

1 THE CHILDREN'S TRUST

2 BY-LAWS COMMITTEE MEETING

3
4 The Children's Trust By-Laws Committee Meeting was held
5 on Tuesday, August 14, 2018, commencing at 11:09 a.m.,
6 at 3250 S.W. 3rd Avenue, Conference Room A, Miami,
7 Florida 33129. The meeting was called to order by Dr.
8 Susan Neimand, Committee Chair.

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10 Committee Members

11 Dr. Susan Neimand, Miami-Dade College
12 Kenneth C. Hoffman, Miami Coalition of
Christians and Jews
13 Nelson Hincapie, Office of the Mayor, Dade County
Laurie W. Nuell, At-Large Member
14 Honorable Isaac Salver, League of Cities
Miami-Dade County
15 Shanika Graves, Assistant County Attorney
16 Leigh Kobrinski, Assistant County Attorney

17 STAFF:

18 James Haj, President/Chief Executive Officer

19 Imran Ali

20 Juana Leon

21 Muriel Jeanty, Clerk of the Board

22 Vivianne Bohorques

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PROCEEDINGS

(Recording of the meeting began at 11:09 a.m.)

DR. NEIMAND: Welcome, everyone. Thank you for clearing your schedules to attend this meeting today. This is obviously a very important meeting that we are having.

You have in front of you the agenda, as well as the marked-up by-laws of the Children's Trust. And today, I imagine we will go through and set these so that they are ready to move forward to the entire Board.

Thank you again for coming. I don't see that we have any public presence, so I guess we have no comment. So, we can turn over and move forward with Laurie Weiss Nuell.

MS. NUELLE: Thank you. So, just as a reminder, this committee met, whenever it was, a few months ago. And then since then, at the recommendation of the committee, various committees of the Trust have now reviewed the by-laws and made suggestions and made recommendations.

So, the document is somewhat different -- a lot different than what we saw before. I hope you've had a chance to go through it.

Nominating Committee met, the Finance

1 Committee, HR and Executive. Programs Committee did not
2 meet and see it because there were absolutely no changes
3 in the Programs Committee section.

4 And then the Executive Committee looked at
5 all the things that didn't fall under any of the
6 committee structures, so things like the organization of
7 the Board, voting quorum, Board attendance, conflict of
8 interest. There were five areas.

9 So, in the end, after our last meeting, and
10 I don't know how you want to proceed. Five specific
11 areas -- five specific items kind of rose to the top
12 that really will require, I think, discussion and
13 decisions, not from the Board as a whole, if it's a way
14 we want to proceed, just because they're quite different
15 in the way we've been operating for, you know, a long
16 time.

17 So I don't know if we want to put those to
18 the side and to go through, like, the nitty-gritty of
19 the document and so that second, or if you want me to
20 just bring those areas up.

21 DR. NEIMAND: Has everyone looked at the
22 document? Is everyone familiar with the changes?
23 They're red, white and blue. We're patriotic here.

24 MS. NUELLE: And we just met with the
25 attorneys and they've made lots of recommendations. The

1 majority, I'd say, of the changes or the bulk are more
2 cleaning up, taking out things that were redundant.
3 That, I'd say, is the majority.

4 And then there's -- I think the things in
5 blue -- are the things in blue the -- what I see,
6 whatever I'm looking at now is in purple. What's the
7 color of the proposed changes? I know it was blue
8 before.

9 MS. GRAVES: It's in your packet.

10 MS. NUELLE: Okay, it's in the packet.

11 MR. HOFFMAN: It's blue and red.

12 MS. NUELLE: Yeah, but for some reason, what
13 I printed this morning is in purple. So, anyway, the
14 proposed changes are in blue. So, I don't know how you
15 want to --

16 DR. NEIMAND: I think it would be great if
17 Imran could walk us through this. That, to me, would
18 make me feel very comfortable in terms of having
19 everything clearly explained, and then we can ask
20 questions.

21 MR. ALI: Do you want to go through the
22 entire document or do you want to go through the items
23 of contention?

24 DR. NEIMAND: I think, the items of
25 contention. I think all the other items we discussed

1 and were clarified and there's no reason to spend time
2 duplicating that effort.

3 MR. ALI: So, you should have a one-pager.

4 (Off the record.)

5 MR. ALI: So, as the Nominating Committee,
6 there was a suggestion that we replicate the requirement
7 for attendance for committee members also. So,
8 basically, what we did is took the exact language for
9 the attendance for Board members at Board meetings and
10 replicated it in this committee attendance section.

11 Basically, if you miss three consecutive
12 meetings, you are considered to have resigned from the
13 committee unless you have the Board chair excused and
14 absence for good cause. And the Board chair may approve
15 a maximum of one excused attendance for a committee
16 member per fiscal year.

17 The Clerk of the Board will send a letter to
18 the committee member advising them when they've missed
19 two committee meetings.

20 There was some discussion about that,
21 whether that's too harsh, and committee members, that if
22 they eventually have too many members excluded because
23 they have missed more than two or three committee
24 meetings, then who you end up with, you know, you may
25 not have the option of choosing committee members.

1 So that's why we discussed whether, in fact,
2 we want to include this for committees as it is for the
3 Board or whether we just want to leave it as is, as it
4 was before, when we didn't address the committee members
5 attendance. So, I didn't know how the By-Laws Committee
6 feels, you know.

7 MS. NUELLE: Yes, some of the -- some of the
8 discussion was, there were suggestions raised that, this
9 says, "three committee meetings within a fiscal year."
10 I actually forgot to bring this with me, but I looked at
11 the history of committee meetings.

12 And we take attendance but we haven't
13 been -- we don't, like, you know, do anything with it.
14 But, I mean, there are some people who miss a lot of
15 committee meetings. If you miss five meetings, that's
16 more than half of them.

17 And it is frustrating, of course, when
18 you -- when people don't come to committee and then they
19 come to the Board meeting and they're looking on their
20 I-Pads at the resolutions and trying to do the business
21 there and, you know, business is important.

22 So, one of the suggestions, this says,
23 "three." Or we could say, "two consecutive meetings and
24 a total of three." And then the other suggestion,
25 which, I think, was in here, is to reflect -- that the

1 language should mirror the Board meeting attendance
2 requirement because it wasn't exactly the same.

3 So, this is something that I think the Board
4 as a whole is going to have to decide, if that's
5 something they want to, you know, put on themselves.

6 DR. NEIMAND: So the options would be either
7 to parallel what the requirements are for the Board for
8 the committees, or you gave us another option, two
9 consecutive, leading to a third, where they would be
10 interested.

11 And what was the third option? Are those
12 three in general?

13 MS. NUELLE: Not even having it. I mean,
14 that's an option, too, because this is a new -- but this
15 was a recommendation from the Nominating Committee.

16 DR. NEIMAND: So this is what's going to go
17 in front of the entire Board at the retreat, to make
18 that decision whether we put in requirements --

19 MS. NUELLE: Or maybe this committee has
20 another suggestion.

21 MR. HOFFMAN: I think the idea of marrying
22 what's on the Board language makes sense. And again,
23 it's not as harsh as kicking somebody off before asking
24 somebody to automatically be resigned from the Board, as
25 letting the committees function and letting the chair, I

1 guess, address a member of the committee or not.

2 Certainly, we don't need placeholders on committees if
3 people aren't showing up. So, if this says, "more than
4 three" --

5 DR. NEIMAND: Well, does this encourage
6 people to serve on committees or does this discourage
7 people to serve on committees? I think it discourages
8 people.

9 MS. NUELLE: Like, in your case --

10 DR. NEIMAND: In my case --

11 MS. NUELLE: -- you stated right off the bat,
12 rather than being on the committee and not showing up.

13 DR. NEIMAND: Correct.

14 MS. NUELLE: We know you can't serve on the
15 two standing committees because of --

16 DR. NEIMAND: Because of my requirements,
17 right, at the college, right, for my real work. So, I
18 don't know.

19 MS. NUELLE: I kind of liked it, to be honest
20 with you, because there have been times where I -- that
21 it wasn't my -- I didn't even think of adding something
22 like this. But I do think it's frustrating sometimes,
23 you know, if I've been to Programs and there's four
24 people there out of -- I don't know how many people on
25 the committee -- 11. And, you know, it's a lot to --

1 that's a lot to cover.

2 And then, also, I think, staff, as you know,
3 in the last, you know, couple of years, have -- there's
4 a staff person who talks to a Board member. But then
5 that doesn't always happen. And then it's a lot more
6 work when you're starting, you know, as one to one, kind
7 of going over -- it's part of your responsibility. Or
8 like you, you say, I can't do it.

9 MR. HINCAPIE: As a Board member, are you
10 required to sit on a committee; one of the criteria to
11 be on the Board to sit on a committee?

12 MS. KOBRINSKI: No.

13 MR. HINCAPIE: So we're not required by --

14 DR. NEIMAND: By the by-laws. I don't think
15 it should mirror, you know, if it's not required by the
16 by-laws of the Board, if you're not required to sit on
17 the committee, then I don't think we can ask, you know,
18 Board members, you know, to follow the same --

19 MS. GRAVES: Well, there is one provision
20 that has been suggested that I think will address if
21 members aren't present. It is that if an item is not
22 approved at a committee meeting, then it will go on to
23 the full Board for consideration. So that can be, like,
24 a safety net.

25 Or if you don't have a quorum at a committee

1 meeting, it won't be a holdup for the item to be
2 considered. It can stay on the same trajectory for
3 Board approval.

4 MR. HINCAPIE: The main issue for the
5 attendance is that we don't have enough quorum at some
6 of the committee meetings to be able to forward items to
7 the full Board?

