

UNIVERSITY PARK RECREATION DISTRICT - SPECIAL MEETING

October 6, 2025



LIBERTY COURT REPORTING

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PUBLIC NOTICE

UNIVERSITY PARK RECREATION DISTRICT

S P E C I A L M E E T I N G

ATTORNEY/CLIENT SESSION MEETING

October 6, 2025, AT 2:00 PM

LOCATION: 8301 The Park Boulevard,
University Park, FL 34201

District Attorneys: Mark Barnebey, Esq.
Fred Moore, Esq.

District Manager: Vivian Carvalho

Board of Supervisors of the University Park Recreation
District: Sally Dickson, Steve Heitzner, Scott Huebner,
David Murphy, and Russell Piersons

Proceedings were taken before:
Olivia Cristantiello, CSR
Liberty Court Reporting

P-R-O-C-E-E-D-I-N-G-S

MR. BARNEBEY: All right. You get to start the meeting, then you turn it over to me.

MS. DICKSON: Oh, I do?

Welcome to a meeting of the University Park RD Board of Supervisors, and we are opening the meeting with a roll call.

MS. CARVALHO: Steve Heitzner?

MR. HEITZNER: Here.

MS. CARVALHO: Scott Huebner?

MR. HUEBNER: Here.

MS. CARVALHO: Sally Dickson?

MS. DICKSON: Here.

MS. CARVALHO: David Murphy?

MR. MURPHY: Here.

MS. CARVALHO: Rusty Piersons?

MR. PIERSONS: Here.

MS. CARVALHO: We have a quorum.

MS. DICKSON: Given nobody is in the audience, I don't think you're going to have any questions or comments over there in the corner. So given that, we're going to move on to the heart of the matter. And what do we do from here?

MR. BARNEBEY: Well, open the attorney-client session. I'm going to read something, and so this

1 is the opening. This is the attorney-client meeting
2 to be held pursuant to Florida Sunshine Law Section
3 286.0118 Florida Statutes on this date May -- May --
4 Monday, October 6th, 2025 beginning at 2 o'clock
5 p.m and will last approximately 60 minutes at the
6 request of our firm as district attorney.

7 This meeting is being held in the business
8 offices located at 831 Park Boulevard, University
9 Park, Florida 34201. This meeting has commenced in
10 an open session, and we'll move into attorney-client
11 session, limited attendance to district attorneys
12 Mark Barnebey and Fred Moore, district manager
13 Vivian Carvalho. University Park Recreation
14 District: Sally Dickson, Steve Heitzner, Scott
15 Huebner, David Murphy, and Russell Piersons.

16 And the court reporter will transcribe the full
17 proceedings to be made part of the public record
18 for -- at the conclusion of litigation for the
19 purposes of discussing settlement negotiations or
20 strategy sessions related to litigation expenditures
21 in the following court case Dean Matt versus
22 University Park Recreation District, SC 2024-0990,
23 Lower Tribunal Case 2024-CA-000252.

24 At the conclusion of this private portion of
25 the meeting will then be reopened to the public and

1 that will allow us to take any action that may be
2 necessary or we'll just close the meeting.

3 With that, we need to open the session, and
4 then I have a couple of comments to say.

5 MS. DICKSON: Okay. So we're in the closed
6 session now?

7 MR. BARNEBEY: Okay.

8 MS. DICKSON: And I -- to my knowledge, the
9 last time we were together, we talked about
10 potentially providing input so that we could
11 contemplate a communication with Dean Matt in the
12 matter of trying to reach a settlement. And that
13 was based on information we were provided that he
14 had provided in terms of what he is looking for
15 based on meetings with you and Rusty, I believe.

16 MR. MOORE: Me being Fred.

17 MS. DICKSON: I was trying to remember.

18 MR. MOORE: For the court reporter.

19 MS. DICKSON: Anyways, Fred and Rusty. And so,
20 at this point, since we don't speak to each other,
21 we don't have any idea whether you got feedback or where
22 we stand in terms --

23 MR. BARNEBEY: Well, let me start before we get
24 to his feedback.

25 MS. DICKSON: Okay.

1 MR. BARNEBEY: Almost there. I'm going to
2 remind you, these are -- this is being transcribed
3 and so comments that you make today will be public
4 at some point, so just remember that. And secondly,
5 please talk one at a time because the court reporter
6 has a challenge if you don't do that.

7 And so with that, I will now turn it over to
8 Fred.

9 MR. MOORE: Thank you. And I want to thank
10 everybody for reaching out to me, at least
11 discussing these points a little bit further. It
12 did provide some guidance to flesh out those four
13 bullet points a little bit more.

14 Before we get into -- and I do have a handout
15 to get into those bullet points and figured to
16 discuss the status of the case, which is the same as
17 we started the last one. We haven't heard anything.
18 I know that there's been various discussions Mark
19 and I have had about what can we do next?

20 One of the things we could do, I don't know
21 could have an effect or no effect, and that is to
22 have someone enter an appearance on behalf of the
23 district. It could be something as easy as another
24 attorney in our firm entering appearance to, I'm
25 going to loosely say, hiring appellate counsel to

1 also enter an appearance.

2 MR. HEITZNER: So explain that a little,
3 please.

4 MR. MOORE: Well, if we do it, it's simple.
5 It's just fill out a piece of paper, notice of
6 appearance, and it's really just one more attorney
7 from our firm, who is involved. I don't know if
8 this will do anything.

9 MR. HEITZNER: Where does that go?

10 MR. MOORE: It gets filed with the court. So
11 there's some document that the clerk files, and
12 theoretically, there is some ping within the Supreme
13 Court halls of something has happened in this file
14 that may or may not need to be done. And perhaps,
15 to the extent it's just sitting there with someone
16 not thinking about it, maybe that -- that gives them
17 that thought.

18 MR. HEITZNER: And is that a simple process to
19 execute?

20 MR. MOORE: Yes. Whether it's someone at our
21 firm or someone out of our firm, it's preparedness,
22 paper it, and filing it.

23 MR. HEITZNER: And what is the downside of
24 that?

25 MR. MOORE: Well, no downside, really, that I

1 see. With respect to filing on our firm, the
2 question is, does that ping loud enough? It's just
3 some other attorney within our firm. With respect
4 to someone out of house, what you really would want
5 to have is someone who appears at the Supreme Court
6 all of time, or at the very least, a board certified
7 appellate attorney. So it appears to however it's
8 pinged, hey, the district here is looking to do
9 something, perhaps it rattles and moves it forward.

10 MR. HEITZNER: And how expensive of a
11 proposition is that, to go outside to a potential
12 appellate attorney?

13 MR. MOORE: I spoke with someone I work with
14 who is not a Tallahassee Supreme Court, but is a
15 board certified appellate attorney and he would
16 enter an appearance at \$500, and then we could
17 discuss to the extent there is any oral argument.
18 Because that's really the last piece that we had
19 here. Then we would discuss what the arrangement
20 would be going forward. It would likely be an
21 hourly rate, depending how involved in oral argument
22 we want that person.

