

Shade Meeting

University Park Recreation District Board of Supervisors

May 5, 2026



LIBERTY COURT REPORTING

1904 Manatee Ave. W
Suite 300
Bradenton, FL 34205

941-344-6099
admin@libertycourtreportingfl.com

UNIVERSITY PARK RECREATION DISTRICT
BOARD OF SUPERVISORS
SPECIAL MEETING AND ATTORNEY-CLIENT SESSION MEETING
RE: Case No. SC2024-0990

DATE: Tuesday, May 5, 2026.

TIME: Commencing at 9:10 a.m.

LOCATION: University Park Community Association
8301 The Park Boulevard
University Park, Florida 34201

APPEARANCES: Steve Heitzner, Chairperson
Scott Huebner, Second Vice Chairperson
Gregory Selep, Board Secretary
Steve Swanson, Treasurer
Vivian Carvalho, District Manager

MARK P. BARNEBEY, ESQ.
FRED E. MOORE, ESQ.
Blalock Walters
802 11th Street West
Bradenton, Florida 34205

Proceedings were taken before:

Michelle Parks, CVR
Liberty Court Reporting
1904 Manatee Avenue West
Bradenton, Florida 34205

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

MS. CARVALHO: All right. At this time, I'd like to call to order the University Park Recreation District board of supervisors' special meeting and District attorney-client session. Today is Tuesday, May 5th, 2026, and it is approximately 9:10 a.m.

Let's do roll call. Steve Heitzner.

MR. HEITZNER: Here.

MS. CARVALHO: Scott Huebner.

MR. HUEBNER: Here.

MS. CARVALHO: Gregory Selep.

MR. SELEP: Here.

MS. CARVALHO: Steve Swanson.

MR. SWANSON: Here.

MS. CARVALHO: We have four board of supervisors present, and we have quorum to proceed. I believe Mr. -- Counsel is going to go ahead and read something for the record.

MR. BARNEBEY: Because we are going to go into an attorney-client session, I just want to remind you all that this meeting will be held pursuant to chapter -- excuse me -- section 286.011(8), Florida Statutes. It is -- we expect it to be about 60 minutes long, and that is at the request of the

1 attorney for the District. This meeting is being
2 held here in the business offices located at 8301
3 The Park Boulevard, University Park, Florida.

4 This meeting will -- is commencing, as we are
5 doing right now, in an open meeting. There is
6 nobody in attendance. But now, we'll move into
7 attorney-client session limited in attendance to
8 the District's attorneys Mark Barnebey and Fred
9 Morre, District manager Vivian Carvalho, and we
10 will meet in private with the board of supervisors
11 of University Park Recreation District, who are
12 right now, Steve Heitzner, Scott Huebner, Greg
13 Selep, and Steve Swanson, and a court reporter, who
14 will transcribe the full proceedings to be made
15 part of the public record for release at the
16 conclusion of litigation for purposes of discussing
17 settlement negotiations or strategy sessions
18 related to litigation expenditures in the following
19 case, Dean Matt versus University Park Recreation
20 District SC2024-0990, lower court case was
21 2024-CA-000252.

22 And then, at the conclusion of the private
23 portion of the meeting, the meeting shall be
24 reopened for the public, and see if there's any
25 action to be taken.

1 And with that, we can go into private session.
2 And nobody's here, so we can just go right into
3 that.

4 (The public portion of the meeting was closed,
5 and the private attorney-client shade meeting
6 commenced at 9:12 a.m. as follows:)

7 MR. HEITZNER: Okay.

8 MS. CARVALHO: I stopped the recorder.

9 MR. HEITZNER: All right. So, can I kick it
10 off?

11 MR. BARNEBEY: You may.

12 MR. HEITZNER: All right. So I requested this
13 shade meeting because -- to -- to update everybody
14 on the circumstances surrounding the litigation
15 that happened over the last few weeks. And I want
16 to make sure that everybody's kind of up to speed
17 because we've -- we've pushed out all meetings.
18 We've pushed board elections.

19 We've pushed things, and so I want to just
20 make sure that everybody has an understanding of
21 what's transpired. Given the fact that we can
22 never talk to each other, everything's kind of done
23 in a silo. This is an opportunity to at least
24 bring everybody up to speed, and then we can decide
25 where we go from there.

1 So I'm going to begin. I have a -- all right.

2 So following one of our recent board meetings, I
3 ended up having a conversation with Rusty Piersons,
4 former board supervisor, where you know, Rusty
5 expressed the desire -- and we have a desire -- to
6 try to settle the case with Dean Matt.

7 And at that point, I had said, "Well, we had
8 attempted to do that. But, you know, our attorney
9 Fred Moore had a conversation with Dean Matt, and
10 Dean Matt didn't -- said we had passed -- that
11 window had passed."

12 So Rusty thought that we should try to settle,
13 and that he was willing to meet with Dean to see if
14 there was any possibility of us trying to sit down
15 and to reach some kind of a -- a settlement.

16 MR. SWANSON: Did Rusty approach you on that,
17 or you approach Rusty?

18 MR. HEITZNER: He approached me on that.

19 I then called Fred and Mark to determine if --
20 I said, "Let me find out from our attorneys if
21 that's okay."

22 And they said, "That's fine. Go ahead."

23 So Rusty did meet with Dean, and the
24 highlights from that meeting were the following --

25 MR. SWANSON: Just the two of them?

1 MR. HEITZNER: Yes, just the two of them.

2 MR. SWANSON: Okay.

3 MR. HEITZNER: And this was reported back to
4 me through Rusty. That Dean Matt was encouraged
5 with the resignation of Sally Dickson -- no
6 surprise to anybody -- and the possibility of a
7 change in tenor, tone, and fiduciary responsibility
8 of the UPRD board, but he remains skeptical. And
9 he had said that a lot would be determined
10 depending on who the board selects to fill the open
11 seat on April 28th, which we've now moved to May 8.

12 Assume-- -- this is through Rusty according to
13 Dean -- assuming he is satisfied with the person
14 that we select for the board, he wants to meet with
15 me, Rusty, and Fred Moore in his attorney's offices
16 in Tampa. And the meeting would focus on these key
17 bullet points: creation of a governance committee,
18 which he wants to serve on along with someone named
19 Chris Edwards; that Sally Dickson has resigned,
20 which she has --

21 MR. SWANSON: She has.

22 MR. HEITZNER: -- and that SCS, Strategic Club
23 Solutions, the consultant that we've hired,
24 validates and creates a strategic and financial
25 plan that are tied together, and that's 2-8-161.

1 I didn't think that any of these points were
2 insurmountable, except for the open board seat. So
3 I asked Rusty to reach back out to Dean and suggest
4 that we were willing to involve him in the
5 selection of the board seat, but not until after we
6 had negotiated the terms of the settlement.

7 Rusty did that. And according to Rusty, Dean
8 said, "No deal."

9 Dean said -- according to Rusty -- we need to
10 put Rusty on the board, and then he'll talk with
11 us. I didn't think that was acceptable, and to be
12 honest with you, neither did Rusty.

13 MR. SWANSON: That says a lot.

14 MR. HEITZNER: This was not acceptable, and so
15 we're back to where we were. And that's why I
16 delayed the town hall meeting in the hopes we would
17 have made some progress, which at the time, I
18 thought we were going to. So that's that.

19 Along with that, one of our residents in
20 University Park, who is a practicing attorney,
21 connected with the clerk of the circuit court -- or
22 the supreme court, and had a productive
23 conversation. Apparently, they hit it off. They
24 both had military backgrounds, so they developed a
25 little bit of a relationship over the phone.

1 In that conversation, it was discovered that
2 the justice handling our case was in the midst of
3 retirement, thus it sat. His replacement was named
4 in January, and he now has the case. Why we didn't
5 know this earlier kind of -- I honestly don't know
6 why we wouldn't have known this earlier, but we
7 didn't. Maybe somebody can explain that.

8 As a result of that, the clerk suggested to
9 our resident attorney -- not the District's
10 attorney, but a resident who is an attorney -- to
11 follow up with the clerk in three weeks. This is
12 the third week from that conversation.

13 Additionally, I recently sent a letter to the
14 clerk. It's posted on the supreme court's website,
15 so I know it was received. Personally, I encourage
16 others to do the same. And also, in conversation,
17 the clerk seemed to be surprised that University
18 Park had 1,201 homes. Didn't know that.

19 It's also been suggested that we file a motion
20 with the supreme court to expedite the case, as
21 there is precedent when there are monetary
22 implications. And in our case, that includes
23 interest expense, rise in construction costs, and
24 potential assessments to our residents, also impact
25 on property values.

1 I actually left some information in my car,
2 but there are -- there is precedent. There are
3 cases in Florida where there has been -- it has
4 been shown that there is potential financial damage
5 to residents of a community, and cases are
6 expedited through the supreme court.

7 Other than that, we can begin to go hard on
8 communicating assessments for the irrigation and
9 the kitchen. So all that's transpired in the last
10 couple of weeks, and as I said earlier, given that
11 I can't talk to anybody about any of this stuff, I
12 wanted to have this shade meeting so that everybody
13 was on the same playing field.

14 MR. SWANSON: So even Rusty agreed that it was
15 not reasonable to expect to appoint Rusty to the
16 board seat, which is who I'm assuming Dean wants to
17 have on the board, hoping that he's --

18 MR. HEITZNER: For that reason.

19 MR. SWANSON: -- right, hoping that he'll be
20 straightforward and honest, and follow through on
21 what he said in terms of everything else.

22 MR. HEITZNER: Yeah, I -- I just don't think
23 that -- you know, that -- that's holding us
24 hostage. It's blackmail. It's -- it's --

25 MR. SWANSON: I'm not going to -- no, I agree

1 with you a hundred percent. But even Rusty agrees
2 with that.

3 MR. HEITZNER: Yes.

4 MR. SELEP: So I have -- so what path do you
5 think is most likely? Do we -- do we think that
6 the Supreme Court's going to rule, and rule in our
7 favor? Does that put an end to the Dean Matt
8 litigation, or does he just reroute?

9 MR. HEITZNER: It puts an end to the
10 litigation relative to the bond.

11 MR. SWANSON: Those funds would be freed up
12 for us if the Supreme Court says it's good to go.

13 MR. BARNEBEY: Yeah.

14 MR. SWANSON: Okay.

15 MR. BARNEBEY: Go get the bond.

16 MR. SWANSON: It doesn't mean -- that doesn't
17 mean he can't countersue for some other frivolous
18 reason?

19 MR. BARNEBEY: I -- as to the bond, it would
20 be over.

21 MR. SWANSON: Okay.

22 MR. MOORE: His public -- I'm sorry -- his
23 public records claims, his claims of defamation,
24 those are separate and apart. Although, the clock
25 has been ticking since the day the alleged

1 statements were made -- since the public records
2 requests were made and presumably not fulfilled --
3 although, I understand they were fulfilled -- so
4 he's not taken any action.