8 MS. NUELLE: No. I think the main issue is
9 just the work of the committee is hard to get done when
10 everyone is not there. And then the Board meeting
11 starts to become the place where the committee work is
12 being done.

13 And I find, personally, it's random, you
14 know. So it's one, sometimes, like, a random item. So
15 for me, it's just -- it's just, you know -- I think that
16 every Board member on any Board you're on, you're
17 trusting that committee to do the work and to, you know,
18 vet the topics.

19 And when people don't go, then -- and we
20 don't have a terrible problem with it. We haven't had a
21 quorum problem. And, of course, the Board meetings have
22 been fantastic.

23 The issue that came up and how all of this,
24 I think, started also was at a committee meeting where
25 there was not a lot of people and there were recusals.

1 And so there were too many recusals, so then some of the
2 items couldn't pass because of the recusals.

3 So, if there's a bunch of resolutions, you
4 know, and if someone -- Daniel Bagner is there, Toni
5 Eyssallenne is there -- well, you're not there but, you
6 know, somebody else is there, and so all of a sudden,
7 anything related to the Dade County, anything related to
8 University of Miami, everything related to FIU, they
9 have to recuse themselves, like, Marta Perez, you know,
10 those items. But we added that provision that it can
11 still go straight to the Board.

12 I have a question that really doesn't have
13 to do with this, but while it's on my mind, and we can
14 definitely table it. This isn't the time to -- the
15 place to discuss it but it's come up, about being able
16 to pull out the items that there's recusals, so that
17 then you have a resolution that has, you know, we're
18 funding 20 agencies and you have one recusal. So you
19 have to vote -- you can't vote on the entire item.

20 And so, you know, if those things can be
21 pulled out so that the Board members can vote on the
22 other items that are not pertinent to the reason of
23 their recusal.

24 So, I don't think this is the right time
25 right at this moment, but I'd like to bring that up at

1 some point when it's appropriate.

2 MR. SALVER: Didn't we talk about that,
3 like, eight months ago? I mean, I thought you guys were
4 going to incorporate that.

5 MS. NUELLE: And maybe it is somewhere, if we
6 can do it, somewhere in the by-laws.

7 MR. SALVER: I don't know if it has to be in
8 the by-laws. I think a proper -- we do it at the town.

9 MS. KOBRINSKI: So at the County, for the
10 CBO's, community-based organizations that get grant
11 funding from the County, you know, there's a limited pot
12 of money.

13 And so the Commissioner on Ethics has always
14 taken the opinion that the Commissioner who's supposed
15 to get funding for an organization that they're on the
16 Board for has to be recused from the entire thing,
17 because any kind of change in funding for one
18 organization wouldn't necessarily impact the funding for
19 another organization.

20 So, let's say, if they pulled out one piece
21 of it and then Commissioners vote down on the rest of
22 the resolution of that organization, now there's more
23 money in the pot that could potentially go to his
24 organization.

25 So there's kind of an inherent conflict of

1 interest. And so I see that's a similar scenario here.
2 But you might want to bring that up to the Commissioner
3 on Ethics to determine how that should be handled.

4 MR. SALVER: There's a difference, and I
5 think it's a critical difference from what we do and the
6 way we vote on our agenda items. Because staff
7 determines the dollar amount of the specific grants or
8 whatever and it's a pre-ordained program.

9 And our budget reflects, you know, the
10 amount of money that we have to spend. In this case,
11 we're just -- I mean, we're taking out an organization
12 and a dollar amount specific, I mean, a specific amount.

13 And, you know, applying that theory of,
14 well, the rest of the money will be re-distributed,
15 that's not how it works. That's completely opposite of
16 the way we work.

17 MS. KOBRINSKI: In the County scenario, the
18 staff also makes the decision on how much money goes to
19 each organization. And in the same manner, the
20 Children's Trust has a certain amount of money that
21 should go to parenting.

22 And then based on the RFP, they determine
23 how much money goes to each one. So if one organization
24 is taken out or it gets, you know, reduced funding, that
25 does impact the rest of the funding going to the other

1 organizations.

2 MR. SALVER: We're not taking -- we're not
3 taking it out. We're just voting on that separately.

4 MS. NUELL: Right.

5 MS. KOBRINSKI: Right. But the Board could
6 ultimately decide -- you could say, we don't agree with
7 the amount of funding that's going to this organization,
8 you should reduce it, and that reduction would impact
9 the other organizations.

10 MR. SALVER: Well, then, so, then, are you
11 suggesting that the only way we can avoid this problem
12 from happening, where, you know, possibly 20 grant
13 applications could be rejected because of lack of
14 quorum, that we pass each, you know, each line item of
15 the resolution separately, like, with a separate
16 resolution?

17 MS. KOBRINSKI: If there's a line item --
18 are you talking about committee or the Board?

19 MR. SALVER: The Board. We're talking
20 about -- we're only talking about the Board, because
21 that's the only substantive, meaningful vote that's ever
22 taken. The committees are advisory in nature. When we
23 go on committee, it has no weight.

24 MR. HOFFMAN: Although Laurie was talking
25 about getting resolutions from the committees to the

1 Board. So obviously, if it went to the committee and it
2 had to be pulled out, then it would have to go to the
3 Board that same way.

4 MS. NUELLE: I mean, it just seems to me, in
5 practicality, not the legal terms and all of that, you
6 have a resolution which you know you have all the time
7 at 10, 20 organizations.

8 So, that Board member cannot vote on any of
9 those. And I'm not sure that the intent, you know,
10 because I do agree that -- I'm always trying to think of
11 the sinister part and things that go wrong. But this
12 Board, so far, doesn't -- it's not very political, you
13 know.

14 So, it just seems like -- it's a shame, I'd
15 say, you know, to say, you know, you might be in
16 complete support but you're not able to vote because,
17 you know, it's money going to FIU. Otherwise, you have
18 a voice in the rest of the resolution.

19 I mean, I don't think there was ever a case
20 where actually the resolution didn't pass because
21 someone recused themselves, you know.

22 MR. SALVER: No, but I can guarantee you, if
23 the votes were audited for the past five years, there
24 are items that were technically passed but there weren't
25 quorum voting on it.

1 MS. NUELLE: Because the people recusing
2 themselves --

3 MR. SALVER: Because of those recusing
4 themselves on those resolutions with, you know, 15 or 20
5 items on it.

6 MS. NUELLE: Anyway, maybe we can have some
7 more discussion on that.

8 MS. KOBRINSKI: I mean, like I said, I was
9 just telling you how the County handles it with the CBO
10 process. And the County has specifically gotten
11 recommendations from the Commissioner on Ethics about
12 how to handle this situation.

13 MS. NUELLE: Anyway, it doesn't technically
14 have anything to do with this, so I'm sorry I jumped to
15 something else. But it does a little bit, also, in
16 terms of committee membership, because then something
17 might get passed from the committee and then you get to
18 the Board and then there could be lots of recusals if
19 they weren't present.

20 DR. NEIMAND: Okay. I think we should go
21 back to where we were.

22 MR. SALVER: I agree.

23 MS. NUELLE: Yes, sorry about that. Where
24 were we at?

25 DR. NEIMAND: The various different

1 committees. And as Isaac has stated, these committees
2 are advisory committees. And they are voluntary. They
3 don't really have any level of impact in terms of
4 voting.

5 And so I find this to be very punitive. I
6 think if you're volunteering your time to be on an
7 advisory committee, and for some reason, something
8 arises at work, you know how busy we all are. We all
9 have very important jobs in the community, in addition
10 to this work, which is very important. I'm not trying
11 to minimize that.

12 But stuff comes up all the time, you know.
13 We sit tethered to our telephones. And I think it is
14 very punitive to do this kind of thing. That's just me.

15 MR. SALVER: No, I agree with you.

16 MS. NUELLE: I'm in-between, because I do
17 think, even though it's not a requirement, I mean, when
18 you elect to be on a Board of this nature, I think there
19 is an expectation that, you know, you don't just show up
20 at the Board meeting when, I mean, there's work to be
21 done. And, you know, some people come -- don't miss one
22 thing.

23 But, anyway, I think what I would recommend,
24 then, is to continue this conversation up to the Board,
25 you know, another view of it.

1 MR. HOFFMAN: I disagree that the committees
2 are entirely advisory in nature. Because particularly,
3 and we went over this in the Finance Committee, they
4 have roles other than passing resolutions or
5 recommending to the Board to pass resolutions.

6 Each committee has some role in the
7 functioning of or overseeing staff. So, while I agree
8 that we don't want to do anything to discourage people
9 from serving on our committees, I don't think that this
10 does. I think this makes sure that somebody is not
11 going to attend on a periodic basis the committee
12 meetings, that either appoint somebody else or we won't
13 be considering them for quorum or even voting purposes.

14 Again, it's not necessarily true that that's
15 all the committee does. If we really felt that way,
16 then I don't think many of us would go to any committee
17 meetings. We would just say, you know, it's all going
18 to come before the Court and let's just wait.

19 So, I do think that it's helpful to have
20 some, even if it's different than the Board, maybe it's
21 Board meetings, but at some point, there needs to be a
22 governance -- it wasn't my idea.

23 DR. NEIMAND: So, is the recommendation that
24 we bring this to the Board at the retreat and get a
25 final vote there, in terms of whether there is going to

1 be repercussions for absences, whether this will be in?

2 So, the first question is, do we want some
3 kind of absence control for the committees? So that's
4 question #1.

5 And then if we vote "yes" on that, what does
6 that look like? Is it the same as for the Board or do
7 we extend it and make it broader, maybe five times or
8 something of that nature?