23 MR. HEITZNER: That's if there's an oral
24 argument. This process doesn't trigger an oral
25 argument.

1 MR. MOORE: Correct. As I sit here, I have no
2 crystal ball, but my lean is it's sat for long
3 enough to where I think it's probably unlikely that
4 there will be oral argument. But it's just --
5 you're trying to figure out which track it's on and
6 my thought would be if it's on the simple justice
7 track, no oral argument, it makes more likely why
8 it's sort of sitting there.

9 MR. MURPHY: This is basically, this move is
10 just basically raise your hand and let them know
11 we're still standing here in line?

12 MR. MOORE: Correct.

13 MR. MURPHY: That we're still here. Yeah.

14 MR. MOORE: We're raising our hand without
15 whining, if you will.

16 MR. MURPHY: Correct, because you don't want to
17 alienate.

18 MS. DICKSON: So my question is: What other
19 ways can we ping them without having to spend money?
20 In other words, is a letter from someone, sent
21 certified mail, which is the court clerk told me
22 that I could do, and then there was no retribution
23 for doing that, that it was, you know, completely
24 okay to just say, hey, you know, here are the facts,
25 I'm not advocating for one way or another, but I'm

1 just wanting to remind, you know, that we are here
2 and it's been over a year and we -- I'm just hoping
3 that blah, blah, blah, whatever the letter might say
4 from a concerned citizen or a member of the board,
5 whatever we wanted it to be.

6 MR. MOORE: I would say, again, no crystal ball
7 here, that would be what I put on the level of
8 someone at my firm just filing that appearance.
9 It's a ping, but is it a loud enough ping? I don't
10 know. Even the board certified or Supreme Court
11 specialist, I don't know how much louder the ping
12 is. There's just a little bit more weight behind
13 it.

14 MR. PIERSONS: Spending the \$500 and using an
15 outside firm, is there -- there has to be some form
16 of track record overall. Like, does that generally
17 have an impact or does it -- there's no -- no
18 impact? I mean, what -- there has to be a favor? I
19 mean, yeah, it has impact or it didn't have impact.

20 MR. MOORE: We're really just -- we don't know
21 why the file is sitting there, so we're just trying
22 to --

23 MR. HEITZNER: Well, I think his question is in
24 past situations like this, where we have gone out
25 and done this, is it, you know, 50 percent of the

1 time (crosstalk) --

2 MR. PIERSONS: (Crosstalk) yeah, other
3 organizations --

4 MR. HEITZNER: Other organizations. Or is it,
5 it's one out of a million? What's the likelihood
6 that this would do what we want it do? Is really
7 small? Is it --

8 MR. PIERSONS: Where we get their attention.

9 MR. MOORE: Well, what I'll say is I handle
10 some appeals, but I don't handle appeals as a
11 specialty, meaning, that's all I do. So my sample
12 size is smaller. I don't know that I have been
13 involved in something where we're just sitting here
14 for this long, wondering what's next. At the trial
15 court level, I will say, I have waited for a
16 decision for a long time. And typically, when we
17 wait a long time, we do the ping, it's asking for
18 case management conference. It usually has gotten
19 it some movement, but that ping is also louder in
20 that I'm appearing in front of them, saying, we're
21 looking to take the next step, but we're waiting on
22 your decision, so --

23 MR. MURPHY: You know, I think we need to be
24 proactive. We just keep waiting. \$500. I -- I
25 have no problem spending that. I mean, good lord,

1 we're waiting here a year later. Look at what we're
2 spending on interest on -- look at the inflation in
3 the construction projects due to this delay. And to
4 me, I totally support it. We just can't keep
5 waiting every week, have we heard anything?

6 As I said at the last meeting, it's like
7 waiting for Godot. So I -- I, for one, definitely
8 support the outside attorney.

9 MS. DICKSON: I have a question because you
10 mentioned before the \$500 fee to ping. Are we under
11 any obligation after that? You talked about an
12 hourly rate and going forward if there was an oral
13 argument. Are we somehow obligating ourselves to
14 this attorney to give them more business if
15 something evolves?

16 MR. MOORE: That attorney is obligating
17 themselves to us.

18 MS. DICKSON: Okay.

19 MR. MOORE: So they are of record and have
20 responsibilities as a result. But if there was oral
21 argument set, we could have the discussion. And if
22 we didn't see eye to eye, the attorney will be able
23 to withdraw without any issue.

24 MS. DICKSON: Okay.

25 MR. HEITZNER: We would be able to withdraw the

1 attorney without any issue?

2 MR. MOORE: We would terminate the attorney or
3 mutually part ways. The attorney would withdraw.

4 MR. HEITZNER: Okay.

5 MR. MURPHY: And the assumption or the hope is
6 that this ping will be loud enough that what we just
7 discussed won't transpire.

8 MR. MOORE: Regardless of the -- of the sound
9 of the ping, the hope is that it's -- that they pick
10 it up and whether we have to do oral argument or
11 whether it's just, it's sitting here, let me just
12 make this decision.

13 MR. PIERSONS: They take action.

14 MR. MOORE: Taking action. And hopefully it is
15 just we're just going to pick it up and take action
16 without requiring oral argument. We let it sit this
17 long. And there -- it's not complicated issues.
18 This is something they could write a decision on
19 without -- without my needing to elaborate, or
20 either Mr. Dean. And I think there's more potential
21 for blowback by having it because we have Mr. Dean
22 taking shots against the trial judge.

23 MR. MURPHY: So to the extent we need to
24 proceed in an oral argument, there would be
25 attorney's fees incurred regardless of whether we

1 retain this outside individual or not?

2 MR. MOORE: Correct.

3 MR. MURPHY: So therefore, it's not a financial
4 decision because, like I just said, if there's oral
5 arguments, we're paying some lawyer. So if this
6 lawyer, this outside attorney has a better chance of
7 having somebody realize we're still sitting in the
8 waiting room a year later, then again, I think
9 that's a very smart \$500.

10 MS. DICKSON: Sorry, go ahead.

11 MR. PIERSONS: Well, so if we went ahead with
12 this other person and he made that move, and then we
13 were asked to do an oral argument, do we have to use
14 him? Could we use you? Or we're required to stay
15 with him?

16 MR. MOORE: We could use me, we could use me
17 and him. We could use him. It doesn't matter.

18 MR. MURPHY: Going to need somebody and
19 someone's going to get paid.

20 MR. PIERSONS: So I suggest the other -- and
21 I'll let Scott go first. But we see what that --
22 before we make a decision on the other one, let's
23 just take a look at it. I'm not trying to end the
24 conversation.