5 MR. SELEP: So -- so what's the odds the court
6 rules in our favor?

7 MR. BARNEBEY: Well, we won the lower court
8 case --

9 MR. SELEP: Right.

10 MR. BARNEBEY: -- so I -- I -- we think our
11 case is very good.

12 Now...

13 MR. SWANSON: That being said, you don't know
14 what side of the bed the judge got up on this
15 morning.

16 MR. BARNEBEY: You don't -- you don't know
17 until --

18 MR. HEITZNER: We didn't even know there
19 wasn't a judge.

20 MR. BARNEBEY: Well --

21 MR. MOORE: Well, and I think we surmised that
22 maybe that was what had happened was we were with
23 the judge that was retiring back some time ago.
24 But I did pull -- there are four letters now
25 from -- from residents. Three letters. We've

1 got -- March 5th, someone sent a letter. Steve
2 sent his letter in on April 24th. And then,
3 Mr. Crouch, who I believe is the resident who spoke
4 to the clerk, sent one in. It was received --

5 MR. HEITZNER: Mr. Crouch is not who spoke to
6 the clerk.

7 MR. MOORE: No, not -- okay. And -- well,
8 Mr. Crouch sent one in, and it was received
9 yesterday.

10 I will say that we did file, at the beginning
11 of the case. It was a dual-purpose motion. One,
12 trying to strike Mr. Matt's request for oral
13 argument on the basis that he didn't comply --
14 although he complied right after we filed it -- but
15 also on the basis that it is to be expedited, and
16 this doesn't have any issues that are -- oh, what's
17 the word I'm looking for -- novel or require the
18 court to have oral argument.

19 So that motion was filed early on, and I
20 requested it again, that it was to be expedited,
21 based on statute. That was denied. That was back
22 in January of '25 when we filed that.

23 So we have filed a motion to try to move this
24 along at the beginning. So we sit here now -- the
25 case that was cited related to precedent, I will

1 say, it's not just money. That was a water and
2 sewer bond issue, and so it had environmental,
3 health, safety, welfare issues to it. So I'm not
4 saying that money is not going to be a reason to
5 move it forward, but the cases that they referenced
6 that they talk about expediting it, it is in the
7 context of both money and health, safety, welfare.

8 And it's funny. They cite all the same things
9 that we tell you -- legislature has said it's to be
10 expedited; the supreme court rules talk about
11 shortened briefing schedules -- and here we sit.

12 MR. BARNEBEY: One of the challenges that we
13 have is, and partly the answer to your question,
14 every attorney we've talked to -- every attorney
15 we've talked to that has practiced in this area in
16 front of the supreme court has said that if we --
17 if we push the matter, it may be detrimental to the
18 case. That's been part of our issue here.

19 Now, as I think -- I know at least two of you
20 know, I actually went to the supreme court back in
21 November because there was a -- in part because I
22 was in Tallahassee, but in part because I couldn't
23 understand why we were not moving forward quicker,
24 and actually talked to the clerk at the time.
25 And -- and -- on Monday when I got back -- and to

1 try to figure out why it wasn't being expedited.
2 And their position at the time was that it was not
3 being expedited because the statute said it's not
4 to be expedited.

5 Now, I'm just telling you what they told me.
6 It doesn't make any sense, because we skip over the
7 second -- we skip over the district court level.
8 But the problem is there's no one really to reach
9 out to to -- other than talk to the court
10 themselves and the clerk themselves, there is no
11 one else to reach out to. We can't sue them.

12 We have talked about filing something because
13 we've gotten to the point where at least earlier in
14 the process, it was not -- it was hard -- we had
15 already filed a motion to expedite, and they had
16 denied that, or we talked about the expedition in
17 the -- in the motion that we filed, and so it's
18 kind of hard to push.

19 At this point, we probably could push. I
20 think we would have been -- we're now in the
21 position we could push if we -- if we wanted to.
22 Again, we've got some issues with that one case,
23 but --

24 MR. SWANSON: It's been how long since we
25 submitted the case to the supreme court?

1 MR. BARNEBEY: Since he filed -- he -- he
2 appealed.

3 MR. SWANSON: Yep.

4 MR. BARNEBEY: We didn't submit it.

5 MR. SWANSON: Yeah --

6 MR. BARNEBEY: He filed back in --

7 MR. MOORE: Late June/early July of '24.

8 MR. BARNEBEY: -- '24.

9 MR. SWANSON: So we're going on two years.

10 MR. BARNEBEY: Yes, we are. And it's been
11 over a year -- now, a year and three months since
12 they last ruled in the case on anything. We've got
13 nothing -- nothing, which is --

14 MR. SWANSON: What did they do then?

15 MR. BARNEBEY: They -- they denied our motion
16 to --

17 MR. MOORE: Dispense with oral argument --

18 MR. BARNEBEY: -- dispense with oral argument.

19 MR. MOORE: -- and expedite it on the
20 calendar.

21 MR. SWANSON: Did they do that for
22 convenience?

23 MR. MOORE: It was just --

24 MR. SWANSON: You don't know?

25 MR. MOORE: -- it was shortly after the briefs

1 had been submitted, and they just simply denied it
2 and...

3 MR. SWANSON: Which means, "We'll get to it
4 when we get to it."

5 MR. BARNEBEY: Right.

6 MR. SWANSON: Okay.

7 MR. BARNEBEY: That's kind of -- that's kind
8 of been their approach from day one, unfortunately.
9 Okay. So...

10 MR. MOORE: So we can file a motion. We can
11 take the motion we had and change it around a
12 little bit, and just have -- remind the court we're
13 here. I will say, to the extent the judge looks at
14 the file ever, there are three new letters starting
15 in March suggesting, "Hey, we're a community here.
16 We need this resolved. It's -- it's causing
17 issues." So...

18 MR. HUEBNER: So, is there a reason you didn't
19 mention the name of the person who reached out to
20 the clerk for -- for the Florida Supreme Court?

21 MR. HEITZNER: No. I don't know if he -- I
22 don't know if he wants me to --

23 MR. HUEBNER: But he's reaching out on behalf
24 of our community, and we're using that as a trigger
25 point here.

1 MR. MOORE: Well, I think several people
2 have -- have reached out and written letters to the
3 Supreme Court.

4 MR. HUEBNER: So both those things, we've got
5 this gentleman that, on our behalf, has requested
6 or unrequested --

7 MR. BARNEBEY: Well, I think he did it on his
8 own -- on his own.

9 MR. HUEBNER: He did it on his own?

10 MR. MOORE: Yeah, as a resident.

11 MR. HUEBNER: Okay.

12 MR. BARNEBEY: It wasn't -- it wasn't on our
13 behalf.

14 MR. HEITZNER: I learned about it after the
15 fact.

16 MR. HUEBNER: No, I understand.

17 MR. BARNEBEY: I mean, our behalf indirectly,
18 but yeah.

19 MR. HUEBNER: But we're -- we're -- he didn't
20 disclose his name, so I'm wondering if there's a
21 reason. I don't really think we need his
22 permission since he's stepped into our business. I
23 think we should know who that is.

24 I'd also like to know who's -- who those
25 people are. You mentioned Dave Crouch, so I'd like

1 to know who the other people are so I can kind of
2 get a picture for --

3 MR. MOORE: These are public records. They're
4 filed as James Thompson, Mr. Heitzner, and then
5 Mr. Crouch.

6 MR. HUEBNER: So that's three?

7 MR. MOORE: Yes. And then, the individual who
8 spoke to the clerk on the phone.

9 MR. HUEBNER: Okay.

10 MR. BARNEBEY: And Mr. Heitzner, I assume, is
11 speaking on his own behalf, not the board's.

12 MR. HEITZNER: Well, I -- what do you mean,
13 I'm speaking on my...

14 MR. BARNEBEY: That you were speaking on your
15 own behalf. I mean, you weren't authorized by the
16 board to speak for --

17 MR. HUEBNER: The letter you wrote.

18 MR. HEITZNER: No, I was acting on my own.

19 MR. BARNEBEY: Right. Thank you.

20 MR. HEITZNER: Yes.

21 MR. SWANSON: Would he need our permission to
22 do that?

23 MR. BARNEBEY: Not -- not if it's on his own
24 behalf. That's why --

25 MR. SWANSON: How do you make that

1 distinction? Is it in the letter? I mean, how
2 would you make that distinction? I'm just curious.

3 MS. CARVALHO: You do not state -- you're a
4 resident. You're not stating you're a board
5 member.

6 MR. SWANSON: Okay.

7 MR. HEITZNER: No, I did.

8 MR. HUEBNER: In your letter, you did say
9 "board member."

10 MR. HEITZNER: Yeah.

11 MR. HUEBNER: I think you said, "chair."

12 MR. HEITZNER: I did.

13 MR. HUEBNER: So...

14 MR. SWANSON: I'm fine with that.

15 MR. HUEBNER: It is what it is. All right --

16 MR. SWANSON: So -- go ahead.

17 MR. HUEBNER: What is -- what's everybody feel
18 right now at this point?

19 MR. SWANSON: So -- so there is -- just, you
20 know, this may be a redundant question. There is
21 absolutely no way that this -- that even though
22 Rusty and he are tight, that he could get -- sway
23 his -- his thought process? It's dead? I mean,
24 it's dead?

25 MR. HEITZNER: That's -- yes.

1 MR. SWANSON: Okay.

2 MR. HEITZNER: That's my -- that's my
3 understanding.

4 MR. SWANSON: Okay.

5 MR. HUEBNER: So let me -- let me stop you
6 there. Rusty and he are not tight. I am tight
7 with Rusty. Rusty's not tight with Dean Matt,
8 okay? So I have some insight, especially now that
9 he's not at -- Rusty's not on the board. He's had
10 some conversations with me. I know some things
11 about what Rusty has done on behalf of the board as
12 a result of the conversation that took place with
13 you. And again, Rusty's not on the board, so I now
14 know about that.

15 MR. SWANSON: Sure.

16 MR. HUEBNER: He is -- Rusty is willing to
17 talk to anybody and everybody to get things
18 resolved. It's a little bit like the implication
19 that I'm tight with Dean Matt. I've talked to the
20 guy six times. Three times at the bar, right? I
21 went to one meeting before I was elected, and a
22 couple other times. So it's -- those are -- that's
23 a false statement --

24 MR. SWANSON: Okay. Okay.

25 MR. HUEBNER: -- on my part or his part.

1 MR. SWANSON: Okay.

2 MR. HUEBNER: Both of us want to resolve the
3 issue and move forward for the club in the best way
4 possible.

5 MR. SWANSON: And so -- thanks for that.

6 So, as far as some resolution through Dean
7 Matt, it's -- we feel it's dead and we're done?
8 We're done trying?

9 MR. HEITZNER: Well, you know, unless you guys
10 are willing to let him appoint a board member.

11 MR. SWANSON: But not -- not without some --
12 is there a way to draft something legally that
13 says, "Sure, we'll go forward with this. You --
14 you must relinquish the case. We'll appoint a
15 board member."