9 So, I think that, in my opinion --

10 MR. HOFFMAN: It's up to the three of you.

11 DR. NEIMAND: Well, what do you all think?

12 MR. SALVER: You know, I agree with most of
13 what you said, you know. I think some of us, me
14 included, you know, work for a living. And, you know,
15 peeling off of work when you've got to work is difficult
16 for a lot of people.

17 You know, I think we could suggest that, you
18 know, a committee member misses no more than three or
19 four meetings per year. And perhaps we could put here
20 that it gets analyzed, you know, attendance gets
21 analyzed at the end of every year, at which time the
22 chairman of the Board and the chairman of the committee
23 can meet and discuss attendance. And that's really it.
24 I don't think any punitive action --

25 MR. HINCAPIE: But I think the members of

1 the committee have a responsibility, also, and they have
2 to let the Board chair know if they are able or not
3 able, because when I first came on, I was told, oh,
4 we're going to put you on this committee and that
5 committee. And it was fine when it worked within my
6 schedule.

7 But once my schedule changed, I said, I'm
8 sorry, I just cannot. So, I think that there's a
9 responsibility on the side of the Board member to be in
10 communication with the Board chair about their ability
11 to serve. It's not fair to expect somebody to come up,
12 to come to something and then they never show up.

13 MS. NUELLE: Right. And then sometimes it
14 makes you feel bad, also, you know.

15 MR. SALVER: So, the bottom line is, is
16 it -- is this black and white? And do we say, do we
17 have a provision or we just scrap it?

18 MS. GRAVES: This is from the Nominating
19 Committee, the recommendations that were made at the
20 last meeting. What this committee can do is give
21 another suggestion for the Board to consider at the
22 retreat.

23 So, they can what the Nominating Committee
24 suggested or you can say, the By-Laws Committee has also
25 recommended consideration of these terms for committee

1 members.

2 MS. NUELLE: I think what you said, Susan,
3 number one, do we want some absence control? And if
4 "yes," then what should that look like?

5 DR. NEIMAND: To me, that's -- to me, that's
6 how I see it moving forward.

7 MS. NUELLE: And I think we were thinking
8 that besides sending -- well, we can talk about what
9 we're going to send to the full Board once the meeting
10 finishes. But also, these are separate, because this is
11 a separate page like this to say, these are, like, so
12 people can think about it beforehand.

13 DR. NEIMAND: Okay. So, what do you think?
14 I guess we have to make a decision.

15 MR. SALVER: Yeah. You know, I would say, I
16 don't like the whole idea of automatic resignations by
17 virtue of three absences. So, you know, I would just
18 eliminate this and let's move -- not recommend anything,
19 that we do anything, and maybe we should just
20 procedurally tell the chairpersons of each of the
21 committees that, you know, they're in charge of keeping
22 attendance and going over the attendance list. Between
23 Muriel, the chairman of the committee and the chairman
24 of the Board, they can realign the committee if there's
25 an absentee problem.

1 MS. GRAVES: Just keep in mind that if
2 there's discussion between the chair of the committee
3 and the chair of the Board, that it may involve
4 Sunshine.

5 MR. SALVER: All right. So, then, the CEO.

6 MS. NUELLE: Or the Clerk.

7 MR. SALVER: Or the Clerk, yes.

8 MR. HINCAPIE: I agree with Isaac. I mean,
9 if there was no -- if we didn't have any quorum issues
10 with committees, you know, there's no need.

11 MS. NUELLE: We did have a quorum issue.

12 MR. SALVER: We did have a quorum issue at
13 the Finance Committee before your term. We just
14 changed, you know, we just amended the quorum
15 requirement and we moved beyond that.

16 Yeah, I don't think we should be penalizing
17 our Board members for their lack of participation on a
18 committee. You know, some years, they'll do be better.
19 Some years, they'll do worse.

20 DR. NEIMAND: Okay. So what I'm hearing
21 from this committee is that we are daggering the
22 suggestion for committee attendance. Is that correct?

23 MR. SALVER: Yes.

24 DR. NEIMAND: Okay.

25 MR. ALI: Moving along to #2, there was a

1 lot of discussion at the Executive Committee, and this
2 has come up from time to time, about the ability or
3 inability to be able to call into a meeting and be able
4 to say something.

5 So, we changed the language to allow the
6 person to call, if someone is out of town, they can call
7 in, and that person who would be calling in would not
8 count towards quorum. I have to say that this is one of
9 the things that Shanika and Leigh last night said that
10 they cannot agree to. They said that they cannot
11 approve this for legal sufficiency.

12 I asked, you know, can I submit it in an
13 envelope for the Attorney General's opinion, which I
14 shared with them, and they have their own legal opinions
15 as to why they feel that they can't go by those Attorney
16 General's opinions.

17 MR. SALVER: Do we have to listen to them?

18 MR. ALI: To who?

19 MR. SALVER: To the attorneys.

20 MR. HOFFMAN: That's the question I would
21 have. Again, and I did go back and look myself. It's
22 not my area of law. But I did go back and look at the
23 precedence. And everything was passed in 1998. And
24 when you look at all the Attorney General opinions since
25 then dealing with the issue, they all repeat what this

1 says, which says you cannot have an absent member count
2 for quorum.

3 But under unusual or extraordinary
4 circumstances, a member can attend, participate and even
5 vote.

6 MS. GRAVES: So, we are taking -- our office
7 is taking, throughout the County, a more conservative
8 approach because sometimes violations do, you know, call
9 for criminal penalties and civil fines. And so, in an
10 effort to protect, you know, our Board members, we said
11 that there's no -- the Sunshine law itself does not
12 expressly authorize attendance.

13 In addition to that, there are no cases that
14 specifically authorize it, the attendance by-law. The
15 statute that -- there are some state agencies that
16 statutory provisions expressly authorize attendance
17 by-laws.

18 So, we will get the essence of that
19 language. And the other statute is saying, it's not
20 authorized because if legislators wanted to allow it,
21 they would have expressly permitted it.

22 Beyond that, the Trust -- the Children's
23 Services Council statute and County ordinance creating
24 the Trust requires the by-laws to be consistent with
25 state and federal laws and County ordinances.

1 So, the County has a general Board ordinance
2 that identifies the Trust as a County Board. And that
3 general Board ordinance requires presence for an
4 attendance requirement.

5 In addition, we have all of those factors
6 that --

7 MR. SALVER: Stop for a second. If I can
8 stop you for a second. Go back to the description that
9 you said relating to the Children's Trust being a County
10 Board.

11 MS. GRAVES: So, the Children's Trust, from
12 its inception, has always been considered an advisory
13 Board to the Board of County Commissioners. In the
14 general Board -- so, if you look at any of the
15 ordinances that created the Trust, all the legislation
16 refers to the Trust as -- it started out, "Miami-Dade
17 County Children's Services Council be a advisory Board
18 to the Board of County Commissioners on children's
19 issue. This was even when it was a Juvenile Welfare
20 Board.

21 But in addition to that --

22 MR. SALVER: What year was that?

23 MS. GRAVES: 2002. In addition to that --

24 MR. SALVER: Right before the election or
25 after? That was after the election?

1 MS. GRAVES: That was after the election
2 when the constituents approved it, and now the County
3 had to do the ordinances.

4 But in addition to that -- and the
5 Commission on Ethics also opined on this.

6 MR. HOFFMAN: Again, with all due respect,
7 the Commission on Ethics opinions that I've seen are old
8 and talking about Attorney Generals' opinions that were
9 passed in 1998. And the fact that it's silent in the
10 statute, I think, and again, I did not look at this for
11 purposes of argument.

12 But the fact that it's silent in the
13 statute, I think, is similar to all those cases where
14 you're asking the Attorney General's opinion if a Board
15 member -- unlike, you know, we talk about Sunshine law
16 violations. It's not my area, again, but I always think
17 of that as people meeting in secret. This is an open --
18 the member will participate in a discussion and can call
19 in, again, in extraordinary circumstances and be able to
20 participate.

21 So nobody is doing anything out of the
22 Sunshine. And again, I'm not sure -- I realize that
23 anything that would violate the Sunshine laws would be a
24 criminal act, but it wouldn't appear that this would be
25 the type of issue that would warrant criminal -- again,

1 something that's done out of the public view and maybe
2 confuse the integrity of the Trust, the person who would
3 then attend remotely would be announced that they're
4 attending remotely. They would be able to speak and,
5 therefore, people could hear the voice. It's not that
6 there's something going on behind the scenes.

7 And again, there's not prohibition that I
8 see, and I haven't researched the County about voting or
9 attending versus, again, the general string of quorum.

10 MS. GRAVES: So, a couple of things. One,
11 on July 18th, 2018, the Commission on Ethics executive
12 director gave an opinion to Imran about this issue, that
13 right there, and basically suggested that the Trust
14 follow our legal opinion on this.

15 And, you know, the reasons stated therein
16 are in that e-mail. I can give it to the Clerk for
17 copies if you want to see it.

18 Secondly, the attendance requirement is
19 codified in the code of Miami-Dade County under Section
20 2-1139, and it says "attendance requirement."

21 And the pertinent part is, "A member of the
22 County Board shall be deemed absent from a meeting when
23 he or she is not present at the meeting at least 75
24 percent of the time."

25 So, that is applicable to the Trust because

1 under another provision within this section is 2-1138 --

2 (Off the record.)

3 MS. GRAVES: 2-1138 of the County Code
4 membership on Boards, when it speaks of what is required
5 for membership Boards, the pertinent part is, "No member
6 of any County Board" and then it goes on -- this is
7 concerning becoming a candidate for office -- "can serve
8 on the Board, two County Boards simultaneously unless
9 the Commission has, by unanimous vote -- I'm getting to
10 the pertinent part.

11 And then it says, "However, a person serving
12 on any one of the following Boards shall not serve on
13 any other County Board simultaneously," and the
14 Children's Trust is named as one of those Boards that
15 you can only serve on one Board.

