Ms. Beaugrand stated what Wes said is no subclasses, so it is what it is.

Ms. Hernandez stated I just received this invite from Kathy Bravo to the board of supervisors and it is for their celebration of \$100,000 that they reached. The RSVP is tomorrow. There is a telephone number and yes, the board is invited.

**D. Manager**

There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS Supervisors' Requests**

Ms. Minnis stated I have a question for Stacie and Shelly. Based on the construction of the remodeling of the facility, when do you think you would be moving back in?

Ms. Hernandez responded they gave me a completion date of March 3<sup>rd</sup>, so I'm going to wait until mid February and get a better date on that and then Jerry can schedule moving for us.

Ms. Minnis stated as we get closer then I want to find out the hours because I wanted to go through old minutes when they get set back up. I think we need to go back through old resolutions and make sure new resolutions don't conflict with an old one.

**NINTH ORDER OF BUSINESS Audience Comments**

Ms. Diane Battle stated I wanted to thank Shelly for the cooperation with the website. Not only did she make some good suggestions but she also made a lot of corrections.

**TENTH ORDER OF BUSINESS Financial Reports:**

**A. Balance Sheet as of November 30, 2009 and Statement of Revenues & Expenditures for the Period Ending November 30, 2009**

**B. Treasury Report – November 30, 2009**

**C. Assessment Receipts Schedule**

**D. Check Register Summaries**

**1. General Fund**

Ms. Beaugrand stated included in your agenda package is the general fund check register consisting of check numbers 1747 through 1753.

On MOTION by Ms. Minnis seconded by Mr. Dosch with all in favor the General Fund Check Register Consisting of Check Nos. 1747 through 1753 were approved.

**2. Recreation Fund**

Ms. Beaugrand stated included in your agenda package is the recreation fund check register consisting of check number 5112 through 5224.

Ms. Minnis asked what is the one about for Heirlooms Catering for two guests to a wedding?

Ms. Passen responded it was for a wedding function that we had here and Heirlooms was the caterer. The Qulroga family paid us and then we paid Heirlooms Catering for their portion. What happened was the Qulroga wedding kept going up in numbers and that would be for the increase.

On MOTION by Ms. Minnis seconded by Ms. Spears with all in favor the Recreation Fund Check Register Consisting of Check Nos. 5112 through 5224 were approved.

**ELEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – February 9, 2010  
@ 6:00 p.m. at Julington Creek Plantation  
Club, 350 Plantation Club Parkway, St.  
Johns, Florida**

Ms. Beaugrand stated the next scheduled meeting for February 9, 2010 at 6:00 p.m. in this room.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

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

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Secretary/Assistant Secretary

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Chairman/Vice Chairperson