25 MR. MOORE: It was easier a starting point of

1 "we haven't gone anywhere" to start off with. Here
2 are some handouts.

3 MS. DICKSON: I have two more questions. One,
4 you talked about within the district court you can
5 ask for a case management meeting. There's nothing
6 like that in this particular process?

7 MR. MOORE: There is nothing in the rules of
8 appellate procedure that I'm aware of that is a case
9 management, like in the rules of civil procedure.
10 So whether or not you can file a motion and they
11 have an oral argument -- or not oral argument, but a
12 status conference, it's not typical. Because
13 typically, you're just going to have one hearing and
14 that's oral argument or there's zero (crosstalk) --

15 MS. DICKSON: Right. Right. Okay. And then,
16 the other question was sort of like what Rusty was
17 asking. So if we -- I'm just being -- I don't mean
18 to be insulting. But if we went with this other
19 attorney whose got this experience and has done this
20 before, are we paying you at the same time? Are you
21 going to coordinate with that attorney?

22 MR. BARNEBEY: The answer to that is probably
23 yes.

24 MS. DICKSON: Just need to know. I mean, how
25 deep are we starting to get.

1 MR. MOORE: What we wouldn't be looking to do
2 is doing the exact same thing.

3 MS. DICKSON: Of course not. I got it. okay.

4 MS. CARVALHO: Could I a question? Similar to
5 what was stated by Rusty and Sally just now. If the
6 board here collectively proceed with an attorney, is
7 there pros and cons with having someone in your
8 firm, right, be part of this additional appearance?
9 Because they will have access to the records and all
10 the case associated with it, versus having someone
11 from the outside that would have to essentially be
12 brought up to speed in the case and have additional
13 costs.

14 MR. MOORE: I think that for the perspective of
15 in my firm or out of my firm, I think the louder
16 ping is out of the firm. Because in the firm, it's
17 just internally moving. As far as cost
18 effectiveness, the record is electronic. It's a
19 matter of me flipping a switch, and the briefs and
20 the record in this case is a limited record because
21 there's no court reporter or anything with that, or
22 there was not. I don't see there's any increase.

23 Let's just say it was someone in my firm that
24 was going to come in and assist with oral argument
25 and go to Tallahassee with me to make oral argument,

1 they're also going to review, just like the other
2 attorney.

3 MS. CARVALHO: Okay.

4 MR. MOORE: I'd like to say, let's just go with
5 someone in the firm is really just trying to have
6 something hit the record. I feel like having a
7 specialist, it makes the appearance to the clerk to
8 whomever to be like, hey, it looks like they're
9 getting ready to do something while we're all
10 scratching our head, kind of going, what's the best
11 way to do something without actually doing
12 something.

13 MR. PIERSONS: So can we assume if we decided
14 to use the person in your firm, it's competitive
15 pricing-wise? I mean, all of a sudden are we going
16 to pay \$5,000 to have your guy do it versus \$500?
17 Is that possible?

18 MR. BARNEBEY: Well, we start off with saying
19 we give you all a discounted rate.

20 MR. PIERSONS: All right. So it should be \$300
21 instead of \$500.

22 MR. BARNEBEY: (Simultaneous crosstalk) I'll
23 let him answer that question.

24 MR. PIERSONS: I'm just kidding. I'm not
25 complaining about the \$500.

1 MR. MOORE: No. Really, 500, in talking to
2 other attorneys, a lot of attorneys before taking it
3 on will want to go ahead, read the briefs, do --
4 because, again, they are signing up and obligating
5 themselves to the current situation. And this is
6 somebody that I have a relationship with who is
7 willing to say, look, for the \$500, I will worry
8 about getting up to speed on the back end as opposed
9 to saying I need \$10,000 so I can get up to speed.

10 (Simultaneous crosstalk)

11 MR. PIERSONS: Hundred bucks is reasonable,
12 more than reasonable.

13 MR. MOORE: So we discussed the four points the
14 last time. There was this committee ombudsman
15 discussion as one, the adoption of the business plan
16 as two, the apology acknowledgement is three, and
17 the obviously dismissal as four.

18 So trying to -- to hone in on what an ombudsman
19 really means and how it could impact an elected
20 board like this. We came up with one of two
21 options, and I did it this way because really I
22 think the push here by Mr. Matt is he wants to be
23 this person or this committee. And so wanting to
24 flesh out, based on discussions I had, what would be
25 the better option that we could get by in if we're,

1 in fact, going to come to a consensus to settle
2 this.

3 Look at everything and then we can talk about
4 each of these individually.

5 MR. MURPHY: Has he reviewed this document?

6 MR. MOORE: He has not.

7 MR. MURPHY: He has not?

8 MR. MOORE: Correct.

9 MR. MURPHY: So not only has he not agreed to
10 it, he has not reviewed it?

11 MR. MOORE: Correct.

12 MR. PIERSONS: If we're not in agreement with
13 it, no sense giving it to him.

14 MR. MURPHY: (crosstalk) go into negotiations,
15 call me crazy, but sometimes I look at somebody's
16 offer, whether it be a business deal or a legal
17 situation, before I comment on whether it's
18 acceptable. Otherwise, I'm just having an
19 interesting conversation be with myself.

20 MR. BARNEBEY: We tried to -- based on what
21 Dean Matt had said in your meeting, and based on
22 some of the input we got from the board, we tried to
23 come up with something that we thought might work.

24 I want to make three comments on that, one is,
25 you can pick all of this, none of this, and you can

1 make changes to it. Obviously, we have to have --
2 alternately you have to have at least consensus that
3 this something we're interested in doing. What we
4 will -- if we'll get a consensus on making a
5 proposal to him, we'll take that proposal to him.
6 No need to vote on it until he comes back, because
7 obviously he hasn't seen it yet, right? We're just
8 discussing it.

9 So but, this will at least give an idea of what
10 potentially settle for. And with that, I'll give
11 you a few minutes to read that document.

12 MR. MOORE: Who wants to kick it off?

13 MR. HEITZNER: I'm good with the very last
14 paragraph.

15 MR. BARNEBEY: Not surprised.

16 MR. MOORE: That last paragraph is the
17 advantage of the settlement, which is we can't
18 really prevent Mr. Matt from saying what he wants
19 say tomorrow, but this is a clean slate to where he
20 can't talk about yesterday.

21 MR. HEITZNER: I'm not saying that I agree with
22 one, two, or three.

23 MR. MOORE: I understand that.

24 MR. HEITZNER: I agree with dismissing it.

25 MR. MURPHY: Yeah. I wasn't even totally in

1 love with number four because next week there will
2 be something else that -- specially the supervisors
3 that he tends to mention most frequently, namely
4 Sally and myself. I think Steve will start climbing
5 up the ladder soon. So yeah, we solve this one, and
6 two weeks from now, he comes up with something else
7 where two and two equals five.