16 And so when we look at all of these
17 materials together, we say that the Trust is not
18 authorized to have present telephonically or
19 participation in a meeting unless the Board member is
20 present at the meeting.

21 MR. HOFFMAN: I have read this, that the
22 conclusion has nothing to do with the Attorney General's
23 opinion.

24 MS. GRAVES: Yes, we can say that it's not
25 interpreted under that.

1 MR. HOFFMAN: It's not -- this conclusion is
2 not an interpretation of that opinion. And again, the
3 subsequent opinions that interpret the law to provide
4 attendance is only -- physical presence is only
5 important for purposes of quorum.

6 MS. KOBRINSKI: So, the Commissioner on
7 Ethics opinion refers the Children's Trust to listen to
8 the County Attorney's Office. And the County Attorney's
9 Office opinion that was issued in 2009, there's been --
10 I understand there's been some AGL opinions.

11 But the Attorney General's office doesn't
12 have the authority to change and make exceptions to the
13 Sunshine law, and there's been no legal authority about
14 any of those opinions. So there's nothing that would
15 change this 2009 opinion by the County Attorney that
16 this is not permissible.

17 And furthermore, there's a provision in the
18 Code that expressly states that all County Attorney's
19 Office opinions are binding on this Board. So, it would
20 be -- these are concerns and legal issues that Shanika
21 and I would raise to the full Board. And if the Board
22 chooses to go against the binding County Attorney's
23 Office opinions and against the direction of the
24 Commission on Ethics, it would be, you know --

25 MR. SALVER: But it all -- sorry. But it

1 all boils down to the Sunshine law. And Shanika, at the
2 beginning of her comments, said that the Sunshine law is
3 silent on this matter.

4 MS. KOBRINSKI: The Sunshine law creates
5 exceptions for State Boards. It doesn't create
6 exceptions for local Boards. There are certain Boards
7 that the statutes specifically permit to have quorum
8 attendance by telephonic means and there's no similar
9 exception noted for --

10 MS. GRAVES: And so I represent one of those
11 Boards that is statutorily permitted to have a
12 telephonic interactive meeting. That Board chooses not
13 to do so because the practicalities of getting it done
14 has caused some issues, and so it doesn't do it.

15 So that is just, you know, our opinion on
16 that is not going to change. But as you all know, as
17 the client, you are free to accept or, you know, go
18 against our legal advice.

19 In the event that this is a docket, we would
20 have to discuss it further, because there may be some
21 issues if there are telephonic appearances, if we could
22 provide legal advice on those issues when we believe the
23 Trust is acting outside of what the law authorizes.

24 MR. HOFFMAN: Let me ask a different
25 question. The statute is silent. That's why the

1 Attorney General -- forgetting about the State level,
2 all the Attorney General's opinions are about local
3 Boards, County Commissions, the City of Miami Beach.

4 Again, and we can table this and go back and
5 ask the Board. We can ask the Commission on Ethics for
6 an opinion about how far we can go.

7 But this goes back to attendance at meetings
8 and how we could not help the person who doesn't want --
9 who wants to sit in their office and attend the meeting,
10 but the person who's in the hospital or called out of
11 town, couldn't physically be present.

12 Do you have a problem if the statute allows
13 the person to speak versus vote? Because again, I don't
14 think any of the conclusion is really supported by the
15 citations that it makes. But all of the Attorney
16 General opinions seem to -- seem to be moving towards
17 quorum is the important thing, that you cannot have a
18 quorum unless people are physically present.

19 Why that is in today's modern world, I don't
20 know. But being able to speak versus vote, I think, is,
21 again, is important. Which our by-laws already
22 provided, somebody could participate remotely. Do you
23 have a problem with that person speaking? Because it
24 was not clear from the existing by-laws.

25 MS. GRAVES: Yes, we don't think they are

1 permitted to participate.

2 MR. HOFFMAN: They're not permitted?

3 MS. GRAVES: They're not permitted.

4 MR. HOFFMAN: They're not permitted.

5 DR. NEIMAND: So your recommendation, as I
6 understand it, would be not to have a telephonic
7 participation? That's what I'm hearing, correct?

8 MS. GRAVES: Correct.

9 MS. KOBRINSKI: They can call in and listen
10 but they can't participate.

11 DR. NEIMAND: Right. But you're concerned
12 about who else is in the room listening and who might be
13 on another Board listening? I mean, that's where the
14 issue would lie, the concerns lie?

15 MR. HOFFMAN: That shouldn't matter.
16 Because again, meetings are public.

17 DR. NEIMAND: And from what -- the way that
18 I read this, this is a rare situation, and someone would
19 have to be approved to have this set up for them. This
20 isn't, you know, oh, I'm in Kendall and I want to come
21 to the Children's Trust meeting. This is when there is
22 a real issue. Am I misunderstanding this?

23 MS. NUELL: Right. And another suggestion
24 that isn't written in here as well was the possibility
25 of actually also putting a limit on the amount of time

1 someone could actually do that. Because otherwise, you
2 know, and I don't think it's written in there, but first
3 of all, quorum has to be established first.

4 But I think this goes back to the committee
5 attendance part 2, because I think also that's something
6 that the Board has to decide, too, if this is something
7 as a Board that we want.

8 And so I think it kind of goes back to what
9 your other suggestion was, you know, first, is it
10 something we want? And it does seem like it needs more
11 vetting.

12 I don't think -- this probably could make it
13 very limiting. And then at the Executive Committee, the
14 one more, you know, requirement could be, it's limited
15 to one time a year or, you know, two, whatever, just so
16 it's limited to avoid a situation where, you know,
17 someone calls in -- has an emergency every month, you
18 know.

19 And I have another question based on what
20 you just were reading about the Board attendance. I
21 mean, committee attendance based on the County whatever
22 law, so then, getting back -- going backwards to the
23 committee attendance, so does that change, then, what we
24 are doing? Because you said you have to participate 75
25 percent of the time, then does that change that?

1 MS. GRAVES: I don't think so. I mean, if
2 there are any specific questions, or if you want to
3 mirror some of the language, we can --

4 MS. NUELL: No, just checking.

5 DR. NEIMAND: So do you think we need to do
6 more research on this issue, or do you think that we can
7 come up with a recommendation at this particular time?

8 MR. HINCAPIE: If we haven't had an issue
9 where one of the Board members has been in the hospital
10 and needed to call in by phone, my question is --

11 MR. HOFFMAN: Sorry. We have had, for
12 example, at the committee level -- and I found it kind
13 of -- very awkward. We had Laurie who wanted to attend
14 a meeting by phone but had to be silent.

15 MR. SALVER: Right, and me, too.

16 MR. HOFFMAN: And I think Isaac's done it
17 once. And again, there doesn't seem to be any potential
18 for government outside of the public arena when somebody
19 can be heard.

20 Again, I can understand quorum, because
21 there's sort of a technical fork in the way the Sunshine
22 law is written in some of these attendances. Quorum in
23 a corporate context can be written mostly as well. I
24 understand the interpretation about that.

25 I don't understand the interpretations about

1 being able to physically speak at a minimum and second,
2 about voting. Because again, I don't think it's
3 supported by those Attorney Generals' opinions that have
4 addressed it versus the opinions that addressed the
5 whole range of Sunshine issues.

6 MR. SALVER: Shanika, what types of Boards
7 were specifically designated as Boards that were able to
8 use telephonic attendance?

9 MS. GRAVES: Well, I don't have a full list.
10 But I can say, for instance, South Florida Workforce
11 Investment Board, which we have a regional Board for
12 Miami-Dade and Monroe County, and that Board and the
13 statute that created it, and I can give -- I don't -- I
14 think it's 445.53, but I can tell you before you leave,
15 expressly provides that interactive, telephonic meetings
16 are -- hold on -- 445.004. And it's the creation of
17 Career Source South Florida.

18 And it says, "The board and its committees,
19 subcommittees, or other subdivisions may use any method
20 of telecommunications to conduct meetings, including
21 establishing a quorum through telecommunications, if the
22 public is given proper notice of the telecommunications
23 meeting and is given reasonable access to observe and,
24 if appropriate, participate."

25 So, this is an example of the legislature

1 intending and specifically expressly providing the
2 authority for the telecommunications for this type of
3 Board and for this meeting.

4 MR. HOFFMAN: But that's even different
5 because that talks about public attendance by
6 telecommunications.

7 MS. GRAVES: But it's also -- it's the Board
8 and its committees. It's the same --

9 MR. SALVER: What's the date of that
10 statute?

11 MS. GRAVES: This one, it was last amended
12 in 2017, but it has been amended -- its history goes
13 back to 1994. I'm not sure when that provision was
14 amended but we can find out.

15 MR. HOFFMAN: We're not talking about
16 statutes here. Because again, what you're saying is the
17 authority that's preventing us from assistance at the
18 county level.

19 MR. SALVER: No, it's twofold.

20 MR. HOFFMAN: Because, again, the Attorney
21 General has, at various levels, spoken about the statute
22 being silent -- the statute being silent in all sorts of
23 incidents where -- in interpreting Sunshine law, where
24 it's, again, silent on the issue whether people can
25 participate -- the ability to participate remotely.

1 MS. GRAVES: But the AGL -- the Attorney
2 General opinion is not binding law. It's persuasive.
3 And so we wouldn't, you know, we can't say just because
4 the AGL has stated it, that it's okay in some instances,
5 as long as you have these.

6 If we have laws that specifically authorize
7 it in some instances but not in other instances, we look
8 at that also for direction. And in this case, because
9 it's Sunshine and because there are penalties with it,
10 we have taken a more conservative approach on the
11 application of Sunshine to these requirements.