16 I mean, is there a way to do this legally, or
17 no? Meaning, he's trying to pin us back by -- we
18 don't -- I don't think the guy can be trusted for
19 whatever reason. He just -- but is there a way to
20 screw this down from a legal perspective?

21 "Okay, great. We're good with that. We'll
22 appoint somebody on this date, and so on and so
23 forth. You have to agree" -- you know?

24 MR. HEITZNER: That's what he -- that's what
25 I --

1 MR. SWANSON: That's what you tried to do, but
2 there's no...

3 MR. SELEP: So I vote --

4 MR. HEITZNER: And had we been okay with that,
5 then we would have drafted something --

6 MR. SWANSON: So how can you trust this guy?

7 MR. SELEP: So -- I agree. So -- but if we
8 had -- I think there might be another way to
9 approach this, okay?

10 MR. SWANSON: Lay it on us.

11 MR. SELEP: We pre-write Rusty's resignation
12 letter, and he signs it. And if the case isn't
13 settled by -- pick a date -- June 1st, then Rusty
14 resigns.

15 MR. HUEBNER: Uh...

16 MR. SWANSON: Are you an attorney?

17 MR. HUEBNER: I'm not in agreement with that
18 at all.

19 MR. BARNEBEY: I think there'd be an issue
20 with -- I mean, I -- I understand the thought
21 process, and I like the creativity.

22 MR. SELEP: I do too.

23 MR. SWANSON: Yeah, I mean...

24 MR. BARNEBEY: First of all, I think he could
25 withdraw his letter of resignation before he --

1 before it gets there. So --

2 MR. SELEP: Well, I -- look. Let me -- let me
3 rephrase. I trust Rusty more than I trust
4 Dean Matt.

5 MR. BARNEBEY: Okay.

6 MR. HUEBNER: Can I offer some thought here --

7 MR. SWANSON: Please.

8 MR. HUEBNER: -- on this?

9 First, at this very moment, my decision at
10 this very moment, my decision on who I'm going to
11 vote for for the next supervisor is already --
12 already been made. I'm hands-down voting for
13 Rusty.

14 Even if we get more applicants, whether we've
15 got them or not, Rusty's got experience. Rusty's
16 been on the board. He's -- he pushed for the
17 finance committee, the strategic planning
18 committee. He got all those things done -- because
19 he was a loud, squeaky wheel, he got those things
20 done. It may be interpreted as a little
21 irritating, but we got things in place that make us
22 a better organization, and I'm confident that
23 his -- moving forward, will continue to do the same
24 thing.

25 And there may be times we don't like what he

1 says, but he's a strong idea guy. Some of them are
2 really good. Some of them aren't so good. But
3 he's not a go-along-guy. So I think we need that
4 on the board, and that's my case for why I'm going
5 to vote for Rusty.

6 That being said, I understand the problem. We
7 feel like we're giving Dean Matt what he wants.
8 But if we're putting a good, qualified person, who
9 already ran for the position, earned 400-plus
10 votes, and we can justify him as a good, qualified
11 person, and Dean Matt gets what he wants, it's
12 win-win.

13 MR. BARNEBEY: I want to --

14 MR. SELEP: Well, Dean Matt getting what he
15 wants doesn't get us anything, though.

16 MR. HUEBNER: It -- it gets us to the next
17 step in trying to solve this if our goal is to get
18 to a -- a settlement and move forward with the
19 bond. We have a hurdle we have to get over. The
20 first hurdle.

21 MR. BARNEBEY: Let me just comment. I don't
22 want to get into a big discussion about who should
23 be appointed, but you guys are going to -- you guys
24 are going to appoint whoever you appoint. And I
25 don't -- this is -- although it is kind of tied in

1 directly to the settlement negotiation, I mean,
2 obviously -- I'll just do this kind of --
3 apparently -- but there's no guarantee --
4 apparently, if -- if Rusty's appointed, Dean Matt
5 is going to sit down with us. I think that's where
6 that comes -- comes down to, is that's what he
7 said.

8 MR. HEITZNER: That's correct.

9 MR. BARNEBEY: Okay. Beyond that, I -- I
10 would recommend to you that Rusty being appointed
11 should not be -- he should be the best man to be
12 appointed for the job. And if he is, that's fine.
13 That's great. And if he's not, that's fine too.
14 And I'll talk a little bit more about that when we
15 get outside -- outside of this meeting.

16 But, I mean, you know -- and -- and both --
17 both for the residents of University Park, and as
18 well this board, I think we need to separate those
19 two issues and make the decision on whether Rusty's
20 the best person for the board regardless, or
21 whoever -- whoever you appoint is the best person
22 for the board.

23 Okay. I'm done.

24 MR. SELEP: The other -- the other --

25 MR. SWANSON: So -- so agreed. However, being

1 painted into a corner is a very unpleasant thing.

2 MR. BARNEBEY: I -- I think -- yeah. I -- I
3 agree with that. And I don't think that -- I -- I
4 would not recommend that you consider that aspect,
5 ultimately, in making your final decision.

6 MR. HEITZNER: Well, so -- if -- this is the
7 one thing I can guarantee you. If, by chance, we
8 are able to negotiate any settlement, it will be
9 painful, and you will not like some of the things
10 that we're going to have to do to reach a
11 settlement.

12 MR. SWANSON: More painful than this process
13 as it sits? I mean, what would -- what are those?

14 MR. HEITZNER: Well, the -- the --

15 MR. SWANSON: Is he looking for money?

16 MR. HEITZNER: He's not looking -- not -- not
17 to my knowledge, but he wants to be on the
18 governance committee --

19 MR. SELEP: With -- with Edwards.

20 MR. HEITZNER: -- with somebody named Chris
21 Edwards.

22 MR. SWANSON: We don't know anything about
23 this guy? Does anybody know --

24 MR. SELEP: I know a lot about Chris Edwards.

25 MR. SWANSON: You do?

1 MR. HUEBNER: I know -- I know Chris too.

2 MR. HEITZNER: So, I mean, there are -- there
3 are things --

4 MR. SWANSON: Certainly has to be a disciple
5 of his.

6 MR. HEITZNER: There are things like that. I
7 don't -- like I said, they're -- they're not
8 insurmountable, but you're -- it's -- you're going
9 to -- we're going to have to -- you know, we -- do
10 you want Dean Matt on the governance committee?

11 MR. SELEP: And there's no -- and there's no
12 guarantee that -- he's already said if we try to
13 assess, he's going to take legal action. He's
14 going to take legal action at every step of the
15 way.

16 MR. HEITZNER: That's correct.

17 MR. SWANSON: No matter what we do?

18 MR. SELEP: No matter what we do. And -- and
19 most of the community that's -- that's aware of
20 what's going on believes that too. That he's --
21 he's going to litigate at every step of the
22 process. The only difference now is he's going to
23 -- he's going to sit on a governance committee,
24 which -- which may make it worse, may make it
25 better. I don't know.

1 MR. HUEBNER: To -- to your point, in my -- in
2 the privacy of my home, I tried to figure out all
3 the things we might have to do, recognizing that
4 having gone through mediation and been in arguments
5 like this before, to get to a settlement, there are
6 things that we may have to do that haven't even
7 been discussed yet.

8 If -- if we get passed the "who goes on the
9 board," and then it becomes "how painful is going
10 to be, and what do we want to do," it could include
11 terminating John Fetsick. It could include
12 terminating counsel. It could include paying him
13 some money for --

14 MR. SWANSON: Yeah, but that -- but hold
15 that -- so hold that thought for a minute. But
16 you're talking about things that -- that are
17 outside of what these guys agreed on.

18 MR. HUEBNER: Right.

19 MR. SWANSON: If we just agree to put Rusty on
20 the board, he says he -- he would drop everything.
21 So can he enter more --

22 MR. BARNEBEY: No. No, that's not what he
23 said.

24 MR. MOORE: He said he'd sit down and
25 negotiate --

1 MR. SWANSON: Oh, okay.

2 MR. HUEBNER: I'm trying to think.

3 MR. SWANSON: I got you. I got you.

4 MR. HUEBNER: -- how bad this could get.

5 MR. SWANSON: Yeah.

6 MR. HEITZNER: You're -- you're right on
7 track, so keep going.

8 MR. HUEBNER: And -- and so, along with all
9 these painful things, I'm sitting here thinking he
10 obviously was unhappy with the way the bond came
11 about. Would we be willing to put elements up for
12 vote as we proceed one step at a time and go from
13 there? He might -- he might --

14 MR. SWANSON: You mean projects?

15 MR. HUEBNER: Yeah. Well, the various --
16 various projects within it. He -- he wasn't happy
17 about the value statement that we had in the
18 original presentation. And I read his 20-page
19 thing this morning that just went out -- came out
20 Sunday.

21 MR. SELEP: There's another one that came out
22 today.

23 MR. BARNEBEY: I haven't seen that one.

24 MR. SWANSON: It's like sticking pins in your
25 eyes.

1 MR. SELEP: That happens to me next Thursday,
2 so...

3 MR. HUEBNER: So we would have to come up with
4 maybe a couple sources proving that this is adding
5 value. There may be some expense associated. What
6 if he wants to cut Henley out of UPPC?

7 MR. SELEP: That's already been voted on once.

8 MR. HUEBNER: Well, I mean, I just -- I'm in
9 the privacy of my room thinking about this. He
10 spent money. He may want some financial re- --
11 reimbursement.

12 MR. SELEP: He's already asked for ten grand.

13 MR. HUEBNER: He did -- what was that for
14 again? That was --

15 MR. SWANSON: His legal fees.

16 MR. SELEP: His legal expenses to get the --

17 MR. HUEBNER: Oh, to put the club together.

18 MR. HEITZNER: Legal expenses with no lawyer.

19 MR. HUEBNER: Yeah, so I don't know what
20 that --

21 MR. SWANSON: His time.

22 MR. HUEBNER: So, I guess what I was getting
23 at, we -- we as a group, are we prepared to do
24 these things?

25 MR. HEITZNER: That's why I said it could be

1 painful.

2 MR. SWANSON: Yeah. Yeah, and I missed that
3 distinction. I thought that it was Rusty; go
4 forward; boom, boom, boom. So forget it, honestly.

5 MR. HUEBNER: Well, then.

6 MR. HEITZNER: These are the -- the ones I
7 read you were, like, the key points. Be assured
8 they're not the only ones.

9 MR. SELEP: So, Scott, do you -- do you think
10 we should go forward, or should we just -- we
11 should --

12 MR. HUEBNER: You're not going to like what
13 I'm going to recommend.

14 MR. SELEP: Okay. Go on.

15 MR. SWANSON: Go on.

16 MR. HUEBNER: I recommend --

17 MR. SWANSON: Let's hear it.

18 MR. HUEBNER: -- that we go to the supreme
19 court and withdraw the case altogether. It takes
20 the legs out from under him on that issue --

21 MR. SWANSON: And then, we just go forward and
22 assess?

23 MR. HUEBNER: I'm not suggesting -- I don't
24 like that. I don't want to do the assessment
25 either. But I think we start fresh. We've got

1 plans in place. I think there's a combination of
2 maybe a modest assessment, along with some billing.
3 I think there's a financial plan that can get us to
4 where we start building some of these things, and
5 we do it over time.