8 MR. HEITZNER: I think the best predictor of
9 future performance is past performance. This is
10 going to nowhere.

11 MR. MURPHY: I think (crosstalk)

12 MR. PIERSONS: If we agreed of having some form
13 of committee, if we agreed on it, could we not
14 connect it on if his performance steps -- I don't
15 know how to say this -- out of bounds, that he is
16 removed from the committee.

17 MR. MOORE: Whether it's a committee or
18 ombudsman, I think that the rules are set outside of
19 this and the conduct would be, you know, expected
20 based on what rule was put in place for creation of
21 that position. And if you were considering it, I
22 would suggest that if you went with just the
23 ombudsman, it doesn't have to be. Mr. Matt may want
24 it to be him, it doesn't have to be him. You can
25 push back and say, we really don't want to do any of

1 this, but for the good of the community, for putting
2 all of this behind us, dismissing this case and
3 letting us move forward with the bond, we're willing
4 to put somebody in, but it's going to John Smith
5 that lives over on ABC Court. He seems to be
6 level-headed and fair. That's the only thing we're
7 going to do.

8 And so to your guy's point about how he is
9 going to act, that may be true. But what this
10 allows us to do is move forward the day he signs it
11 with the bond, move forward with the financing of
12 the improvements, and know that the threats that
13 he's made against UPRD, and the reps, and everybody
14 are gone.

15 He can create potentially new claims by
16 emailing Vivian saying, I need these records, and
17 then that's a public record violation.

18 MR. MURPHY: Right, yep.

19 MR. MOORE: But regardless of whether we settle
20 with him or not, he is going to likely do that. So
21 I wouldn't consider that as a reason to or not
22 settle.

23 MR. MURPHY: You know, I personally would have
24 absolutely no interest of him being part of any
25 committee of the ombudsman, and certainly not him

1 being the ombudsman. That's even beyond being on a
2 committee. I also feel as I sit now, in terms of
3 negotiating a settlement, the leverage on his side
4 was much greater a year ago. We've already been
5 tied up, we have been delayed, we've incurred
6 interest charges. We have denied our residents the
7 amenities that they said they wanted.

8 And so at this point, we've waited this long, I
9 believe we're going to prevail. Once the bond is
10 approved, there is no leverage. He can certainly
11 come up with other issues. I guess two weeks ago,
12 we got four requests on a Sunday morning. So I'm
13 not assuming it will go away.

14 But where I sit, we've already incurred the
15 year delay, the expense and inconvenience to all of
16 our residents. This is not the time where I'm
17 personally willing to agree to this.

18 MS. DICKSON: I'll ask a couple of questions on
19 the ombudsman situation. So it says
20 ombudsman/conflict committee. Where does that --
21 was that part of his wording?

22 MR. MOORE: No, it was mine. When I was
23 pulling out the ombudsman role and really what
24 Mr. Matt was discussing, being able to say when
25 things are going on at meetings that he thinks or

1 the ombudsman thinks is contradictory to policy
2 conflicts. That's what I came up with.

3 MS. DICKSON: So that sort of explains where it
4 says -- well, first of all, it says that the board
5 establishes or appoints by vote -- no, committee
6 shall be established by vote of the board of
7 supervisors. I don't know that it says here how we
8 select the members of the committee. So that will
9 be obviously contentious.

10 But then it says serve as an impartial body. I
11 think that's a word that can't be guaranteed. You
12 can't guarantee impartiality from a committee that
13 you put together. How do you know? And I think
14 that would be -- I think this becomes a very
15 argumentative thing with him.

16 When we talk about "the committee shall be
17 tasked with submitting report to be filed with the
18 meeting minutes of the board of supervisors on my
19 concern, conflict, or practice identified by the
20 committee concerning any meeting of the board
21 supervisors," I don't even know what that means. It
22 sounds like, and knowing the way that he's always
23 positioned things, that this is all about, again,
24 not liking what the board is saying, then the
25 committee is going to basically be at odds with the

1 board or bring something up, and it reflects back to
2 conflict. There's a potential here to create
3 conflict that wouldn't be there if this person or
4 committee weren't there deliberately wanting to
5 create conflict.

6 So I have a huge problem with it, and I would
7 not agree to any one ounce of this on the ombudsman
8 thing.

9 MR. PIERSONS: The ombudsman is kind of a term
10 we used, but he really used, I thought, the word
11 governance, not -- the ombudsman was an add-on, just
12 that's the way I heard it.

13 MR. MOORE: Well, he's saying governance
14 because he wants to be able to critique the
15 supervisors following of policy, procedure, bylaws,
16 and that's one of the things was to be able to have
17 a place on the --

18 MS. DICKSON: Yep.

19 MR. MOORE: -- so to speak, and that is one of
20 the things I tried to make clear is, great, you can
21 put together a report that we didn't comply with XYZ
22 bylaw, and then it's just going to be a reminder
23 that is put into the meeting minutes where now,
24 Ms. Dickson, you forgot to recognize this person per
25 Robert's order. Now you might say the next time,

1 oh, you know, I didn't do this. And that is what I
2 tried to make this position really be to where it is
3 just, here is what we saw or observed could have
4 been done better, but not giving a ten-minute slot
5 there for public comment, longer than you would have
6 an individual citizen.

7 MS. DICKSON: Got it. Well, you know, if it
8 really was about governance, then I believe that we
9 can and should talk about governance and about how
10 we want to manage that, how we want that looked at,
11 and who -- or is there a committee, how do we want
12 to do that? In order to look at -- we talked about
13 this a long time ago, about contracts, and do we
14 have this, do we have that?

15 And yeah, maybe not formally, but we have it,
16 but let's formalize it. I would not do that in
17 context with Dean Matt, but that certainly is not
18 off the table. That's frankly on the table, but it
19 needs to be on the table with some meat on it so we
20 can discuss exactly how because, I think in the
21 past, and Steve, I think it was you who brought up,
22 typically, we -- the governance is the board.

23 And so Dean has brought up this concept of a
24 big brother and, you know, in a very negative way,
25 not in a helpful way. It's all deliberately a

1 finger pointing, gotcha way, which I wouldn't
2 tolerate and don't.

3 So I don't want us -- unless anybody disagrees,
4 governance is not off the table, but I'm not going
5 to discuss it in term of Dean Matt.

6 MR. MURPHY: I would agree. You know, it is
7 about governance and, you know, you think back to
8 the ethic violation claims he's made against general
9 counsel, district manager, the chair. The claims
10 he's made against some of the board members who
11 perhaps doesn't like their opinions, none of them
12 have held water. They have all been rejected.

13 So we have district manager, president
14 meetings, we have general counsel. We have district
15 counsel, we follow Sunshine, we follow the ethics
16 rule, we file financial reports, and simple actions
17 trigger requests and issues.