12 MR. SALVER: Well, my thought was that, you
13 know, perhaps we can go to legislature and carve
14 ourselves out of the -- out from under the County's
15 umbrella.

16 MS. NUELL: That is not a good idea.

17 MR. HOFFMAN: I would note that I did not do
18 a statewide search, but I did look at three or four
19 Children's Services Councils, and all consistently
20 provided in the by-laws that you could attend remotely.

21 MR. SALVER: Oh, really, you checked them?

22 MS. GRAVES: We checked on those also.

23 MR. SALVER: And they permit it?

24 MS. GRAVES: Palm Beach County requires a
25 physical presence for quorum and you can participate by

1 phone, but it doesn't specifically speak to a vote.

2 MR. HOFFMAN: Which you can, it means that
3 you can, unless it's prohibited, you can vote.

4 MS. GRAVES: Hillsborough County was silent
5 on this issue. Broward County allows members to vote by
6 phone but must be present for quorum. Pinellas County
7 says that it requires extraordinary circumstances to
8 participate by phone but not to establish quorum. And
9 the others, I couldn't find either.

10 MR. HOFFMAN: Right. We've probably looked
11 at the same three or four. All of which -- again, if
12 we're talking about the county effect, we can talk about
13 that, but all of which have interpreted the Sunshine
14 law, presumably to interpret the Sunshine law to permit
15 voting and participation but not quorum.

16 MR. SALVER: Right, which is -- actually,
17 which satisfies me personally. So, I mean, I don't mind
18 not being able -- I mean, it would be nice to be able to
19 vote if you attend telephonically, but that's not a
20 game-breaker for me. But I think we should all be
21 allowed, at least -- even on the committee level, not on
22 the Board level.

23 MR. HOFFMAN: Let me be clear about one
24 thing again, because this was my suggestion. I don't
25 think this is a substitute for showing up in person. I

1 think this is for a person who has some extraordinary
2 circumstance or out of town on business, not that you
3 can't show up at your office or whatever or is sick or
4 the like.

5 And again, in the case that I participated
6 in, Laurie was out of town. It might have been a
7 personal trip. It might have been business. That
8 doesn't really matter. She couldn't attend but she
9 should have been able to speak to the issues, maybe
10 vote, maybe not vote, but at least attend the meeting as
11 long as we're letting her listen in.

12 MR. SALVER: How can we get the County --
13 the Board of County Commissioners to give us this right
14 to telephonically participate?

15 MS. GRAVES: You would have to just go to
16 the Board, so you would need a Board item. And that
17 will require -- you have a Commissioner on this Board
18 who you can speak to about -- it has to be a Sunshine,
19 you know, but speak to about sponsoring a Commission
20 item to see if he would be amenable to that. If not,
21 find another Commissioner to bring the item before the
22 full Board for discussion and vote.

23 MR. SALVER: And then that would --
24 (Off the record.)

25 MS. KOBRINSKI: I was saying, even if you

1 got a Commissioner to bring something before the Board
2 of County Commissioners, you're asking the Board of
3 County Commissioners to authorize this one County Board
4 and no other County Board to do this. Our office
5 wouldn't be able to sign off on legal sufficiency for
6 that.

7 MR. SALVER: But how -- I mean, but how did
8 the other counties, they were able to sign off on it?
9 It just doesn't make any sense to me.

10 MS. KOBRINSKI: They don't take as
11 conservative a view.

12 MR. SALVER: I think we are different. I
13 mean, we were voted in by the voters, you know, by the
14 electorate, you know. We weren't created as a
15 brainchild of the Board of County Commissioners, you
16 know. We were actually created as a brainchild of
17 community leaders and it was voted on, you know,
18 80-something percent of the voters, you know, twice.

19 DR. NEIMAND: I think the approach that
20 Pinellas County, that you explained, was the right one
21 for us to take, that if it's extraordinary circumstances
22 and used on a very, very rare occasion, and everyone is
23 aware of it and it is in the Sunshine, I think that this
24 is a good addition.

25 But again, it's only used under very, very

1 specific situations. It's not, you know, it's a rare
2 thing that it would be used. Can we make that
3 recommendation?

4 MR. HINCAPIE: But I don't think we're going
5 to get legal to sign off on anything that we recommend.

6 MS. KOBRINSKI: Well, I mean, the Board has
7 the final vote. You can recommend it to the Board and
8 have the same conversation at the Board level.

9 DR. NEIMAND: But we don't want to do
10 anything that's outside the law. They're going to take
11 us and round us up and --

12 MR. SALVER: And I question whether it's
13 outside the law. Because then you're calling Pinellas
14 County and Monroe County and all these other counties
15 law-breakers, and I'm pretty confident that they're not
16 law-breakers.

17 DR. NEIMAND: Absolutely. So is it our
18 recommendation to the Board that we think this should be
19 in?

20 MR. SALVER: Yes.

21 DR. NEIMAND: I agree with Isaac. I think
22 it should be in there. Nelson, what do you think?

23 MR. HINCAPIE: Yes.

24 MS. NUELLE: I have a question. But one, I
25 would add, you know, if you want to include a limit,

1 amount for the year, because that would be the only
2 thing that --

3 DR. NEIMAND: Yes, I think it should be very
4 limited.

5 MS. NUELLE: I don't think they made a
6 recommendation, because it's, like, you know, one or,
7 you know, what the number is.

8 MR. HINCAPIE: You have to show -- you know,
9 let's say that you have to show good cause, you have to
10 show that you're out of town or in the hospital. And if
11 you're required --

12 MR. SALVER: Well, I don't 100 percent agree
13 with Susan's opinion on that. I think we should have it
14 as an option. Obviously, the gold medal is attending
15 every meeting. But I don't think it should be such
16 extenuating circumstances. It could be, like, medium
17 extenuating circumstances, you know, like, you just
18 can't get away or your wife borrowed the car.

19 MS. NUELLE: First of all -- well, I disagree
20 with that. I hate to bring this up, but I just was
21 thinking about it, you know. I don't know why I was
22 thinking of this more in terms of the committee
23 meetings.

24 I honestly see this as a nightmare at a
25 Board meeting. I mean, think of that big room, and

1 you're going to have somebody on the phone, you know,
2 and how do you listen? How do you participate? How do
3 you vote? Is someone going to call in and only vote on
4 the one item that they care about? You don't know if
5 anyone is really paying attention, you know.

6 So, I don't know if we want to limit it so
7 that the person can help. But I see it, at the Board
8 meeting, that I just kind of see that it would be very
9 difficult. You know, you're sitting at that table,
10 think about it, and someone wants -- you know, it's just
11 going to be hard, I think, for a person to --

12 DR. NEIMAND: I think if you participated
13 telephonically, you can't -- you don't know who's saying
14 what and what people are laughing -- if somebody made a
15 joke in that corner, the farthest there, you don't get
16 it.

17 MR. SALVER: You know, I think we're
18 over-thinking this and putting the cart before the
19 horse. Let's pursue getting permission to do it on any
20 level, you know, even the most basic limited level, and
21 then we'll worry about the procedures that we could put
22 in place.

23 And if we -- and if the Board, you know, our
24 Board says, we don't want to have it applicable to our
25 general Board meetings, then so be it. But, you know,

1 certainly, it would be helpful to have that option at
2 the committee level.

3 So, let's just at least get permission,
4 because these attorneys here are saying, you know, we're
5 barking up the wrong tree, you're not going to, you
6 know, they're giving -- they're painting a very doomsday
7 picture about this. And obviously, the three of us have
8 a different perspective on it.

9 DR. NEIMAND: So, Isaac, your recommendation
10 is that this does not apply to a Board meeting, only
11 committee meetings?

12 MR. SALVER: Yes. But I'm not saying that,
13 you know, as a final answer. I'm saying that to
14 recommend to this committee at this point, so we can
15 move on, that those details can be ironed out after we
16 get even the most basic permission to use telephonic
17 communications.

18 DR. NEIMAND: Okay. So this will go to the
19 Board on the day of the retreat?

20 MR. SALVER: Yes.

21 DR. NEIMAND: Okay. Do we agree?

22 MR. HINCAPIE: For the Board to decide?

23 DR. NEIMAND: For the Board to decide.

24 MR. SALVER: For the Board to decide, yeah.

25 DR. NEIMAND: Okay. Item #3.

1 MR. ALI: I just want some clarification.
2 We spoke with Shanika and Leigh earlier about when we
3 speak about the attendance requirement for Board members
4 who are elected or appointed government officials and
5 who are unable to name a designee Board member pursuant
6 to the ordinance.

7 So, we had some discussion at the Executive
8 Committee meeting as to who does this apply to. And, in
9 fact, we stipulated by Board member's title or name, who
10 this is applicable to.

11 There was some discussion whether it reads
12 right now, this applies to the mayor and the fact that
13 he can't address it. He has someone. He has two
14 positions, one being where he could designate a person
15 who could vote, which is Nelson in this case, and then
16 he had another position where you can designate someone,
17 likewise, with the superintendent until the law was
18 changed.

19 MS. GRAVES: What was the issue behind this?
20 Because we're still trying to think through it and maybe
21 trying to cure the background for attendance.

22 MS. NUELL: I was just honestly really
23 confused and that's why when we spoke today, maybe if
24 that word "and" wasn't there, because to me, it reads
25 like three categories, because it's, like, Board members

1 who are elected.

2 And then one question I've had always is, if
3 you're an elected official on this Board, not as a seat
4 of your said, you know, elected position, does that
5 apply? But that's another thing.

6 So, it says, "Elected or appointed
7 government official and who are unable to name a
8 designee Board member." So, then, to me, it's really
9 confusing. I have no idea who that means.