6 And I also believe we need to change the
7 financial model of the club where we take more and
8 more of the two-and-a-half-million we get from
9 outside play and put that into debt service and
10 capital improvement so we're not trying to assess
11 the homeowners.

12 So there's a whole big plan in my thought, and
13 I was not able to ever present it to the board
14 previously or to the finance committee because the
15 chairperson there was dead-set against it, any and
16 all of it.

17 I shared it with Fetsick at the budget meeting
18 that you guys probably were at. I said, "I feel we
19 need to find a way to -- maybe over a period of
20 time -- turn that two-and-a-half million into money
21 that we spend on capital improvements and capital
22 preservation moving forward."

23 MR. BARNEBEY: Okay. We're getting --
24 starting to get --

25 MR. HUEBNER: But my point is, I do think

1 there's a plan, and I think we need to walk away
2 from his bond, first and foremost. We need to put
3 a governance committee in place, review all the --
4 all the elements that are in our current agreement,
5 and then -- and make sure everything -- all the i's
6 are dotted and the t's are crossed.

7 One of his complaints is that we got the cart
8 before the horse on a couple of things. Well, we
9 make sure anything we're going to do, we run it up
10 the flag, and we get the Florida Ethics Committee
11 to say, "No, what you're doing is right," before we
12 do it, rather than trying to justify it after we do
13 it.

14 I'm just reading through his letter. How do
15 we get this done? We can continue to fight, we can
16 continue to spend money on well-meaning guys, or we
17 can find another way to move forward. I'm dead-set
18 we need to move forward with another plan.

19 So -- and I also am going to tell you right
20 now, I will vote against assessment because I
21 believe there's an alternative, but the current
22 finance committee doesn't want to look at that.

23 MR. SELEP: Well, you presented to them.

24 MR. HUEBNER: I know. And it was a waste of
25 time.

1 MR. SELEP: I sat in on that meeting. I -- I
2 understand your frustration. I don't know whether
3 it was a waste of time. I thought it was --

4 MR. HUEBNER: Well, it's like cutting down a
5 tree. I got a couple chops into the tree. It's
6 still standing, so --

7 So that's a philosophical difference. Our
8 chairperson believes the club should be run one
9 way. I believe we should be a little more
10 cash-flow oriented because we're semi-private.

11 MR. BARNEBEY: We're getting off topic.

12 MR. HUEBNER: I understand. This is all part
13 of getting to the settlement. If we want to -- do
14 we want to continue to dig in and fight Dean Matt?
15 Do we want to continue spending money? Do we want
16 to take that burden and put it on the homeowners,
17 or do we want to find an alternative that is
18 friendly to the homeowners and moves forward?

19 And I'm -- I'm -- I feel like we're punishing
20 the homeowners because of our battle with Dean
21 Matt, and I don't like that at all.

22 MR. SWANSON: We're not punishing them.

23 MR. HUEBNER: No, I understand. But we're
24 about to make a decision that would be penal.

25 MR. SWANSON: Agreed. Agreed. And we

1 wouldn't even be sitting here having this
2 conversation if it wasn't for Dean Matt.

3 MR. HUEBNER: Understood. But the challenge
4 is we kept saying, "The bond is the only way. The
5 bond is the only way."

6 MR. SWANSON: No --

7 MR. HUEBNER: And now we're painted into a
8 corner. It's very --

9 MR. SWANSON: I don't think we -- well, at
10 least I never said the bond's the only way. The
11 bond seems to be the most financially easy way to
12 do it. It's like an assumable mortgage. You pay a
13 thousand bucks a year, twelve hundred bucks a year
14 over the course of X-number of years instead of --

15 MR. HUEBNER: I happen to agree.

16 MR. SWANSON: -- instead of coming out of
17 pocket.

18 The bigger -- I think the bigger issue is --
19 is if we -- if we withdraw the case and we look for
20 alternative ways to do this without borrowing money
21 we're kicking the can down the road for years.

22 MR. HEITZNER: We also have to --

23 MS. CARVALHO: -- cost that you ultimately
24 bear.

25 MR. SWANSON: Right.

1 MR. HEITZNER: You know, I think we should be
2 considering all options. I don't think we should
3 overlook the fact that we do have some homeowners
4 that are pissed off over an assessment. We have a
5 lot of homeowners that could care less.

6 MR. SWANSON: Right.

7 MR. HEITZNER: They want to move forward, they
8 want to get this done, and they don't want to wait
9 another couple years.

10 So we have -- there is a -- there is a very
11 vocal --

12 MR. SWANSON: Minority.

13 MR. HEITZNER: -- minority here. We have a
14 very non-vocal majority. And so we can't forget
15 that. We can't -- we have to make sure that we
16 don't let a minority group's loudness overshadow
17 the fact that we've got a lot of people here that
18 want this thing to move forward, and would be
19 really upset --

20 MR. SWANSON: So --

21 MR. HEITZNER: -- if we withdrew the bond.

22 MR. SWANSON: -- so --

23 MR. HUEBNER: I need clarification. Is the
24 non-vocal majority the people that want the changes
25 or the people that don't want the changes, in your

1 mind?

2 MR. HEITZNER: I -- I -- I've had more --
3 well, I've had more people tell me they want the
4 changes than come up to me and say, "I don't want
5 to do this."

6 MR. HUEBNER: So then, part of the solution is
7 to vote on it again. If we're going to prevail
8 again, and Mr. Matt loses this election twice -- he
9 says it was presented under false pretenses and not
10 all the information was given. We do it again. We
11 get a vote again. And if he loses, we -- the
12 capital improvement prevails, his arguments are
13 shot.

14 MR. MOORE: What if you do that, and then you
15 withdrew the bond. It get's all approved again
16 under that theory, and then we go to the bond
17 validation hearing. He appears. He makes similar
18 argument, because some of it will be gone,
19 obviously, but I think the valuation piece would
20 still be his big push. And then, he appeals, and
21 now we're still in a -- in another two-year push?

22 MR. HUEBNER: So we bring in three
23 professionals instead of one that says the value is
24 there. I think we cover those bases in advance of
25 the vote, bring the community along, and run

1 another vote.

2 MR. SELEP: I would -- I would go a slightly
3 different path. One, I would do the town hall. I
4 would do the education and socialization of -- of
5 the projects, because I don't think that's been
6 done deep enough.

7 The alternatives are, if the bond comes
8 through, then there isn't -- there's nothing else
9 to do. Just go do the socialization.

10 The other option would be: Do a survey.
11 Survey the members and say, "Understanding that the
12 bond -- the bond is tied up, and -- do you have a
13 desire to move forward, yes or no?"

14 And, "Are you in agreement that assessment is
15 a viable solution?"

16 We'd have to craft the words up for that, but
17 to go do a survey.

18 MR. SWANSON: The problem is we only get
19 50 percent of the community to respond.

20 MR. HEITZNER: Well, if we do a vote, we're
21 going to do the same thing.

22 MR. HUEBNER: You got -- you have both issues,
23 but I don't like the survey because there's going
24 to be, "Well, it was written poorly" -- there's
25 going to be all kinds of judgment that comes after

1 the survey.

2 MR. SELEP: Well, that's the same -- that's
3 the same thing with the bond. That's what happened
4 with the bond, and that's what opened the door for
5 Dean Matt -- for all this bullshit. We don't have
6 a five-year plan. He's going to run down that road
7 again.

8 MR. HUEBNER: That's why I think a vote would
9 be a better option than a survey to just confirm.
10 We just ran an election. You guys won two to one
11 over the opposing candidates. Seems like a pretty
12 solid statement by the homeowners that they want
13 something done.

14 MR. SELEP: But what are we -- what are we
15 voting on, Scott?

16 MR. HUEBNER: We'll put the -- put the plan
17 out there. Put the plan on the kitchen out there.
18 Put a plan on the fitness center out there, or go
19 one at a time if we don't have the funding.

20 MR. SELEP: So you're going to vote -- you
21 want to vote -- you want to vote on the individual
22 projects?

23 MR. HUEBNER: I'm not even suggesting that is
24 the right way. I'm saying, if we do a vote, and we
25 -- first, if we walk away from the bond right now,

1 that ends a lot of this argument. Then he's --
2 then all we have to worry about is this defamation
3 thing that he's rambling about, and there was
4 something else he was talking about with the --

5 MR. BARNEBEY: Got a lot of things in there.
6 We can't go through anything except for this issue.

7 MR. HUEBNER: But there -- so there are
8 pending issues, but how do we get past today's
9 issue?

10 MR. SWANSON: The biggest concern -- I -- I
11 get what you're saying. And I wish there was some
12 other -- I wish the bond would have gone through,
13 and I wish there was some other way from cash flow
14 from club operations that we could fund all this.
15 The problem is is that's going to take a number of
16 years to be built up, and we're going to be sitting
17 here in three years with nothing done, potentially.

18 I -- I think --

19 MR. HEITZNER: Also, just a dose of reality
20 here too. The cost of the kitchen since this began
21 has increased 50 percent.

22 MR. SWANSON: 50?

23 MR. HEITZNER: Apples to apples, 50 percent.

24 MR. SELEP: Yep. The 2-million -- the 2- --
25 the 3-million-dollar kitchen's now 5 million

1 dollars.

2 MR. HEITZNER: The bond -- the bond --

3 MR. HUEBNER: It's actually a little more than
4 that, but --

5 MR. SWANSON: It's not going to get any
6 prettier.

7 MR. HUEBNER: Right. And our bond -- our
8 bond, based -- based on that math for the kitchen,
9 we're 4 to 5 million dollars short of completing
10 the projects as specified in the bond in twenty- --
11 in 2024. We're short. We cant complete the
12 projects.

13 MR. HEITZNER: I want to throw this -- this is
14 tied to the litigation. This is trying to end some
15 of the litigation.

16 The -- I think if we went out to vote on the
17 kitchen, we would get an affirmative response.

18 MR. SELEP: 85 percent.

19 MR. HEITZNER: The kitchen is going to cost us
20 5-and-a-half million, okay? The original proposal
21 was 3 million. That's what the homeowners were
22 told. So --

23 MR. SWANSON: How close was that number to
24 reality at the time? Pretty close?

25 MR. HEITZNER: Well, it was -- that 3 million

1 is 4 million -- is -- is 4-and-a-half million.

2 That 3 million -- apples to apples, it's 3 million
3 to 4-and-a-half million, okay? We're not going to
4 do these -- well, what you guys saw and voted on is
5 not the same exact kitchen that was proposed back
6 then.

7 But things have changed, and so there's -- to
8 do it right -- my opinion is, if we're going to do
9 one of these projects, we don't want to do a
10 project and then 5 years from now say, "Man, we
11 should have done this."