18 \$38,000 to proceed with architects resulted in
19 us handing over 12 months' work of checks for him to
20 review. That is just a recent example.

21 So there's always room for improvement, but I
22 think that this body does a very good job and I
23 believe it's appropriately sensitive to the rules
24 and guidelines and we act accordingly. But like I
25 said, there's always room for improvement. I

1 personally would not support any committee that had
2 Dean Matt as a member, nor do I believe we even need
3 this committee or an ombudsman, because as Steve
4 Heitzner pointed out, and we have been on a few
5 boards, governance normally comes out of the board
6 and is not some layered kind of board. And that is
7 both public and private board experience on my
8 behalf.

9 MR. HEITZNER: Agree.

10 MR. BARNEBEY: I do wonder whether the creation
11 of the two committees that we have created, the
12 strategic --

13 MS. DICKSON: Finance --

14 MR. MURPHY: Always forget what it's called.

15 MR. BARNEBEY: Strategic planning committee.
16 Whether those two committees will not function, at
17 least to some extent, to address if we're going --
18 if we think the board is going in a different
19 direction. I'm not sure it's everything that
20 Mr. Matt wanted, but it may address some of those
21 concerns.

22 MS. DICKSON: Actually, I believe that
23 governance is part of what strategic planning
24 discusses. To what degree, we can talk about. But
25 I mean, I have looked at numerous strategic planning

1 guidelines and things like that, and governance is
2 part of that. Because when you're planning, you
3 have to determine what is the governance plan going
4 to be within this, all of those things are going to
5 have to come together.

6 Also, with my experience with boards, there is
7 typically, or in some cases has been an
8 administrative person who looks at, okay, we didn't
9 dot our I's and cross our T's on this, so we need to
10 go back.

11 Doing the, oh, you know what, this wasn't
12 resolution such and such, it was supposed to be
13 resolution such and such. Doing that kind of thing,
14 which is more of a making sure that everything is in
15 line, or going back and looking and saying, okay, do
16 we attach this report to something else?

17 So again, I think those things can be done and
18 it's a task-oriented thing. It's not a -- let's
19 start a conspiracy over this. It's about making
20 sure the files are complete and that type of thing,
21 so --

22 MR. PIERSONS: So I'm not speaking for
23 everybody here, but, you know, I'm hearing not as
24 much positive of this, which is fine. But if that
25 occurs, it seems to me then, we should put it aside

1 and we should get a little bit more -- I don't know
2 if the right word is aggressive, or moving forward
3 with this gentleman to get some kind of feedback
4 from -- just leaving it there I think is --

5 MR. HEITZNER: Yeah. This something I have
6 been asking about for a long time and we have sat
7 back and done nothing. Just sat here. That has
8 frustrated me, and we -- I wouldn't can't to commit
9 to anything if we don't take some sort of proactive
10 step to see if we can't push this through because it
11 is more than we have done.

12 MR. PIERSONS: Right.

13 MR. BARNEBEY: Well, getting -- I want to stay
14 on topic. In regards to the settlement proposal or
15 some form of settlement proposal, am I -- other than
16 section four and I don't know how you want to handle
17 this. Is there any -- any -- any section that you
18 want to throw out at Mr. Matt?

19 MR. MOORE: I'll tell you what I heard. Number
20 one and that iteration, maybe there are pieces of it
21 that are fine, but you throw it out and really
22 you're starting with two which is the strategic
23 planning and a finance committee.

24 MR. PIERSONS: We're already doing that.

25 MR. MOORE: Well, right.

1 MR. MURPHY: Which are in place.

2 MR. MOORE: So we have that in place. And then
3 we utilize what we write here and can we blend any
4 of, sort of the verbiage from one into the
5 phraseology of two and --

6 MS. DICKSON: Oh, okay. So you make a good
7 point. So we talk about -- well, first of all,
8 adoption of business committees plan is a very
9 different thing than what is down here because this
10 is saying that the business planning group that
11 presented a plan that we did not wholly accept and
12 said that we would pass along to the strategic
13 planning group to use, in part, to formulate their
14 plans. So I don't see these as related and I don't
15 see these as satisfying whatever he would want.

16 I don't know why he is in -- why he would even
17 be even pushing the business planning.

18 MR. MOORE: He was pushing the two points from
19 the plan that we talked about before, which was nine
20 and ten.

21 MS. DICKSON: I don't remember what they were.

22 MR. MOORE: I don't have it. It was about how
23 they approach, I think, spending the money on these
24 improvements.

25 MS. DICKSON: About revisiting the whole thing.

1 MR. MOORE: So we then peg that to be we know
2 these committees were in place, they've adopted some
3 of the items from those plans and it's really trying
4 to take everything that was in flux what he said and
5 condensing it down to meet his four bullet points.

6 MS. DICKSON: Got it. I understand. I don't
7 think anything right here is going to be
8 satisfactory for him.

9 MR. PIERSONS: I totally agree with that.

10 MS. DICKSON: It's just not. But if there's
11 anything positive in any of this, speak up. Because
12 if there's any element in here that any of you --
13 Scott, you haven't said anything.

14 MR. PIERSONS: So are you saying to have it
15 back to him or --

16 MS. DICKSON: Well, let's -- I mean, is there
17 anything salvageable in here?

18 MR. BARNEBEY: We're going to take these up
19 because whatever we do, after we're done with this,
20 we'll walk back.

21 MS. DICKSON: No, I get it.

22 MR. BARNEBEY: So we would present whatever the
23 board is comfortable presenting to him, whatever
24 that might be. That is why we're here.

25 MR. HUEBNER: I have just a -- my name is Scott

1 Huebner. First, you guys, you know that I was
2 against the bond. But I'm also against undecided
3 lawsuits. I don't like the fact that we're leaving
4 this in the hands of the Supreme Court. I prefer to
5 find some way to settle and then disagree amongst
6 friends and neighbors and work out my differences
7 here, and not have the Supreme Court tell us what
8 we're going to do, and we don't know when they're
9 going to tell us.

10 I would love to find some way to take something
11 back to Dean that gives him the opportunity to say
12 no or yes. So that's kind of where I'm coming from
13 on the whole thing. I don't want to spend a whole
14 bunch of money. I don't want to take more time. I
15 would like to find a way to put that to bed.

16 And I understand that he has been extremely
17 aggressive towards some of the members of this group
18 here. And so I understand that. What I was looking
19 at here in this, quite frankly, is there a way to
20 call this a -- a legal group, because we have some
21 very good lawyers, as opposed to a governance
22 committee. I understand your point of view that
23 we're responsible for governance, but we're not
24 lawyers.

25 We involve a lawyer regularly. He is here to

1 keep us on track. If we had a legal team that would
2 help to review our contracts and do this free of
3 charge, versus paying our lawyers, and maybe they
4 even sat in on some meetings that weren't going to
5 be complicated, so we, again, minimize our legal
6 fees. As much as I want you to make as much money
7 as possible, it might be beneficial down the road,
8 thinking out loud.