10 MS. KOBRINSKI: The rationale for this --
11 for people like the state representative or the
12 Commissioner, like, what was the original rationale of
13 those people had other government duties that would
14 prohibit them from attending? Does anyone know the
15 history of that?

16 MR. HOFFMAN: This arose in the last by-laws
17 revision when the attendance provision was put in. And
18 there were certain positions, like the superintendent,
19 who were named -- who the position -- the person who
20 occupied that position was named, didn't have the
21 ability to designate somebody else.

22 MS. NUELL: Designate, yeah.

23 MR. HOFFMAN: So, this sentence was put in
24 there to make sure that it is automatically taken off
25 the Board for not attending three meetings would not

1 apply to those, I think there were three at the time,
2 positions where there could not be a designee.

3 Now that the statute has been fixed, this
4 probably only applies to, I think we decided --

5 MR. HAJ: The mayor's position.

6 MR. HOFFMAN: -- to the mayor's position,
7 because the mayor is not attending. He's sending
8 somebody as a non-voting designee. So, perhaps the
9 provision now should just say, this doesn't apply to the
10 mayor's position.

11 MS. NUELLE: Or then do we need it? The
12 reason I'm the one who pays attention to this is because
13 I pay attention to the attendance. So then I'm, like,
14 okay, you know, the Dade delegation, no, I don't have to
15 worry about that attendance, you know, the Commissioner
16 and the -- you know, so it's basically who is required
17 to abide by the attendance and who isn't.

18 MR. HOFFMAN: If you didn't have the
19 provision or the sentence, the rest of the --

20 MS. NUELLE: So, "Elected or appointed
21 government officials, period?"

22 MR. HOFFMAN: Or to say that that doesn't
23 apply to the position -- the Board position held by the
24 mayor.

25 MR. HAJ: But an elected position, such as

1 Representative Duran, who gets called up to Tallahassee.

2 MR. HOFFMAN: Well, not Duran, because he's
3 not -- he's not on our Board because of his position,
4 and this was never intended to excuse Duran from
5 attending more than three meetings just because he's an
6 elected official.

7 MS. GRAVES: An elected official who can't
8 name a designee. So, Duran, the delegation names him.
9 The delegation can name someone else. The School Board,
10 the superintendent can name someone else. The County
11 Commissioner, the chair can name someone else. The
12 mayor is the only one that can't name someone else for
13 one of his positions.

14 MS. NUELL: So can we just write what that
15 means so that it's very clear, because this is going to
16 continue to happen. In three years, someone else is
17 going to sit here and say, what does that mean.

18 MR. HAJ: But with the Dade delegation, even
19 if he can pick somebody else, they're all in the same
20 boat. They all have to be in Tallahassee for 34 months.

21 MR. HINCAPIE: Why can't that other person,
22 the other mayor's designee, just be able to vote?

23 MS. GRAVES: Because of the way the statute
24 and the ordinance are written.

25 MS. KOBRINSKI: It says, "the mayor." It

1 doesn't say, "the mayor or his designee." There's
2 another spot for you that does say "designee." So, it
3 has to be the mayor. Insom is just filling in here.

4 MR. HOFFMAN: So, just to interject. This
5 would have been cured by the attendance provision,
6 because I agree that Representative Duran and anybody
7 from the Dade delegation is going to have to be in
8 Tallahassee because it's part of their job, but they can
9 call into a meeting or should be able to call into a
10 meeting.

11 So, I think that the intent of the provision
12 was always because of those who had to be there because
13 of their position, like the superintendent needs to be
14 and the mayor still is, but not to excuse somebody just
15 because they are out of town habitually.

16 MR. SALVER: Just for the record here, the
17 League of Cities, who appoints me, all the voting
18 members of the League of Cities are elected officials.
19 You must be an elected official to be on the Board of
20 the League of Cities.

21 MS. NUELLE: But I don't know if the
22 ordinance or statute says, just like many other of our
23 appointments, it has to be someone that's on the Board
24 of the League of Cities. Or like the mayor, his
25 designee is Nelson, who hasn't worked for the County.

1 So I don't know if it applies that way.

2 MR. SALVER: Well, Leigh has the ordinance.

3 MR. HINCAPIE: It was probably when it was
4 not a strong mayor --

5 MS. NUELLE: No, right, it's the County
6 manager.

7 MR. HINCAPIE: County manager.

8 MS. NUELLE: Right, it was the County
9 manager.

10 MS. GRAVES: The County manager had a spot
11 and then the mayor had a spot. And so now, the way the
12 statute is crafted, it says, "The County manager, the
13 applicable County officer," which is the mayor, and then
14 it also gives a slot to the mayor or mayor's designee,
15 and so that's why the mayor has two.

16 DR. NEIMAND: So, do we need to move this to
17 the Board with amended language? Is that what the
18 recommendation is?

19 MS. NUELLE: So it will just say now, the
20 attendance requirement doesn't apply to the mayor.

21 MR. HOFFMAN: Or position held by the major,
22 something like that.

23 MS. NUELLE: Thank you, because it just is
24 super-confusing.

25 DR. NEIMAND: Okay. Last item.

1 MR. ALI: Conflict of interest section --
2 (Off the record.)

3 MR. SALVER: That means it applies to the
4 Florida House of Representatives and it's going to apply
5 to the County Commissioners?

6 MS. KOBRINSKI: Well, they're hoping that
7 the telephone thing applies.

8 MR. ALI: It's just my opinion that even if
9 you, they're not attending to say well, for whatever
10 reason that you miss six meetings out of the ten
11 meetings of the year, you appoint someone else who might
12 be interested in attending the meetings or have more
13 time to attend the meetings. I think that's what it
14 gives the ability to do.

15 I mean, there was one year, if you remember,
16 that one of the Commissioners, he never came to a
17 meeting, any meeting.

18 MS. NUELLE: He didn't come once. Zapata, he
19 didn't come one time.

20 MR. SALVER: And for years, the Florida --
21 the Dade delegation didn't show up.

22 MS. NUELLE: So, I mean, then, you know, you
23 should just say, I'm not, like, I'm not -- I can't
24 serve, I'm not interested and, you know, it happens.

25 DR. NEIMAND: Okay, moving right along.

1 MR. ALI: Shanika made that point, when they
2 look at the people attending, you know, if someone is
3 not attending, even with the MCCJ, if they're not
4 attending, we should be able to ask the organization to
5 send another representative. So, if you decide you
6 don't like coming to our meetings anymore, we should be
7 able to say, you know, if you don't want to come --

8 MR. SALVER: Even many of the meetings --
9 outside the scope of this conversation. But even the
10 meetings I never attended, like we had for Board
11 meetings, I would be engaged in conversations with staff
12 about the --

13 MR. ALI: I mean, you were still interested.

14 MS. NUELLE: But it's not -- I mean, it's not
15 about participation. So, it's, you know, it counts for
16 quorum, you know. So, if you have five people who
17 decide that they're all going to be elected officials
18 and it counts for quorum. So, to me, it's just, you
19 know --

20 MR. ALI: I think quorum has always been a
21 conflict. When I started with the County Manager, and
22 the day would come when he said, "I'm not getting
23 quorum, you need to tell George to come here."

24 MS. NUELLE: Conflict of interest.

25 MR. ALI: Because I remember a discussion

1 around this idea, and the discussed revolved around
2 whether, in fact, we want to maintain the 10 percent
3 rule or whether --

4 MS. NUELLE: They skipped one, but we can go
5 to that one.

6 MR. ALI: So that was one part of the
7 discussion, whether we would keep the 10 percent rule.

8 And then the second part was just have a
9 Board member declare their conflict of interest and just
10 exclude themselves from the voting. And part of the
11 discussion also was whether, in fact, they could
12 participate in the discussion regarding the item but not
13 vote or whether they should leave the room and not have
14 any participation at all. So, those were the
15 circumstances. I don't know if Ken, you have some
16 additional comments.

17 MR. HOFFMAN: These changes were my
18 suggestion. And leaving the room really had nothing to
19 do with it, I think you said, whether somebody has to
20 leave the room or not. The only substantive change here
21 was to state that when a Board member has themselves
22 from a vote, can't speak during a vote.

23 And I think this goes to a couple of things.
24 One is these omnibus resolutions we have with 20 items
25 where everybody's recusing because they're participating

1 in one line item.

2 And second, just the general notion, even if
3 it was just, for example, a funding resolution for an
4 agency, like yours, Nelson, that if you recused yourself
5 and said to the entire Board, I have a conflict, there's
6 no reason that you shouldn't be able to speak as long as
7 your conflict is noted. That was the rationale, that
8 this is a great organization, I hope you all will
9 support it.

10 MS. NUELLE: Or if there was questions about
11 it. What someone said about other Boards that they're
12 on, that when they recuse themselves, then they move
13 literally to, like, where the public is, so then
14 technically, they're, like, a member of the public, not
15 a member of the Board.

16 Some people on the Executive Committee just
17 feel like if you could, you know, the Board could ask
18 questions, if there were questions about the agency, and
19 some are problematic and some aren't, that, you know,
20 they should be able to do that.

21 In terms of, which I mentioned, also, the
22 Executive, in terms of leaving the room or not leaving
23 the room, there was a history about that, because there
24 were questions, do we have to leave the room, don't we
25 have to leave the room.

1 So at some point, the attorneys said, No,
2 you don't have to leave the room, so we put that in
3 there, so it was just like a historical reference for
4 clarification because later down the line, you know,
5 when it's not us sitting here, then they, you know,
6 people might be -- because some places, you have to
7 actually leave the room if you recuse yourself.

8 So, the recommendation, though, was, I mean,
9 it was, if we can -- if a member can recuse themselves
10 and then still be able to speak. But that was one part.