12 If we're going to do it, we got to do it
13 right. But that means we might have to sacrifice
14 these other projects, or delay some of these other
15 projects, or alter some of these other projects.
16 So -- Because I don't believe that we can do the
17 kitchen and then go say we're going to do a fitness
18 activity center because we don't have the money.
19 Even with the bond, we don't have the money.

20 So that means that gives us -- that pushes
21 stuff out. It gives us time to look at alternative
22 funding solutions, et cetera. But I just think --
23 we need to get one of these projects off the
24 ground.

25 Well, if you count the irrigation, it's

1 already sub-cost. And then we've got -- we want to
2 move forward with the kitchen, so I don't -- you
3 know that's -- I don't -- I think the other
4 projects are -- I don't want to say moot, but
5 they're delayed.

6 MR. SELEP: So if the bond -- but that's the
7 problem as well. Because if the bond comes
8 through, that -- there's money allocated to those
9 other projects that have to -- that have to be
10 spent on those projects.

11 MR. HEITZNER: Well, it doesn't have to be
12 spent. But if it is spent, it has to be spent on
13 those projects.

14 MR. BARNEBEY: Right. That's correct.

15 MR. HUEBNER: So the fact that we did the
16 irrigation, and that is now not part of the bond,
17 necessarily --

18 MR. BARNEBEY: Well, that -- that wasn't part
19 of the --

20 MR. SWANSON: If we got the bond tomorrow, we
21 would pay off the band?

22 MR. SELEP: We'd pay off the band.

23 MR. HUEBNER: So that would still qualify into
24 those --

25 MR. BARNEBEY: The irrigation was part of the

1 original bond discussion.

2 MR. SWANSON: So let me -- what was -- just to
3 refresh my --

4 MR. SELEP: So before this -- sorry.

5 MR. SWANSON: Yeah, no.

6 MR. SELEP: The other -- the other problem
7 that we would have to solve is we'd have to get the
8 bond reallocated, because the bond's only got
9 3 million dollars in it for the kitchen, and now we
10 need 5. So we'd have to be able to do a
11 reallocation of the bond -- the bond money.

12 MR. HEITZNER: Does that have to be done -- is
13 it project by project, or is it sum total?

14 MR. BARNEBEY: I believe it's sum total. I'd
15 have to --

16 MR. SWANSON: That's what I thought. That's
17 what --

18 MR. BARNEBEY: -- bond counsel --

19 MR. SWANSON: That's -- that's what I thought.
20 I mean --

21 MR. SELEP: That's my point --

22 MR. SWANSON: -- you can't add a project in
23 there.

24 MR. SELEP: No.

25 MR. SWANSON: You can spend it all on the

1 projects that you were approved to spend it on.

2 MR. SELEP: Yeah, that's what I'm not positive
3 on. I think --

4 MR. SWANSON: What was -- what was the number,
5 just so I'm clear again? I thought it was like
6 18 million, wasn't it? What was the number of this
7 bond that Dean Matt is challenging? It's
8 18 million?

9 MR. HEITZNER: It would net 18 million.

10 MS. CARVALHO: Not to exceed 18 million.

11 MR. SWANSON: It would net 18 million. So if
12 we take and pay off the bond, which is 5 and a
13 half, right? Is it 5 and a half?

14 MR. BARNEBEY: Uh-huh.

15 MR. SWANSON: So we take that. That leaves us
16 13.5 -- 6 for the kitchen, that leaves us 7.5 -- we
17 don't think we can get a fitness and activity
18 center done for that 7.5?

19 MR. SELEP: No. You've also got the parking
20 lot too.

21 MR. HEITZNER: Now, we could get something
22 done, but again, it -- you know, you would do
23 something, and then you would sit there five years
24 later and say --

25 MR. SWANSON: Why didn't we do this?

1 MR. HEITZNER: -- we need something, you know,
2 we need something else. So...

3 MS. CARVALHO: And keep in mind, the
4 18 million-not-to-exceed is what went to validation
5 hearing. You have to look at the CIP, the capital
6 improvement plan that the engineer certified when
7 it comes to the amount allocated for those
8 projects. So it's not 18 million. You back out
9 those numbers.

10 MR. SWANSON: Right.

11 MS. CARVALHO: In the engineer's report, it
12 will say exactly what the capital improvement plan
13 was, the amount allocated for the capital
14 improvement plan as a whole.

15 MR. BARNEBEY: And that's what -- that was
16 what was voted on as part of the --

17 MS. CARVALHO: Correct.

18 MR. SWANSON: I think -- I think the -- at
19 least, from my perspective, if you think about the
20 golf course irrigation, if you would have put that
21 to a vote to the community, it would have failed
22 because 450 people would have voted for --

23 MR. HUEBNER: I think it would have been -- it
24 would have been 95 percent for it.

25 MR. SWANSON: At least that's not what I heard

1 when we were campaigning for these roles.

2 MR. HUEBNER: I think it was protecting their
3 asset. I think the kitchen was the next most
4 valuable and recognized thing. It probably was an
5 80/85 percent issue from my circle of 25 friends.
6 I told you I had three that actually didn't want
7 it.

8 MR. BARNEBEY: Yeah. Yeah.

9 MR. SWANSON: Yeah, I heard -- I heard the
10 opposite. I heard -- I heard the opposite.
11 That -- that, "I don't use the golf course. I
12 don't see the golf course. I don't know how it
13 improves my home values," blah, blah, blah.

14 If you needed a 50 percent vote of 1,200
15 homes, you're going to get a third of that. At
16 least, that's how I saw it.

17 MR. SELEP: I do -- I do think that the
18 kitchen would have a pretty high probability of
19 passing, whether it's -- I don't think it will be
20 85 percent, but I think it has a probability of
21 passing because of the facts, the social numbers,
22 and they're the largest -- they're the largest
23 group.

24 But all of this is academic. I think the
25 question on the table is: Do we think that there is

1 any hope to moving forward with Dean Matt? You
2 seem to think that there is if we put Rusty back on
3 the board.

4 MR. SWANSON: But Scott's suggestion was put
5 Rusty on the board --

6 MR. HUEBNER: That isn't completely right.

7 MR. SWANSON: -- and drop the band -- drop the
8 bond.

9 MR. HUEBNER: Right. I'm for Rusty on the
10 board with or without --

11 MR. SELEP: With or without the -- without
12 the --

13 MR. HUEBNER: I think he's the best candidate,
14 from my perspective --

15 MR. SELEP: Okay.

16 MR. HUEBNER: -- okay? And -- and -- so
17 that's where I stand on that. It happens to
18 satisfy -- it would satisfy Dean Matt's --

19 MR. SELEP: As would dropping the bond satisfy
20 Dean Matt.

21 MR. HUEBNER: Well, it would, at very least,
22 cut the legs out from under all the stuff we're
23 fighting right now, and it gives us a chance to
24 redo what we're doing.

25 You're telling us our costs have gone up, so

1 we've got to put together a plan moving forward
2 over the next five, ten years that's a little
3 different anyway. That's back to my proposal that
4 we get to where we're more of a cash flow where the
5 2-and-a-half million goes to the capital.

6 There are other elements to funding things
7 that is not part of the settlement, but not part of
8 this thing here. I've got other ways in my thing
9 here from other clubs that I've been at where we've
10 done stuff that gets us there, but they didn't --
11 it's --

12 Quick example. When I talked to them about
13 taking the old bond, the 2019 bond, and creating a
14 new bond -- what are we in, '26 -- a 2026 bond
15 going from -- it would be 24 plus, let's say,
16 10 million. Make it a 35-million-dollar bond. A
17 whole new bond. They weren't agreeable to it, the
18 finance committee. You may have heard that part of
19 the meeting.

20 But it makes good sense in that it's a bigger
21 product to go sell, okay, for the bond people. So
22 it's saleable, and it is -- it would be -- instead
23 of 1,200 dollars per home, it would be 15- -- 1,600
24 dollars a home per year for the bond in this one --
25 one product. That would get us there, but we have

1 to go sell that.

2 So I think that's an option rather than a
3 second bond. And that's the way the other --
4 Herons Glen, that's the way they did it. But it's
5 then --

6 MR. SELEP: First, they -- but they refinanced
7 their bond at a lower rate.

8 MR. HUEBNER: I understand --

9 MS. CARVALHO: And you have a ten-year bond
10 call, which I mentioned that at the finance
11 committee. You can't touch the 2019 bond until you
12 close the 2029.

13 MR. HUEBNER: There is a date in there where
14 we can -- we can close it in our bond, 2019 bond,
15 right?

16 MS. CARVALHO: Right. That's what I'm saying.
17 There's a bond call that it has to be -- you have
18 to meet the trust indenture's requirements.

19 MR. HUEBNER: And I don't pretend to be a bond
20 expert.

21 MS. CARVALHO: Okay.

22 MR. HUEBNER: But I was under the impression
23 that it could be -- not called, but
24 refinanced altogether.

25 MS. CARVALHO: You can refinance. You can

1 restructure the bond once you hit those ten years.

2 MR. HUEBNER: You have to hit the ten years?

3 MS. CARVALHO: Absolutely.

4 MR. HUEBNER: Okay. Then I -- I mean --

5 MS. CARVALHO: And I think I mentioned that
6 when Dick was talking at the finance committee -- I
7 mentioned that at the finance committee that day.

8 MR. HUEBNER: I'm sure you did. And I'm sure
9 it didn't sink into my thick skull.

10 MS. CARVALHO: Yeah.

11 MR. BARNEBEY: All right. And I'm going to
12 just tell everybody, I've not talked to bond
13 counsel about this, so I can't answer that
14 question.

15 MR. HUEBNER: My point is, we've got to do
16 something radical, I think, if we want to move
17 forward. We either negotiate with Dean, or we walk
18 away from Dean, but the corner keeps getting
19 tighter that we've painted ourselves in hoping that
20 we will hear from the supreme court.

21 And if we can't negotiate with Dean, if he's a
22 terrorist that we can never negotiate with, then
23 the only other option is to -- in my opinion, is
24 walk away from the -- the fight, the battle.

25 I have no problem voting for Rusty. I have no

1 problem putting him on the governance committee for
2 a year to see how it goes. And if he's --

3 MR. SWANSON: Rusty or Dean?

4 MR. HUEBNER: Dean. I mean, if this is all
5 part of the settlement, I don't have a problem with
6 that. If it -- if we have to pay him 25,000
7 dollars to cover his legal fees, I wouldn't have a
8 problem with that. That's a pittance if that gives
9 us the bond before we have to do the assessment.

10 If he requires us to fire these guys and --
11 and the general manager, I'd agree to that too. No
12 offense, but our objective is to do what's in the
13 best interest of the community.

14 MR. SWANSON: I don't know that that's in the
15 best interest of the community. It's in Dean's
16 best interest because he's pissed off and an
17 asshole.

18 MR. HUEBNER: I'm not sure. But as a
19 businessman, I -- you've had clients that you've
20 had to make tough decisions.