9 And that's why I had talked about a governance
10 committee, but I'm hearing you say that is maybe not
11 the right term. So if we had a legal advisory group
12 to help look at things to cover the gaps. I've been
13 through a lot of lawsuits, but I don't pretend to be
14 a lawyer.

15 So I'm trying to find a way here to do
16 something. I think that Dean would say, I want to
17 be on that committee. I think if we gave him a 30
18 day or --

19 MR. HEITZNER: He is not a lawyer.

20 MR. HUEBNER: I understand, so maybe he
21 wouldn't qualify. But there may be a way to put
22 something together here. I'm -- I can go either way
23 on this because the longer it goes on, nothing gets
24 done.

25 MS. DICKSON: I think you actually make a very

1 interesting point. So regardless of whatever
2 happens within this or whether he likes it or not.
3 But the concept of a volunteer group of retired
4 attorneys, who happen to live here or whatever, who
5 may have done contract law, I don't even know what
6 it would be, might be assembled as an advisory. Not
7 a committee, as an advisory group who can look at
8 things and say, hey, you know, we suggest this.

9 We still ultimately take it to our attorneys
10 because they're licensed and whatever, so it was
11 something we wanted to change, but they could give a
12 perspective. It's not an unappealing or strange
13 idea to get more people involved.

14 Let them -- if it made sense, unless it creates
15 some kind of liability when we're relying on
16 non-licensed advice, which I think -- but I think I
17 see where you're coming from and I can see in my
18 mind if there were not problems with it because of
19 the fact that it's illegal. There could be an
20 opportunity. I don't think it would ever be
21 appealing to Dean Matt.

22 MR. HEITZNER: But they have to be providing
23 legal opinion, which may or may not be accurate,
24 based on the fact that these are retired attorneys.
25 So it's legal opinion that would then have to be

1 turned over to licensed -- as you said licensed
2 attorneys to determine whether or not that opinion
3 has merit.

4 MS. DICKSON: Yeah, that's a good point.

5 MR. PIERSONS: Which by the way, he is going to
6 do for us anyhow.

7 MR. BARNEBEY: In theory.

8 MR. MURPHY: I think we -- I would honestly
9 like to have this resolved as well, so we can get on
10 with building things. But if you take a look at his
11 history of complaints, in my opinion, they're not
12 the sorts of issues that having a bunch of lawyers
13 on a committee would resolve.

14 He claims that we overpaid for the club. He
15 claims that people who are involved in that
16 transaction either didn't know what they were doing
17 or perhaps were less than stellar in terms of their
18 ethics. He doesn't want the amenities, he doesn't
19 want the bond, he doesn't want the debt.

20 He doesn't use any amenities here. Okay?
21 None. So why just spend the 38,000? Why are you
22 repainting the varsity club? Send me copy of this,
23 send me copies of that. Let me look at this, let me
24 see what I could find. And most of the times, he
25 doesn't find anything. Sometimes he tries to make

1 something out of whatever it is. So whatever
2 document you present, he wants more documents and
3 more documents.

4 And to me, that's not something that a bunch of
5 retired attorneys are going to solve. It's a
6 philosophical headset and way of looking at things.
7 And that's in my opinion, as he likes to say, is not
8 going to go away or be corrected.

9 So as much as I hate waiting for the
10 Supreme Court, I go back to what I said before, a
11 year ago, maybe, my willingness to negotiate would
12 have been greater. Right now, let the court decide.
13 Let's go forward with the amenities. Let's go
14 forward with the bond that was approved by the
15 residents and was the result of years and years of
16 work and investigation by three different boards.

17 So that's my opinion.

18 MR. BARNEBEY: Let me talk a little bit about
19 the legal part of it. By the way, I'm all for you
20 spending less money on legal, frankly. From -- if
21 you can. The -- the benefit of having, obviously,
22 district counsel is you're protected. It's actually
23 for your protection so that you can rely on. And
24 even if I'm wrong, you are protected. You have some
25 protection.

1 I will note, I occasionally get questions from
2 lawyers, retired lawyers in the -- in the community
3 and so, you know, I look at those comments when they
4 come in, I have no problem, you know, fine.

5 The -- but you -- you really can't rely on it.
6 A, they're retired for a reason. Usually they're
7 off doing something more productive. And secondly,
8 they're not going to want you to have to rely on
9 them because they're retired and they're not
10 licensed.

11 You know, I think it's -- I don't mind the idea
12 of some more information. But I think, I don't
13 really know if you need a committee doing that.
14 What is up to.

15 MS. DICKSON: Good points. Good points. I
16 think maybe, so in this case, in that concept, it
17 goes back to the more administrative function of
18 somebody who is just keeping an eye out and says,
19 hey --

20 MR. HEITZNER: I do think there is a void.
21 Administratively, there is a void. I think we're
22 understaffed as a community in that regard between
23 the HOA, the RD, et cetera, and John. I think
24 there's a missing -- there's a missing component.
25 And stuff falls through the cracks because of that,

1 things don't get communicated when they should get
2 communicated because of that, and et cetera, et
3 cetera.

4 So I do think there is some merit in looking at
5 something like that, that is there specifically to
6 help facilitate communication and decision-making.

7 MS. DICKSON: Good point.

8 MR. MURPHY: So --

9 MR. PIERSONS: So this might be a little tough,
10 but so from my observation with the discussion with
11 Dean, Mr. Matt, and hearing those folks, and really
12 to be fair, Sally and David, and particularly Mark,
13 he's thrown stuff, so I understand. So don't -- I'm
14 not picking a side. But to me, it's almost like the
15 only way we're going to get this -- and even then
16 I'm not sure if we can -- to have some form of
17 mediator for us to sit with him and say, can't we
18 get this worked out or not? And we may not want to
19 do that. I don't see us working this out, that is
20 my opinion. And it's only my opinion.

21 MS. DICKSON: I just want to make the point
22 that while we have been attacked and whatever, I
23 don't respond, my positions on this are not based on
24 the personal attacks on me, nor on you.

25 MR. MURPHY: No.

1 MS. DICKSON: I take the emotion out of it, as
2 far as I'm concerned.

3 MR. MURPHY: Me too.

4 MS. DICKSON: What's the reality, and frankly,
5 discerning what kind of a personality he is with all
6 of his diatribes, and conspiracy theories, and
7 everything else, and realizing that regardless of
8 what is written here, or if we mediated, he will not
9 change.

