



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Workshop
Legal Services Discussion
Tuesday, May 25, 2021 9am
Building D &E**

Welcome

The Barefoot Bay Recreation District Board of Trustees held a Workshop on May 25, 2021 Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Maino called the meeting to order at 9AM.

Pledge of Allegiance to the Flag

Led by Mr. Maino.

Roll Call

Present: Mr. Maino, Mr. Grunow, Mr. Nugent, Mr. Morrissey, Mr. Loveland. Also, present, John W. Coffey, ICMA-CM, Community Manager, Cliff Repperger, General Counsel, Stephanie Brown, District Clerk, Charles Henley, Finance Manager, and Rich Armington, Resident Relations Manager.

Audience Participation

Tom Guinther-1071 Royal Palm Drive-spoke in favor of having General Counsel at meetings and stated that the services are invaluable.

The Role and use of General Counsel by BOT, Staff, and Residents

Mr. Morrissey voiced his concern about how general counsel is being contacted by staff. He spoke in favor of having a liaison between BBRD and general counsel, as opposed to management and their support staff all being able to contact general counsel. Mr. Maino agreed with Mr. Morrissey. Mr. Maino also spoke in favor of not having substitute legal counsel present in the absence of Mr. Repperger, and voiced his concern about legal counsel being present at every BOT Meeting. Mr. Repperger explained that counsel attending BOT Meetings is not required, but has been a common practice and is also stated in the legal services contract. Mr. Repperger stated that he does not have an issue with only attending specific meetings, but having legal counsel present is beneficial in understanding important topics and the progression of possible issues that may arise. Mr. Coffey responded that General Counsel is integral to management staff and the overall operations of BBRD. Mr. Maino voiced his concern regarding Mr. Repperger influencing decisions for BBRD that are not legal and taking on a role similar to staff or a BOT member. Mr. Repperger responded that it is never his intention to influence policy or politics, but to assist staff from a legal standpoint in the interest of protecting BBRD.



BAREFOOT BAY RECREATION DISTRICT

Mr. Maino asked if we had a policy on how General counsel interacts with staff/BOT/residents. Mr. Coffey responded that BBRD does not have a policy on staff interaction with general counsel, it is currently handled on a case-by-case basis. Mr. Nugent stated that he contacts Mr. Coffey regarding legal matters instead of contacting general counsel directly. He also spoke in favor of contracts being completed faster. Mr. Maino also asked about the cost effectiveness and time spent on the Beach Restroom project. Mr. Repperger responded that the Beach Restroom project has many complicated components and thus can be more costly. Mr. Loveland spoke in favor of the service BBRD receives from General Counsel Repperger and stated that he was satisfied with the billing. Mr. Grunow spoke in favor of exploring ways to update and improve procedures, and considers general counsel as a part of the BBRD team.

Legal Fees and Costs in DOR Enforcement Litigation

Mr. Repperger gave a detailed explanation of how DOR enforcement operates and the process of litigation.

Mr. Maino asked questions about problematic DOR cases and how they are handled. Mr. Repperger responded by providing information regarding next steps after a violation is filed, including the court process and tools used for compliance (suspending privileges). Mr. Repperger suggested changing the DOR to allow fining and liens as another avenue to use for residents to come into compliance.

Incidental Trustee Remarks

Mr. Grunow expressed his gratitude to the Violations Committee and DOR Enforcement for the work they have done to get resident's in compliance.

Mr. Loveland spoke in favor of the BOT getting educated on BBRD operations and policy process.

Mr. Morrissey stated that he is confident BBRD General Counsel is doing a good job and after further assessment, could not find any areas in the billing where money could be saved on Attorney's fees.

Mr. Maino expressed his gratitude to everyone who participated in the workshop.

Mr. Repperger stated that the BOT can contact him with any billing questions or concerns.



BAREFOOT BAY RECREATION DISTRICT

Adjournment

Mr. Nugent made a motion to adjourn. Mr. Maino adjourned.

Meeting adjourned at 10:42am


Jeff Grunow, Secretary


Stephanie Brown, District Clerk