21 MR. SWANSON: Absolutely.

22 MR. HUEBNER: To save the client, you fire a
23 person. Or to move -- right or wrong, you move the
24 person to --

25 MR. SWANSON: Well, I --

1 MR. HEITZNER: We can't just -- we can't just
2 fire somebody, so...

3 MR. HUEBNER: I understand. I understand,
4 but --

5 MR. SELEP: Fetsick -- Fetsick works for the
6 RD anyway.

7 MR. SWANSON: That's a -- that's a whole
8 'nother lawsuit waiting to happen.

9 So let's get back to Dean Matt for a second.

10 MR. SELEP: I'm done with Dean Matt.

11 MR. SWANSON: Well, that's what we're here to
12 talk about. I -- so -- there's no negotiating.

13 MR. HEITZNER: I think that we've got -- we've
14 got more information potentially coming from the
15 clerk in a week, all right? So it will have been
16 three weeks after this week. Do we want to find
17 out -- do we learn anything in that conversation,
18 and do we have to reconvene?

19 MR. SWANSON: I don't disagree with your
20 thought process about the bond. However, we're so
21 pregnant on this thing, why would we not just wait
22 to see where it goes? I mean, if we -- if we have
23 to go down an assessment path -- I think I got this
24 from you, Vivian, and I can't remember. I made a
25 note on it -- but it's the 15th of September is the

1 drop-dead date to get that information on the tax
2 rolls for an assessment; is that correct?

3 MS. CARVALHO: No, no, no. The board has to
4 approve, June 15, a proposed budget --

5 MR. SWANSON: Yes. Yes.

6 MS. CARVALHO: -- and -- yeah.

7 MR. SWANSON: But I mean, if we decided we
8 wanted to -- to do an assessment for --

9 MR. SELEP: The tax -- to get it on the tax --

10 MR. SWANSON: To get it on the tax roll --

11 MR. SELEP: -- August 1st.

12 MS. CARVALHO: Right. So -- so --

13 MR. SWANSON: Well, there's all kinds of
14 different dates. That's what I'm trying to figure
15 out. What is that date?

16 MR. HUEBNER: We have to vote. Then it has to
17 get to them -- there's a process.

18 MS. CARVALHO: So the timeline that the
19 board --

20 MR. SWANSON: No. But regardless of what we
21 all agree and vote on it, what is the date that it
22 has to be in Manatee County's hands so that it's on
23 the tax roll?

24 MS. CARVALHO: We have to backup, right? So
25 September 15th is where we certify to the tax

1 collector the assessments -- all of the assessments
2 that are going to be put for that property on the
3 roll, okay?

4 60 days from that, you would hold -- on or
5 around the beginning of August, you would hold the
6 public hearing to finalize your budgets and the
7 assessments associated with those budgets, okay?

8 MR. SWANSON: Uh-huh.

9 MS. CARVALHO: Then -- not 60 days, 60 days
10 from August, which puts us where we're -- we talked
11 about at the last meeting, we're going to have our
12 proposed budget approved in proposed form at the
13 June 2nd meeting.

14 MR. SWANSON: Uh-huh.

15 MS. CARVALHO: So, essentially, June 2nd, you
16 need to know if you're going to put it on the roll
17 with the understanding that, at the August meeting
18 when you hold the public hearing, you can take it
19 out.

20 MR. SWANSON: Right. Absolutely.

21 MS. CARVALHO: But certainly, you want to make
22 sure that in the trim, it reflects that amount.

23 MR. BARNEBEY: Yes.

24 MS. CARVALHO: Which the trim goes out in the
25 beginning of July.

1 MR. SWANSON: Right. Right. There's a whole
2 bunch of things that have to happen before that.
3 But at the end of the day, you can back it all out.

4 MS. CARVALHO: Correct.

5 MR. HUEBNER: Tell me what "the trim" is.
6 That's a document from the County --

7 MS. CARVALHO: That's the County -- yes.

8 MR. HUEBNER: That gives us an estimate of
9 what our taxes are going to be?

10 MS. CARVALHO: Correct, for non-ad valorem and
11 the ad valorem assessments.

12 MR. HUEBNER: Okay. So -- and that comes out
13 when?

14 MS. CARVALHO: Manatee County, it's going to
15 be the first week of -- or towards the end of July
16 it goes out.

17 MR. HUEBNER: So we have to have a decision to
18 them before that is published?

19 MR. BARNEBEY: We have to have a tentative
20 decision before that. The final decision won't
21 come until -- until August.

22 MS. CARVALHO: Correct.

23 MR. BARNEBEY: But in order to get on the
24 trim, we're going to have to at least tentatively
25 put it on the --

1 MS. CARVALHO: Proposed budget.

2 MR. BARNEBEY: -- June -- whenever our June
3 budgets go forth --

4 MS. CARVALHO: June 2nd.

5 MR. BARNEBEY: -- the proposed budget. And
6 so, we can always back it out if something changes,
7 but --

8 MS. CARVALHO: Correct.

9 MR. BARNEBEY: -- so we are getting kind of
10 close to it, the drop-dead date on this, so...

11 MR. SWANSON: So -- so it sounds like there's
12 some positive movement on -- on the bond, so to
13 speak, or at least some --

14 MR. SELEP: Some movement.

15 MR. SWANSON: -- some movement, whether it's
16 positive or not. I don't know that pulling that to
17 satisfy Dean Matt is -- is -- I don't know if
18 there's any satisfying this guy. I...

19 MR. HUEBNER: See, I don't believe it's
20 satisfying Dean Matt. I believe it's actually
21 taking away his game. I think he's having fun.

22 MR. SWANSON: No, no. He enjoys this.

23 MR. HUEBNER: If we -- so if we take it
24 away --

25 MR. SWANSON: He'll find something else to

1 play with.

2 MR. HUEBNER: -- his 20-page email becomes a
3 10-page email.

4 MS. CARVALHO: What about all the cost that
5 has been incurred? How does -- how would that
6 work?

7 MR. SWANSON: I would never vote to give this
8 guy a nickel. I don't care about what his expenses
9 are.

10 MR. SELEP: Well, his -- so taking the legs
11 away from Dean Matt, the bond being approved does
12 the same thing. And I think since we've got
13 movement, I wouldn't pull it until -- I wouldn't --
14 I wouldn't pull it.

15 MR. HEITZNER: Let it -- let it play.

16 MR. SELEP: I'd let it play out, you know,
17 since we now have movement.

18 If this was -- if this was six weeks ago, your
19 argument would have more weight with me because we
20 weren't -- we're not moving. But now, the -- now
21 that it looks like we may get an answer this
22 week --

23 MR. HUEBNER: So I -- I had my argument in my
24 folder 12 months ago. So -- but I couldn't get to
25 the point to talk about it. So go ahead and

1 proceed.

2 MR. SELEP: But I think -- I mean it's -- as
3 long as there's movement, I'd wait -- I'd wait and
4 see how it plays.

5 The Dean Matt situation, there's another email
6 out there that we're -- you know, that Elvis is
7 alive, and we've done -- we've been neglect because
8 we haven't posted the resumes of the people that
9 are -- that are running.

10 MR. SWANSON: Don't forget --

11 MR. HEITZNER: He has no -- he -- so this is
12 about the litigation. He has no -- he has no
13 basis.

14 MS. CARVALHO: Right.

15 MR. BARNEBEY: Let's not get into -- let's not
16 get outside of the litigation. We can talk about
17 that after we get done with the litigation, but
18 let's stick with the -- the case.

19 MR. HEITZNER: Well, I -- I mean --

20 MR. BARNEBEY: So not to try to -- I'm trying
21 to get some direction. Is there anything you want
22 to do at this time, or to direct us to reach out to
23 Dean Matt?

24 MR. HUEBNER: Can I make a recommendation?
25 Let's go back and say we're willing to have Steve,

1 Rusty, attorney meet with him and his attorney
2 without any commitment on the supervisor job,
3 and -- because we're not going to be leveraged that
4 way. That's just wrong. And just say, "But we
5 will agree to meet with you" --

6 MR. SELEP: But that has to happen now -- that
7 has to happen before the 8th.

8 MR. HUEBNER: -- and -- and see what that
9 does. If -- just see what that does.

10 MR. SWANSON: So, approach him again?

11 MR. HUEBNER: Go back and just say, "We're not
12 going to be forced to vote for your candidate
13 choice. That's -- that circumvents the integrity
14 of the entire community, but we will meet."

15 MR. HEITZNER: Well, we've done that.

16 MR. HUEBNER: Okay. And he said no?

17 MR. HEITZNER: He said no.

18 MR. HUEBNER: What about -- I'm spitballing
19 completely -- what about inviting him -- we put a
20 meeting together. We hold it for public. We let
21 him come in and present, and complain, and do
22 whatever he needs to do for however long it
23 takes --

24 MR. SWANSON: Oh, god.

25 MR. HUEBNER: -- and -- I understand. I don't

1 want to go through it. But it allows everybody in
2 the community to see exactly what's going on.

3 MR. SELEP: Okay. But you have to give
4 10 days' notice for that, and that takes us past
5 May 8th.

6 MS. CARVALHO: Mark, I have a question.

7 MR. SELEP: I -- I get it. I'm just -- I'm
8 not trying to --

9 MR. SWANSON: Yeah, I'm -- no. Part of this
10 is -- is exactly where he's at. We keep kicking
11 the can on some of these meetings. I --

12 MR. HEITZNER: So this gets us back to -- we
13 can -- we don't have to put a supervisor in place
14 on May 8th. That's why I pushed it, because I
15 assumed we were going to get this litigation
16 resolved.

17 If we think it's going to get the litigation
18 resolved, we can -- we can push. We've got
19 90 days, right? 90 days?

20 MR. BARNEBEY: You actually don't have a
21 specific time for this type of appointment.

22 MR. HEITZNER: So we can appoint whenever we
23 want.

24 MR. SWANSON: Well -- so hold that thought.
25 We would need to communicate to the community in

1 some capacity. It doesn't have to be in exact
2 details, but we're getting hate mail already about
3 this. And I know it's a small -- I know it's a
4 vocal minority, but we should probably make --

5 MR. BARNEBEY: That's -- let's have that
6 discussion outside of this meeting.

7 MR. SWANSON: Yeah. Yeah.

8 MR. HEITZNER: Being --

9 MR. SWANSON: But we're here now. And
10 unfortunate --

11 MR. SELEP: Let the man talk.

12 MR. BARNEBEY: We can talk -- when we get into
13 the public, we can --

14 MR. HEITZNER: The board supervisor position
15 is important for the settlement. I have time
16 May 7th. Let's put the pressure on Dean Matt.
17 Dean, May 7th, the afternoon. We can do this soon
18 as he's available.

19 "Let's -- let's sit down. We want to have
20 everything laid out. We want to know what we're
21 looking at right now before we make any commitment.
22 We don't trust you. You don't trust us. Let's sit
23 down and do it."