10 MR. PIERSONS: I don't think we'd succeed.

11 MS. DICKSON: (Crosstalk)

12 MR. PIERSONS: I agree. I think that's the
13 only chance --

14 MR. MURPHY: Yeah, and I concur with what Sally
15 said. To be very clear, this is not at all
16 personal. It's policy. We have a responsibility to
17 the community. We follow the rules. Our goal is to
18 make this a better community. And as Sally pointed
19 out, it's just endless. Endless. You know, just
20 let's look at this, let's look at that. This was
21 wrong, there's always implied malfeasants, if that's
22 the proper term. There is also something implied
23 that is not kosher, to use a term I'm more familiar
24 with.

25 And it just -- that's just the approach. It is

1 the modus operandi. And that's why I think we need
2 to just hear it from the court, get the big victory,
3 get building things that people want, and assume
4 that every step of the way we'll be questioned about
5 this, that, and the other thing. Just like we
6 couldn't paint the varsity club or authorize \$38,000
7 for architects. There's no issue too small that it
8 cannot be unearthed, an innuendo derived from that
9 small issue. I mean, it's been a year --

10 MR. PIERSONS: 10 more minutes. I'm sorry. I
11 mean, why don't we focus on what we want to do? I
12 mean, it sounds to me like -- and I think you and I
13 favor trying to get something done with the courts.
14 And I think the two of you -- I'm not speaking for
15 any of you. It just sounds like we favor that. So
16 why don't we move forward with getting that done?
17 Let's move on it. As David said earlier, \$500 is
18 nothing. It's not the \$500.

19 MS. DICKSON: I think we wanted to make sure
20 everybody had a chance to say their piece.

21 MR. PIERSONS: I agree.

22 MS. DICKSON: No, yeah. I got it.

23 MR. PIERSONS: You get 8 minutes.

24 MR. BARNEBEY: That is just an estimate. We
25 can be here longer.

1 MR. PIERSONS: I thought you said you have go.

2 MR. MURPHY: I have a 4 o'clock finance
3 meeting.

4 MR. HEITZNER: Tell me -- I'm in total
5 agreement with that. How is that \$500 expense
6 communicated? Because this is where we run into
7 issues. When a decision is made, for example, and
8 the last time we had a shade meeting, we made a
9 decision to change the date of our meeting. That
10 wasn't communicated and that resulted in a 40-line
11 email. Okay?

12 So where -- how does this show up publicly?
13 What is -- does it need to be communicated based
14 upon this? And if so, how do we communicate that?
15 If it doesn't need to be communicated, great. But I
16 want to make sure that we don't step on ourselves on
17 some little thing like this.

18 MS. DICKSON: So when we come out of the shade
19 meeting, we go back into our regular meeting before
20 we leave here. We can publicly state for the record
21 whatever -- whatever decision -- no, no, action like
22 a date of a meeting or something.

23 MR. BARNEBEY: It's what we did.

24 MS. CARVALHO: Which we did that.

25 MR. HEITZNER: I'm just saying that was the

1 email that came. Right?

2 MR. MURPHY: The most recent email, once again,
3 it becomes a blur. But we canceled the meeting and
4 every time we cancel a meeting, it's because of an
5 agenda and we're trying to get the right people in a
6 room for a vote. We're not saying it's a workshop.
7 One time we got called out, I believe, someone was
8 in the hospital, which is why we couldn't have a
9 meeting.

10 MR. BARNEBEY: Getting back on track for a
11 second. When we come out of this meeting, one thing
12 I am going to do is ask for authority to hire
13 outside counsel to assist us on the appeal. That is
14 all I'm going to say subject to the discussion we
15 had.

16 And that's all. I am going to get specific
17 authority to hire outside counsel, if we believe
18 that is appropriate as we move forward.

19 MS. DICKSON: Will that show up as a line item
20 on an invoice? That's part of this shade meeting.

21 MR. BARNEBEY: But that part is going to be
22 open. That should show up on the minutes.

23 MS. CARVALHO: It will show up in the minutes.
24 I think the question and the distinction is, we're
25 going to get back into the open Sunshine to have

1 that vote taken by the board once you frame the
2 motion. The question is: Am I going to get a
3 records request of the cost associated for hiring --
4 (crosstalk) but if we do, that would be exempt
5 because of the litigation, it's tied to litigation.
6 I think that is important for the board to
7 understand.

8 MR. HEITZNER: That's what I was asking.

9 MR. BARNEBEY: That's correct.

10 MR. MURPHY: And does it need to be any budget?
11 Because we get asked that all of the time.

12 MR. BARNEBEY: You have budget for our -- for
13 attorney's fees.

14 MR. MURPHY: That's the other thing we get
15 asked all of the time. Where was it discussed,
16 where is it in the budget? Send me the line item,
17 send me documents.

18 MR. BARNEBEY: Right. As with -- by the way,
19 as with most attorney's fee, you never know exactly
20 what they're going to be. There could be more or
21 less adjustments, basically.

22 MS. CARVALHO: I also say this, and I know it's
23 not really related to the discussion here, but when
24 it comes to records request, no records are getting
25 released. First of all, it comes from my office.

1 No records gets released until counsel has reviewed
2 it before getting released. Okay?

3 So if it's something that I am asking the
4 board, I'm asking the general manager, I'm asking
5 counsel because I wasn't part of those emails, those
6 would be collected, assembled, if there's a deposit
7 required, we will confirm that before releasing any
8 records.

9 So keep that in mind, because if that is the
10 case today, that is something I'll have a
11 conversation with the general manager to make sure
12 that that is not something that is going to get
13 released because it's part of litigation.

14 MS. DICKSON: By the way, it would be
15 interesting to add up all of the public records
16 requests that have been made. I would like to
17 actually see a total of that. Because remember,
18 every one of those requests gets a legal fee
19 attached to it as it is looked at, reviewed, et
20 cetera.

21 MR. BARNEBEY: Right. Unless it's something
22 simple. We don't see everything. We're off topic.
23 I want to get us back on topic. Anything else for
24 right now? So we will not make any proposal.

25 MS. DICKSON: Who gets back?

1 MR. HEITZNER: Do we need to vote on this
2 tactic?

3 MR. MOORE: No vote. Here is what I'm looking
4 to get consensus on. Sounds like the four bullet
5 points are off the table. We are unable to come to
6 a consensus on the framework Mr. Matt presented.
7 And so what I will do is let Mr. Matt know that we
8 have had several meetings. We have tried to work
9 within this framework, we're unable do so. If he
10 has some other proposal he can make, we certainly
11 are willing to listen.

12 MR. MURPHY: Right.

13 MR. MOORE: It really is these first things,
14 how to make it work given the authority that you-all
15 have without giving up your authority. Or just
16 making it be just the -- a committee that just gets
17 to ramble on, but do nothing. So --

18 MR. MURPHY: We haven't even gotten to number
19 three because one and two kind of held us up because
20 three is not much of a starter either.

21 MS. DICKSON: Oh God.

22 MR. MURPHY: Just want to make it clear that it
23 isn't just one and two. We never got to --

24 MR. PIERSONS: On what Steve I think was
25 asking, do we need -- have we made a commitment that

1 we are going to hire an outside lawyer to do this?