11 And the second part --

12 DR. NEIMAND: It doesn't say anything about
13 that. Basically what this says is that if you work for
14 the agency, you disclose why and file the form with the
15 secretary. I'm looking at the --

16 MR. HOFFMAN: Look at the marked one.

17 DR. NEIMAND: -- and then you can't vote.
18 That's what we're doing right now.

19 MR. HOFFMAN: Sorry, Susan, you need to look
20 at the marked one because --

21 MS. NUELL: This is -- these are for
22 discussion.

23 MS. GRAVES: And for this item, we suggested
24 that this is another opinion you should request from the
25 Commission on Ethics.

1 MR. SALVER: Just to put this in
2 perspective, in our City Council, if someone recuses
3 themselves, they fill out the form, give the reason,
4 give the form to the Clerk and leave the room.

5 So, I mean, if we're not going through that
6 motion, then I certainly suggest that we prohibit anyone
7 that has recused themselves from an item to speak at
8 all. They shouldn't even be there because sometimes
9 facial expressions communicate more than words. I mean,
10 this, I do suggest that we take a conservative position
11 on.

12 MS. KOBRINSKI: Well, at a minimum, the
13 Commission on Ethics has already stated you have to
14 state the reason for your recusal. You have to fill out
15 the form. So those are kinds of non-negotiables and you
16 shouldn't be voting. So, it's whether or not you can
17 speak on it that we suggest that you get an ethics
18 opinion about.

19 DR. NEIMAND: I think this is what we've
20 been doing and I think it's very sound. That's just my
21 opinion. I think I would bring this to the Board. What
22 do you think?

23 MR. HOFFMAN: Or we can leave it the same.

24 DR. NEIMAND: What?

25 MR. HOFFMAN: Leave it the way it was

1 without the speaking -- without the deletion at the end.

2 DR. NEIMAND: Correct. That would be my
3 recommendation.

4 MR. HINCAPIE: I'm okay with leaving it the
5 way it is.

6 DR. NEIMAND: Isaac?

7 MR. SALVER: I need to put together in my
8 head the way it was.

9 DR. NEIMAND: It's in here.

10 MR. HOFFMAN: Isaac, the way it was, the
11 only thing that's been struck was the prohibition
12 against speaking once you've declared --

13 MS. KOBRINSKI: But it also said you didn't
14 have to leave the room. It says, "Shall disclose their
15 interest, file disclosure statement. If they have a
16 conflict of interest, they shall abstain from speaking
17 or voting on the issue. However, they do not need to
18 leave the room."

19 MR. SALVER: Yeah, I'm good with that. I
20 don't think that requires any change.

21 MR. HOFFMAN: Okay. So put back in
22 speaking, put back in the last clause.

23 MS. NUELLE: Then the last one was a pretty
24 big discussion. The way it was written before was, for
25 me, extremely confusing. And I said, I think we put so

1 much language in this about if you're on the Board by a
2 Trust-funded organization and the 10 percent rule, that
3 was self-imposed, I assume, when the Trust was
4 organized.

5 So, I said, I think we've had so much
6 language that I can't figure out what it really means.
7 And I think the intent of that 10 percent rule was that
8 if you are a Board member and you represent an agency,
9 that agency cannot receive more than 10 percent of the
10 budget from the Trust.

11 So we just simplified it and made it --
12 stated what it was without any provisions. The
13 conversation that came up at the Executive Committee
14 was, do we want to keep this rule, with the discussion
15 being two-fold.

16 One is, if this is something that does
17 prohibit small CBO's from being a Board member, because
18 even 10 percent can be, you know, a large part of their
19 budget. Obviously, if you work for Miami-Dade College
20 or Miami-Dade County, 10 percent of their budget is like
21 nothing. So, does this prohibit small CBO's from being
22 on the Board?

23 The biggest example, I'm sure you all
24 remember, Ken didn't really remember or know, was
25 Marissa Leichter. She was, you know, worked for an

1 organization and they wanted more than 10 percent.

2 So, they told her, you know, you need to get
3 off the Board or she got a new job, because she really
4 wanted to stay on the Board. You know, she really liked
5 being on the Board so she left that organization and
6 went somewhere else.

7 So then the second part of the discussion
8 was, this is, like, you know, this is, like, a question
9 of the small CBO's -- the prohibition of small CBO's
10 versus the look of impropriety.

11 And, you know, I think that's something for
12 the Board to decide, which matters more. But the
13 question just arose, do we still want this or do we need
14 this, you know, and that a tough one, like, an ethical
15 one.

16 MR. HOFFMAN: So, I didn't have any issue
17 with -- I mean, when it came back and was rewritten, I
18 didn't understand what we were trying to accomplish.
19 And I guess I would say a couple of things.

20 One is, what's already still there in #2,
21 "Members of the Board shall be part of all Florida
22 Statutes and County Ordinances related to conflicts of
23 interest" is one level of protection. Recusal is
24 another level of protection, which we've already talked
25 about leaving the same.

1 And I did not, until the Executive Committee
2 meeting, appreciate the Marissa situation. But I see
3 this is not just a situation like hers. But
4 prospectively, again, even the way it was written,
5 "Organizations that have seats allocated to the Board
6 will not be allowed to appoint a member of its staff,"
7 this seemed to apply to people, again, in an uneven way.

8 And there were several things covered here.
9 The only one that seems to me that may be still
10 important is the concept that no Board member shall be
11 the beneficiary of -- have their salary paid out of
12 funding from the Trust.

13 Not the fact whether it's 10 percent, 11
14 percent or 9 percent of an organization's funding. And
15 again, that would prevent -- it seems to have actually
16 had an extreme effect on Marissa. I didn't know that
17 she had to resign from a position so that her agency
18 would have, you know, otherwise been unable to seek
19 funding, but it also sort of narrows the pool except for
20 the public seats and some other seats, including maybe
21 like yours, if we were able to get a grant from the
22 Trust. There's no reason that your organization
23 shouldn't, but your salary shouldn't be funded from
24 Trust funds. That's at least my opinion, and I don't
25 know if you all have any --

1 MS. GRAVES: I just raised the issue of
2 anything counter to the appearance of impropriety
3 standard.

4 MR. HOFFMAN: But we have that standard in
5 there. And again, I'm not sure -- nobody was able to
6 explain where this came from and whether 10 percent was
7 a County ordinance or --

8 MS. NUELLE: No, it was self-imposed by the
9 Children's Trust.

10 DR. NEIMAND: But if you think about where
11 we're headed, in terms of really working with
12 community-based organizations and bringing more
13 diversity into the Board, I think, again, this becomes
14 exclusionary. And I think we can protect ourselves as a
15 Board but by not having this level of constraint.

16 MR. HOFFMAN: We have it with the other
17 provisions already in effect.

18 DR. NEIMAND: Correct.

19 MS. NUELLE: Yeah, that popped up. And so --

20 MR. ALI: So, for my clarification, I'm
21 guessing that you want to take out the 10 percent rule
22 but will include that a person on the Board cannot be
23 paid by funds from the Trust.

24 DR. NEIMAND: Correct. That was something
25 that was deleted from the original document.

1 MS. NUELLE: Right. So then it could just
2 say -- well, in terms of -- and I would agree to add it
3 back. But let's just simplify it. What the rule was, if
4 you're on the Board, if you work for an organization
5 that refunds you 10 percent -- so it can just say, In
6 the event that a Board member is employed by a
7 Trust-funded organization, no Board member's salary may
8 be paid by the Board funds.

9 MR. HOFFMAN: By the Trust.

10 MR. HINCAPIE: So, if you're on the Board of
11 the Trust and you're also an agency that's funded by the
12 Trust, none of that salary would be able to be used to
13 cover --

14 MR. ALI: -- that funding.

15 MR. HINCAPIE: None of the funding would be
16 able to cover the salary of that Trust --

17 MS. NUELLE: It was there already.

18 MR. SALVER: How is that monitored?

19 MS. NUELLE: Oh, I think it's easily
20 monitored.

21 MR. HOFFMAN: That comes through the funding
22 request. First of all, you have to show --

23 MS. GRAVES: The proposed budget, and then
24 there are percentages within the budget --

25 DR. NEIMAND: In the reports that you

1 write --

2 MS. GRAVES: -- that would be catered to the
3 Trust fund that the program is being funded by.

4 MR. HINCAPIE: But you can't -- but you
5 can't pay -- obviously, you know, you can't pay for
6 other positions, not the position of the person that is
7 on the Board of the Trust.

8 DR. NEIMAND: It depends how you wrote your
9 grant.

10 MR. HINCAPIE: Right.

11 DR. NEIMAND: If you write your grant, you
12 have to itemize every single item and you have to do
13 regular grant reporting to show where you use the money.
14 There's a very easy way to track the money.

15 MS. NUELL: Do you agree with that, that
16 it's easy to control and monitor?

17 MS. BOHORQUES: Yes. The four positions
18 that we fund, you have to enter the name of the person
19 and their title, so we would know.

20 MR. HOFFMAN: I think that this applies to
21 several of our existing Board members, myself included.
22 My organization is not being funded by the Trust. But
23 if it were, it probably would be 10 percent, Steve Hope,
24 others.

25 So, again, I think that that part is

1 arbitrary. But I do think we shouldn't be in the
2 business of putting before the Board funding that might
3 go to your salary or Steve's salary.

4 MS. NUELLE: That would have a definite
5 appearance of impropriety.

6 MS. GRAVES: And just for consideration,
7 think about that when this is taken out, if there is
8 going to be any procedure with new funding, that it
9 doesn't look like, especially, you have a number of new
10 Board members, because you're taking this out, we don't
11 want some of those being funded at a disproportionate
12 rate that it looks like now it's being done for the
13 benefit of Trust Board members at the detriment of
14 others in the community. So, we'll have to try and find
15 a balance for the appearance of impropriety.