24 MS. CARVALHO: Yeah. I -- I kind of like
25 where you're going with this. Because I was going

1 to say instead of saying, you know, "We'll consider
2 Rusty," you're saying, "We're willing to sit down
3 with you, not give any details, and lay out
4 eye-to-eye what it is that you're comfortable with
5 versus what the District, you know, is willing to
6 consider."

7 MR. HEITZNER: And then, May 8th comes, and
8 either an appointment happens, or you kick the can
9 down the road because there is some movement, but
10 not enough movement. Or you just say, you know,
11 whatever our third option is.

12 MR. SWANSON: Can you swing that?

13 MR. HEITZNER: Yeah, I'd prefer to do it early
14 in the morning. I have something in the morning,
15 but -- let me see what time my daughter's flight
16 lands.

17 MR. SELEP: I can pick your daughter up. I'll
18 pick her up in a Corvette.

19 MR. SWANSON: A strange man in a Corvette is
20 picking up my daughter. What could she possibly
21 thing is wrong?

22 "Hi. Your dad told me to pick you up."

23 MR. HEITZNER: No, I -- I mean, I'm sure we
24 can -- if that's what --

25 MR. SWANSON: So it's effectively a last-ditch

1 effort? Anything's worth a try, I guess.

2 MR. BARNEBEY: All right. Well, I guess --

3 MR. HEITZNER: Who's doing that reach-out? Is
4 that you? Is that Rusty? I mean, Rusty's tried.

5 MR. BARNEBEY: Well --

6 MR. HEITZNER: He has.

7 MR. SWANSON: Would that be better coming from
8 Rusty? Would -- would he be more receptive to
9 Rusty?

10 MR. MOORE: I think he'd be -- in all my
11 interactions with Dean Matt, it's gone smoother
12 with Rusty. I will say that.

13 MR. SWANSON: Yeah.

14 MR. MOORE: Dean wants to give me a 30-minute
15 rundown of all the issues before we really talk
16 about the issue that we're here to talk about.
17 Rusty kind of gets -- has gotten through that, and
18 then we're focused.

19 MS. CARVALHO: The other thing to keep in mind
20 if you were to meet on May 7th -- because I know
21 that's one of his interests, to have Rusty -- you
22 will have that ability to have both of them in the
23 room --

24 MR. MOORE: Correct.

25 MS. CARVALHO: -- and not, you know --

1 MR. BARNEBEY: Not be a conflict.

2 MS. CARVALHO: -- conflict with the Sunshine
3 laws. That would be the only time. And if -- if
4 he, you know, more of a reason, like, "We want to
5 have this meeting. You have interest to have Rusty
6 on the board. In order for us to be able to come
7 to a resolution to this issue, it has to occur
8 before the board can appoint him."

9 MR. SWANSON: So Rusty can never attend this
10 shade meeting, could he?

11 MS. CARVALHO: No.

12 MR. SWANSON: You have to be a board
13 supervisor, okay.

14 MR. BARNEBEY: Yeah. He can't attend.

15 Okay. So Fred is to reach out to Rusty to see
16 if he can reach out to Dean Matt, suggest the
17 May 7th in the morning --

18 MR. MOORE: Afternoon, if we can.

19 MR. BARNEBEY: -- or afternoon --

20 MR. SWANSON: Or should you reach out to Rusty
21 and copy him and say, "Hey, we'd like to" --

22 MR. HEITZNER: Well, I can reach out to Rusty.
23 It's fine.

24 MR. SWANSON: I mean, does that make more --

25 MR. MOORE: It doesn't -- I don't think it

1 matters.

2 MR. HUEBNER: I don't have a problem either
3 way. I'll help any way I can or step back as far
4 as you want me to.

5 MR. BARNEBEY: I just want to make sure --

6 MR. HUEBNER: I do agree with your assessment.
7 It should be Rusty because he's going to look at
8 you as an opportunity to run through his litany of
9 things again.

10 MR. SWANSON: Somebody's got to corral him.

11 MR. HUEBNER: And -- and Dean, based on the
12 conversations I've had with Rusty here recently,
13 Dean kind of goes back and forth. "Yes, I'll
14 settle. No, I won't. Yes, I'll settle. No, I
15 won't"

16 Then, he kept trying to bring him back onto
17 the "yes, I'll settle" side.

18 MR. SWANSON: This is a game for this guy.

19 MR. HUEBNER: Well, that's --

20 MR. SELEP: So, Steve, I think -- I think it's
21 you reach out to Rusty, because the two of you are
22 going to be in the meeting.

23 MR. HEITZNER: That's fine.

24 MR. BARNEBEY: Okay. Just keep us posted.

25 MR. HEITZNER: I just got to give -- help me

1 craft what I'm going to tell Rusty because -- I
2 mean, Rusty and I have had this conversation, and
3 Rusty's already -- has gone back to him twice, and
4 he refused.

5 MR. SELEP: I'd say -- I say it's a last-ditch
6 effort --

7 MR. MOORE: We want to meet with Rusty. Tell
8 him we really want to meet and see if we can't
9 bridge this gap. We've got the meeting on the 8th.
10 The 7th makes the most sense. We want to lay all
11 the cards on the table. We want to understand
12 every issue that has to be addressed and whether or
13 not it can be addressed leading into the -- the
14 8th -- the meeting on the 8th for the appointment.

15 MR. BARNEBEY: Well --

16 MR. SWANSON: So --

17 MR. BARNEBEY: -- I might just -- I might
18 leave --

19 MR. MOORE: Well, I don't necessarily mean
20 that that means Rusty's getting appointed, it just
21 means --

22 MR. BARNEBEY: No, and we may not make a
23 decision on the 8th because we may need to have to
24 have time to talk about whatever comes out of that
25 discussion, but yes.

1 MR. SWANSON: Can you --

2 MR. HUEBNER: Did we receive any new
3 candidates? Applications?

4 MS. CARVALHO: I was going to look now, and --

5 MR. HUEBNER: What I'm wondering about is, is
6 there a candidate that's new that might appease all
7 parties?

8 MR. BARNEBEY: We'll talk about that when we
9 get out of the --

10 MR. HUEBNER: Well, that might be part of
11 negotiated settlement.

12 MR. BARNEBEY: Well, that -- but that's --

13 MR. SWANSON: So the last missive that came
14 from him completely denigrated this entire process.
15 It talked about, you know, "They approached me,"
16 and, you know, "ha ha ha," and "blah, blah, blah,"
17 right? And he threw that out there into -- I don't
18 know how many people got that email. I don't even
19 know why I got it, but I did.

20 But the point is, he's got no respect for this
21 at all. I mean, I don't -- I don't think -- I
22 think to be able to really say -- we tried. We
23 tried two or three times. This is it. We're done.
24 And then, we have to move forward. I -- but I
25 don't -- I'm not hopeful that he's going to

1 be -- it's worth a try, but who knows.

2 But I -- I think this is a game for him. I
3 don't think he's a serious guy, and I don't think,
4 you know, his looking out for the little guy is a
5 joke. He's costing the little guy a ton of money.
6 So, hell, let's try it, but --

7 MR. HUEBNER: Well, I think --

8 MR. SWANSON: -- we should --

9 MR. HUEBNER: -- I think -- I think he is a
10 serious guy. He's spending money to -- and to
11 try --

12 MR. SWANSON: That doesn't mean he's serious.
13 I mean, when I say "a serious human being," he
14 doesn't think about the implications and the
15 long-term damages that his actions actually incur
16 to the citizens of this community when he says he's
17 "a guy for the little guy."

18 That was in an email to me. I mean, honestly,
19 that's just garbage if -- you know, I don't think
20 he's a serious human in terms of what he's saying
21 he wants to get done here, so...

22 MR. BARNEBEY: Okay.

23 MR. SWANSON: Is he serious in the damage he's
24 inflicting? Absolutely. He's successful at it.

25 MR. SELEP: All right. So two -- I mean,

1 we've agreed on a strategy that we're going to
2 approach him one last time for May 7th.

3 As part of the litigation, I'm concerned
4 that -- that if the bond is delayed, we don't get
5 an answer for the bond, he's already said he's
6 going to litigate if we assess. So how do we
7 ensure that if we wind up down the assessment
8 path --

9 We know you're going to vote no. That's okay.
10 That's your right. What I don't want to have
11 happen is we go down that path and we get litigated
12 to death.

13 MR. BARNEBEY: Understood. We can't totally
14 prevent that, but understood.

15 MR. HUEBNER: So the best way to get down that
16 path, which is going to be the least desirable from
17 our standpoint, is we bring him in -- onto the
18 governance committee, and then he is part of the
19 team --

20 MR. SELEP: That governs -- that governs the
21 assessment.

22 MR. HUEBNER: Then, if he's suing us, he's
23 suing himself.

24 MR. SWANSON: He's already suing himself.

25 MR. HUEBNER: I understand. But do you

1 understand what I'm saying? You have -- when you
2 have someone you're battling with you either push
3 them away, or you pull them in closer.

4 MR. SELEP: I agree.

5 MR. HUEBNER: And so here, that -- that would
6 have to be one of the things we're willing to do.

7 The other thing is, we've got to be
8 prepared -- that I forgot about -- is we're
9 probably going to have to write a letter that is a
10 little more apologetic than originally proposed two
11 shade meetings ago. We thought we could craft it
12 and say there's mutual, and there's this, and
13 there's that, because there's -- he's got other
14 issues hanging out there --

15 MR. SWANSON: Oh, he does.

16 MR. HUEBNER: -- that we need to address in
17 that letter of apology, and I don't know if we're
18 prepared to do that.

19 MR. SELEP: But you -- but -- let's go back to
20 my question. How do we avoid litigation if we wind
21 up down the assessment path? You're saying pull
22 him onto the governance committee, okay?

23 MR. HUEBNER: Well --

24 MR. SELEP: Are you going to have a governance
25 committee in place --

1 MR. HUEBNER: It won't be in place by then.
2 But that's -- it's just -- that's a -- that's a
3 logistical fact. We've got another board meeting
4 before --

5 MR. SWANSON: We haven't even talked about
6 what the charter for the governance committee is
7 yet. I -- --

8 MR. HEITZNER: I understand. And we have to
9 move back to -- if we're going to do that, this is
10 a governance committee that operates under Sunshine
11 laws and reports to the board. He's going to want
12 the board to report to the governance committee.

13 MR. HUEBNER: And that can't happen, so --

14 MR. SWANSON: No place does -- no -- no -- no
15 organization in the world does that.

16 MR. HUEBNER: I understand.

17 MR. SWANSON: But yeah. No, you're right.
18 He -- that's what he would want.

19 MR. BARNEBEY: Well, what -- we don't know
20 what he wants because he hasn't talked to us.

21 MR. SWANSON: We pretty much got an idea.

22 MR. SELEP: That could -- that could be
23 subject of the conversation on 7th.

24 MR. BARNEBEY: That should be. Absolutely
25 should be.

1 MR. SWANSON: Sure.

2 MR. SELEP: I just -- I want -- I want some
3 assurance that if we -- and it doesn't have to be
4 today; I know you're going to give me the legal
5 tapdance -- that if we -- if we go down the path of
6 an assessment, we've got to be one hundred percent
7 buttoned up that we don't leave the door open a
8 crack for him to run through.