2 MS. DICKSON: Not yet.

3 MR. MOORE: We're going do that outside of the
4 shade. But the consensus on the settlement, I got
5 that. There doesn't have to be any vote or
6 anything, and I'm going to communicate with Mr. Matt
7 where I feel settlement is.

8 MS. DICKSON: If Mr. Matt reaches out to anyone
9 of us and sees a confidential discussion, what --
10 what does anybody say? Well, I heard the attorney
11 got back to me and blah, blah, blah.

12 MR. PIERSONS: We can't discuss the shade
13 meeting period.

14 MS. DICKSON: We can't discuss anything
15 about --

16 MR. PIERSONS: The shade.

17 MS. DICKSON: No, anything about the
18 litigation.

19 MR. MURPHY: Period.

20 MR. PIERSONS: That's right.

21 MR. BARNEBEY: As a general rule, that's right.
22 That is my recommendation. I can't stop you, but --

23 MR. PIERSONS: I think you should reach out to
24 him sooner than later.

25 MR. MOORE: I will.

1 (Shade meeting concludes, public meeting
2 reopens.)

3 MS. DICKSON: Okay. So we have concluded.

4 MR. BARNEBEY: We're now in open session.

5 MS. DICKSON: I believe we're now in open
6 session. We have concluded our shade meeting. And
7 we still have our quorum, who were here in the
8 beginning, and so now we have some business to
9 conduct and that is the motion to be made.

10 MR. BARNEBEY: We would like the authority to
11 hire outside counsel to assist in the appeal. As we
12 determine appropriate and we would like that
13 authority.

14 MS. DICKSON: So may I have that motion made?

15 MR. HEITZNER: I make that motion.

16 MS. DICKSON: And second?

17 MR. MURPHY: Second.

18 MS. DICKSON: And further discussion?

19 MR. PIERSONS: No.

20 MS. DICKSON: All in favor?

21 MR. PIERSONS: Aye.

22 MS. DICKSON: Aye.

23 MR. HEITZNER: Aye.

24 MR. HUEBNER: I'm a no.

25 MS. DICKSON: Okay. And one opposed. So four

1 to one.

2 MR. BARNEBEY: With that, we have no other
3 matter before the board this time.

4 MS. DICKSON: Anything else we -- nothing else
5 we need to --

6 MR. MURPHY: Just -- how will -- how and if
7 will this be communicated?

8 MS. DICKSON: To the other party or to the
9 world?

10 MR. MURPHY: To the community. To the
11 community. The community that's constantly asking
12 have we heard anything, when are we going to be able
13 to move forward? Should we consider communicating
14 this to the community to show that we're taking some
15 actions.

16 MS. DICKSON: Wait a minute. So we're in an
17 open meeting right now so now it's --

18 MR. PIERSONS: They're being told right now.

19 MR. MURPHY: By who --

20 MR. PIERSONS: It's an open meet, they have
21 access.

22 MS. DICKSON: This will be --

23 MR. MURPHY: The meeting minutes will have to
24 be signed off on, you sign off on them, right?

25 MR. PIERSONS: Yeah.

1 MS. CARVALHO: And they will be part of a
2 record at a subsequent board meeting.

3 MR. BARNEBEY: Let me say for the record, yes,
4 we're still waiting on the Supreme Court on a matter
5 that's supposed to be expedited by the Supreme Court
6 as -- well, we still are waiting for the Supreme
7 Court.

8 MS. DICKSON: So far --

9 MR. BARNEBEY: They have not ruled as of yet,
10 and I have no problem saying that. And we have --
11 I'll just leave it at that for right now because
12 that's all.

13 MS. DICKSON: That is on the record. Your
14 comment, David was not on the record -- not on the
15 record.

16 MR. MURPHY: Yes, not on the record.

17 MR. BARNEBEY: I don't know what that means in
18 this case. I think -- I think we are trying to do
19 everything that the rules allow us to do to move
20 this case forward, just there's not a lot of rules
21 in this particular scenario to address this issue.

22 MR. MURPHY: So I guess establish, so the
23 action that will appear in the minutes, will appear
24 in the minutes? And will not be part of any other
25 communications?

1 MR. BARNEBEY: The extent of the communication,
2 I'm not -- well, that's -- that's up to you. I don't
3 know --

4 MS. DICKSON: Yes, so it will be in the minutes
5 that we have given you authority to contemplate an
6 expenditure to bring in an outside attorney to
7 assist with this case, basically, and that will
8 appear in the minutes.

9 MR. MOORE: It will be in the public record of
10 the court system, I would estimate, in five to
11 seven days.

12 MR. MURPHY: I understand.

13 MS. DICKSON: But wait -- wait a minute. Five
14 to seven, I thought until the litigation is over --

15 MR. BARNEBEY: We're talking about the hiring
16 the attorney.

17 MS. DICKSON: Oh, oh, oh. Got it.

18 MR. MOORE: So if someone is not reviewing the
19 meeting minutes here, Mr. Matt will clearly know
20 within five to seven days.

21 MS. DICKSON: That we hired additional.

22 MR. MOORE: Because they will have filed the
23 appearance with the Supreme Court, it will be
24 docketed, and that would be when I anticipate people
25 getting phone calls.

1 MS. DICKSON: Got it.

2 MR. BARNEBEY: Okay.

3 MR. MOORE: And I will email you when that goes
4 out.

5 MS. DICKSON: Sorry. What did you say?

6 MR. PIERSONS: Saying that as an open public
7 meeting anyhow, the minutes we put it in writing. I
8 don't know what the problem is. So what?

9 MR. BARNEBEY: You are correct. He likely will
10 know as soon as the minutes go out.

11 MS. DICKSON: Motion to adjourn?

12 MR. PIERSONS: I say we adjourn.

13 MS. DICKSON: Second?

14 MR. MURPHY: Second.

15 MS. DICKSON: All in favor?

16 THE BOARD: Aye.

17 (Whereupon, the board meeting was adjourned at
18 3:08 p.m.)

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1 CERTIFICATE OF COURT REPORTER

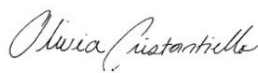
2 STATE OF FLORIDA

3 COUNTY OF SARASOTA
4

5 I, Olivia Cristantiello, Certified Shorthand
6 Reporter, do hereby certify that I was authorized to and
7 did stenographically report the Public Meeting/Shade
8 Meeting; and that the foregoing transcript is a true
9 record of my stenographic notes.

10
11 I FURTHER CERTIFY that I am not a relative,
12 employee, or attorney, or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

16
17 DATED this 15th day of October, 2025 at Sarasota
18 County, Florida.

19
20
21 

22
23 _____
24 Olivia Cristantiello, CSR
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