16 MR. HOFFMAN: Again, I don't know that this
17 has really been a specific issue except when I heard
18 about Marissa actually resigning or other organizations
19 and our at-large members.

20 MS. GRAVES: And I think some of them said,
21 oh, we would never resign from the Trust.

22 MS. NUELLE: And there was someone who
23 applied through the gubernatorial process. But, you
24 know, I said, that person needs to understand that their
25 organization cannot receive more than 10 percent like

1 they probably, you know, and I don't know if their
2 organization does receive, you know, in excess of 10
3 percent of their budget from the Children's Trust, but
4 they probably are not aware of that.

5 And I think it precludes people from even
6 applying. And I think that was the point that got
7 brought up at Executive, like, you know, we've worked so
8 hard, you know, with the community and we've heard that.

9 DR. NEIMAND: Okay. So, we have gone
10 through all of these four items. We have daggered the
11 first. We will send the second in front of the Board.
12 The third one will go to the Board with amended
13 language. 4.1 will go to the Board and 4.2 will go to
14 the Board with amended language.

15 MS. GRAVES: There were two issues that we
16 raised in our review that it seems that there would be
17 potential Sunshine violations with the way the language
18 was drafted. I'm not sure if staff is going to have a
19 recommendation for the full Board.

20 MR. HAJ: Yes, they're going to bring it.

21 MS. GRAVES: Okay, so they're just going to
22 bring it. So this wouldn't be the final draft. But
23 when it's transmitted, you'll have a copy -- a clean
24 copy that incorporates all the proposed revisions.
25 You'll have a marked-up copy of it and then you'll have

1 the current by-laws to do a comparison. And then --

2 MR. ALI: You'll have the language for the
3 Sunshine to make sure it's okay before we finalize it.

4 MS. KOBRINSKI: Are you going to come up
5 with an alternative --

6 MR. ALI: And that was a question, Ken, I
7 think you may have noticed in the provision, they were
8 raising the issue why we didn't have a reference to
9 Robert's Rules.

10 MR. HOFFMAN: I don't think we have a
11 parliamentarian at the meetings. In my limited
12 experience, even though people have the rule book, it's
13 not always easy to use Robert's Rules unless somebody is
14 familiar with them.

15 MS. GRAVES: I've had that experience, and
16 I've had to, you know, ask the Board, can we table that
17 for now, let me look at it, and that's why -- there
18 would be two of us, so one can look for the other. But
19 we've used it for some of these meetings.

20 MS. NUELLE: You know, where we had to stop.
21 Just even last month, you know, to change the vote and
22 then we had to go backwards.

23 MS. KOBRINSKI: It's kind of a backup in
24 case the by-laws don't cover a certain scenario, what
25 happens, what do you rely on.

1 MR. HOFFMAN: No, I understand that. Again,
2 I've been in plenty of Board discussions where people
3 have talked about that you have to withdraw the motion
4 before you -- and I can guarantee you that half the
5 time, what people say what Robert's Rules provides is
6 wrong, even if it's just their notion of how something
7 should go forward. So, as long as you're telling me,
8 which I didn't know, that we have a parliamentarian at
9 every meeting, then we can leave that in.

10 MS. NUELL: Should we say that our attorney
11 acts as the parliamentarian or we don't need to mention
12 who is the parliamentarian?

13 MS. KOBRINSKI: One thing wasn't on there,
14 the provision about the auditor. Is that from the
15 Finance Committee, and did they discuss whether or not
16 that raises any issues with appearance of impropriety?

17 MS. NUELL: The question is -- it does say,
18 "The Board shall appoint." And I'm not sure that that's
19 actually the right language for the auditor. Should it
20 say, approve the recommendation of the audit committee?

21 MR. HOFFMAN: What's the question?

22 MS. KOBRINSKI: My question, so previously
23 under "Auditor," it said, "The Board shall not use the
24 same external auditor for more than five consecutive
25 years."

1 And now, I guess, based on the Finance &
2 Operations Committee language, they say, "They shall not
3 use the same external auditor of the same auditing
4 firm." So, essentially, you're allowing the same firm
5 but within that firm, you're saying, well, you need a
6 different team.

7 MS. GRAVES: And I think that could just be
8 problematic implementing, because if you say a different
9 team, if they say, well, we have a different lead person
10 on it, so that change could change the composition of
11 the team.

12 MS. NUELL: I don't think we adopted that.
13 I think we left it as a new auditor.

14 MR. SALVER: We didn't talk about it?

15 MR. HOFFMAN: No, we didn't talk about it.

16 MR. ALI: I think we did agree that we
17 should get a separate auditor.

18 MS. NUELL: A separate auditor, right, yeah,
19 not to use the same firm.

20 DR. NEIMAND: We just changed firms, right,
21 recently?

22 MS. NUELL: Yes. And there was discussion,
23 can you use the same firm with a different team to the
24 extent it's seven years instead of five, and we left it.
25 It doesn't have to do with the point. That's what I

1 thought you were also --

2 MR. SALVER: And "engage" --

3 MS. NUELLE: Susan, would you just repeat
4 that, what you said before. I just want to make sure I
5 have it.

6 DR. NEIMAND: The first one was daggered.

7 MS. NUELLE: Right.

8 DR. NEIMAND: #2 will go to the Board. #3
9 was Board with amended language. 4.1 is going to the
10 Board and 4.2 is going to the Board with amended
11 language.

12 MS. NUELLE: Got it. And in the meantime,
13 are we going to continue to look at the, you know,
14 whatever, go to the Ethics Commission on #2 and 4.1 or
15 wait until we hear what the Board says and then do it?

16 DR. NEIMAND: Well, I think they should do
17 research before we get to the Board meeting. Because if
18 the Board votes positively to put it in and they come
19 back with, it's illegal to do it, what's the point of
20 the discussion?

21 MS. NUELLE: Right. Is there time? I was
22 talking about the continuation of looking at the, you
23 know, various opinions and how we could do the --

24 DR. NEIMAND: We're looking at #5.

25 MS. NUELLE: Right, and the other one of

1 speaking if you recuse yourself. Is there time between
2 now and the Board retreat -- which I don't remember the
3 date. I think it's --

4 MS. JEANTY: It's the 23rd.

5 MS. GRAVES: They typically get back pretty
6 quickly regarding responses.

7 MS. NUELLE: And can Ken work on that? I
8 mean, who engages at the Commission? Is it anybody?

9 MR. SALVER: Anybody.

10 MS. NUELLE: Is it us? Right, it could be
11 anybody, you know, especially specific to the Attorney
12 General and all of that. But anyway, I just was
13 thinking we should try and have a plan because between
14 now and then --

15 MR. SALVER: Are you tasking Ken with that?

16 MS. NUELLE: I don't -- I wanted to ask him.
17 I don't know what the process is.

18 MR. SALVER: I'll second the motion.

19 MS. KOBRINSKI: Well, whoever speaks to them
20 about the provision needs to have a very full
21 understanding, because he's going to want to know
22 everything about the selection process, the funding
23 process, what money goes where, how the different
24 organizations are funded. He's going to ask a lot of
25 detailed questions about the process.

1 MS. NUELLE: No, I just don't know what the
2 process is. That's all. So I'm not saying one or
3 another, or do we do it together, you know. I just
4 wanted to find out.

5 MS. GRAVES: Don't do it together out of
6 Sunshine.

7 MS. NUELLE: No, "do it together" meaning
8 Ken, you all and staff. Like, I just don't know what
9 the typical process is, but I think we should decide and
10 get it done.

11 MS. GRAVES: Staff can request an opinion on
12 behalf of the Board.

13 MR. SALVER: Are we going to be wrapping it
14 up?

15 DR. NEIMAND: Yes, we are wrapping up.

16 MR. SALVER: So, before we do, I just want
17 permission to give kudos to Ken and our Finance
18 Committee. Because, you know, with Ken's leadership,
19 all the provisions and other changes that our committee
20 made didn't come up for re-discussion or anything like
21 that.

22 So, you know, Nelson, Ken and everybody that
23 participated in the Finance Committee did a pretty good
24 job because the way they were crafted, you know, the
25 changes to the by-laws didn't really precipitate any big

1 discussion so, you know, kudos to you.

2 DR. NEIMAND: Well, I'd like to thank
3 everyone for coming and staying and working through
4 this. This is very important work that we are doing.
5 And I guess the next phase, we'll take it to the Board
6 next week and we will proceed that way. Thank you all.
7 Have a wonderful afternoon.

8 MR. SALVER: Thank you, Susan.

9 MS. GRAVES: Are you going to vote on what
10 this committee is recommending to the Board?

11 MR. SALVER: Did you take notes?

12 MS. GRAVES: Yes, just to formalize it in
13 the vote.

14 MR. SALVER: I'll move -- yeah, I'll move
15 that the recommendations that have been discussed and
16 memorialized on notes of Shanika and Leigh, the court
17 reporter, be forwarded to the Board at-large to be
18 decided by the Board at our next meeting.

19 MR. HINCAPIE: Second.

20 MR. SALVER: All in favor?

21 (WHEREUPON, the Board members all responded
22 with "aye".)

23 DR. NEIMAND: We are adjourned.

24 (Whereupon, at 12:51 p.m., the meeting was
25 adjourned.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA:
COUNTY OF MIAMI-DADE:

I, Fernando Subirats, Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and did report the proceedings in the above-styled cause; that the foregoing pages, numbered from 1 to 72, inclusive, constitute a true and complete record of my notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor financially interested in the action.

Dated this 21st day of September, 2018.



Fernando Subirats
Court Reporter

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