9 MR. BARNEBEY: I -- well, we'll start with the
10 comment that we've got -- if we don't issue the
11 bond, we're going to have to issue the assessment.
12 Unless there's some other -- but we're going to --
13 we're going to have to put it at least on the
14 budget until we can find another alternative
15 because we've already spent the money.

16 MR. MOORE: If you do the assessment, and he's
17 going to sue, the only way to stop it is if he
18 seeks an injunction. And if he does that, he's
19 going to have to post a bond, likely hundreds of
20 thousands of dollars, and is he likely to do that?

21 Because now -- one of the things that I've
22 heard you all talk about with this bond is, you
23 know, "We've been damaged. We've been harmed. Can
24 we get our fees back?"

25 And the answer, of course, is no, because the

1 statute doesn't apply -- doesn't provide for fees.
2 But if a bond is posted, and it's deemed -- it's
3 later deemed wrongful the injunction -- to bring
4 injunction on this issue, you are entitled to get
5 your damages from that bond, assuming he posts the
6 bond.

7 So, yes, he could sue --

8 MR. HUEBNER: It gets very serious at that
9 point.

10 MR. SWANSON: Pardon me?

11 MR. HUEBNER: It gets very serious --

12 MR. SELEP: It gets very serious at that
13 point.

14 MR. SWANSON: Yeah, absolutely.

15 MR. HUEBNER: And I'm going to -- I'm going to
16 just disagree with you a little bit because I do
17 feel -- still feel there is an alternative --

18 MR. BARNEBEY: I'm sure.

19 MR. HUEBNER: -- to the assessment.

20 MR. BARNEBEY: But we've got --

21 MR. HUEBNER: That's not to be discussed
22 today.

23 MR. BARNEBEY: Right.

24 MR. SWANSON: No.

25 MR. BARNEBEY: Can't discuss it in here. But

1 the clock is running on all of those things.

2 MR. HUEBNER: I know we have a bill we have to
3 pay.

4 MR. BARNEBEY: We've got a bill we've got to
5 pay.

6 All right. Anything else you'd like us to
7 reach out to him about? All this is -- I think --

8 MR. HUEBNER: How do we follow up -- so let's
9 -- let's say we reach out. You guys have a meeting
10 on the 7th. How do we get together? How do we get
11 information in a timely manner so we can be as
12 prompt in deciding the next step?

13 MR. SWANSON: Can you send it to us via email,
14 and we can read it, we just can't reply to it?

15 MR. BARNEBEY: Correct.

16 MR. MOORE: And what -- I would envision this
17 meeting as sort of get his whole layout and decide
18 what are the non-negotiables, and if it comes --
19 turns out that there's four points on here that we
20 know already -- that Steve and I know are
21 non-negotiables from our standpoint, we're not
22 going to go anywhere. We'll send it to everybody,
23 but --

24 MR. SWANSON: I mean, unfortunately, none of
25 us can talk about it, even the next day in a board

1 meeting.

2 MR. BARNEBEY: We would have to schedule
3 another shade meeting if you want to talk about --

4 MR. SWANSON: Which is 10 days from now or 20
5 days, or whatever --

6 MR. HUEBNER: We have to advertise the shade
7 meetings?

8 MR. SWANSON: Yes.

9 MR. HUEBNER: Fantastic.

10 MR. BARNEBEY: Absolutely.

11 MR. SWANSON: Isn't it beautiful?

12 So we're in agreement that we're going to try
13 the 7th and deal with the clumsiness of trying to
14 understand what you guys come out of that with.
15 We'll all be able to read it and understand it, the
16 problem is we won't be able to discuss it?

17 MR. BARNEBEY: Right.

18 MR. SWANSON: Unless we send emails to Vivian
19 and ask her to talk to --

20 MR. BARNEBEY: I would -- I would suggest you
21 not do that. Let's -- let's figure out where we
22 are on the 7th, and then we'll figure out --

23 MS. CARVALHO: Yeah.

24 MR. BARNEBEY: -- what comes from that. My
25 guess is you just schedule another shade meeting.

1 MR. MOORE: If there's a list of things we
2 get, we send it all out on the 8th. We get the
3 advertisement out for the 18th --

4 MS. CARVALHO: Right.

5 MR. SWANSON: Okay.

6 MR. HUEBNER: Can we advertise 10 days from
7 now, and then -- our next shade meeting, and
8 cancel?

9 MR. SWANSON: And kill it?

10 MR. HEITZNER: Yeah, we can cancel.

11 MR. SWANSON: Why don't we do that? Just --
12 just to be --

13 MS. CARVALHO: When we go back into -- that
14 was one of the questions. When we go back to
15 the --

16 MR. BARNEBEY: That's sort of what we did with
17 this one.

18 MS. CARVALHO: -- when we go back into the
19 sunshine, can't the board say, you know --

20 MR. BARNEBEY: Yes. We want another shade
21 meeting scheduled --

22 MS. CARVALHO: -- want another shade meeting?
23 Okay. So we can do that.

24 MR. SWANSON: In case we need it.

25 MR. HUEBNER: That actually bodes well for the

1 meeting that's coming up with -- potentially on the
2 7th.

3 MS. CARVALHO: The -- the other question I
4 have is, going into this meeting with him on the
5 7th, wouldn't it be easier if the board provided
6 parameters for you along with the chair to move
7 forward or not depending on those parameters today?

8 MR. MOORE: In a perfect world, yes. But, I
9 mean, we're getting curve balls and sliders from
10 Mr. Matt.

11 MR. SELEP: No, we don't have to -- we're not
12 going to agree to anything in this meeting anyway.
13 This is a --

14 MS. CARVALHO: Oh, I guess where I'm going
15 with this is --

16 MR. SELEP: -- fact-finding mission.

17 MS. CARVALHO: -- if you have parameters that,
18 "Absolutely. Yes. This is something the board
19 agrees to," versus, "no." If the conversation
20 leads to that, you have gone and already had those
21 parameters outlined between counsel, representation
22 of the District, and the board share. That's what
23 I'm trying to say when it comes to negotiation.

24 MR. SELEP: I think if he -- if you came out
25 of that with a proposal, the answer would be the

1 board's going to have to vote on it anyway.

2 MR. BARNEBEY: That is true.

3 MR. MOORE: I will say, yes, I would love to
4 have all of those parameters. We don't know what
5 he -- where he's going to come from. But I do
6 feel that -- I've sat through, what, three shade
7 meetings in the past couple of months? I think
8 I -- I have a fairly good feeling, Steve probably
9 has a fairly good feel of what everybody is
10 somewhat thinking.

11 MR. SELEP: Well, and I think Steve -- I trust
12 Steve to -- and your judgment that you know there's
13 going to be some stuff that's hard to sell.
14 There's going to be some stuff we don't have
15 control over.

16 We -- we can't fire John if that's -- if he
17 puts that on the table, the answer is: That's not
18 us. We can't do that. So if you're going to hold
19 us responsible to get that done, the answer is: We
20 can't help you.

21 Vivian, I have another question. I'm
22 planning -- and I'm throwing this out to Steve
23 too -- I'm planning on leaving the 16th of May.
24 I'm happy to fly back if you give me enough notice.
25 Can I attend a shade meeting remotely?

1 MR. BARNEBEY: No.

2 MR. SWANSON: Why not? It's not recorded.

3 MR. BARNEBEY: There -- it is recorded. It's
4 absolutely recorded.

5 MR. SWANSON: Well, but I mean, it's not
6 recorded that the public can see it.

7 MR. BARNEBEY: Look. There's -- there's --

8 MR. SELEP: I just need a yes-or-no answer.

9 MR. BARNEBEY: The answer is no.
10 Unfortunately, no.

11 MR. SELEP: Okay.

12 MR. BARNEBEY: I would not recommend that.
13 Just because of some AGOs that are out there.

14 MR. SWANSON: So -- so that's different, Mark.
15 You said you don't recommend it. That's different
16 than, "You can't do it."

17 MR. BARNEBEY: Based -- well, there's no cases
18 on it, but I will tell you there's some AGOs that
19 say you can't leave the room to talk to somebody
20 and bring the information back. Having somebody
21 out of the room would be --

22 MR. SELEP: It's fine. It's --

23 MR. SWANSON: Okay. All right. I just --

24 MR. BARNEBEY: And that's what -- that's where
25 my thought process is.

1 MR. SWANSON: I just want to make sure I --

2 MR. SELEP: I'll just have Dean Matt pick me
3 up in his airplane to fly me over here.

4 MR. SWANSON: Yeah, beautiful.

5 MR. HUEBNER: The other issue is you don't
6 know who's in the back of the Zoom meeting.

7 MR. SELEP: It's fine. It's fine.

8 MR. HUEBNER: I mean, I'm just thinking --
9 trying to think of potential problems.

10 It's like when we talk to him about appointing
11 that fourth person to the nominees. He's a friend
12 of mine. I like him a lot, the potential
13 candidate. But he got his thing in past the
14 deadline that we had put down, and I don't think we
15 should count it just because of the potential
16 arguments that would come from outsiders. Do you
17 know what I'm saying?

18 MR. BARNEBEY: That's -- that's subject for a
19 short discussion if we get done with this.

20 Anything else you want to --

21 MR. SELEP: I won't miss any meetings, Steve.

22 MR. SWANSON: So -- so -- I -- if we're done
23 with the approach, I have something that's germane
24 to this entire thing, if we're done with everything
25 else.

1 MR. HUEBNER: Still on the lawsuit thing?

2 MR. SWANSON: It's still on the Dean Matt
3 thing, yes.

4 MR. BARNEBEY: Well --

5 MR. MOORE: The settlement of Dean Matt?

6 MR. SWANSON: Yes.

7 MR. BARNEBEY: The settlement of Dean Matt?
8 Okay.

9 MR. SWANSON: Well, I don't know where else to
10 talk about this. If we can't talk about it here,
11 this is ridiculous.

12 MR. BARNEBEY: Well, look. There is case law
13 on this. We are limited to two issues in regards
14 to the litigation that we have currently pending.
15 That's it. That's the only thing we can talk about
16 in this meeting.

17 Look. I -- I'm right with you. It's
18 frustrating. It makes no sense. And I'm trying to
19 get that changed, but I'm working with people to
20 maybe talk to the legislature about that.

21 MR. SWANSON: So even though it's about Dean
22 Matt and what's -- what's happened with this entire
23 thing, we can't talk about it here?

24 MR. BARNEBEY: If it's related to a
25 resolution -- resolution --

1 MR. HUEBNER: Tie it to the litigation. Can
2 you tie it to the litigation?

3 MR. BARNEBEY: -- of the litigation, we
4 absolutely can.

5 MR. SWANSON: I -- I actually think I can tie
6 it to the litigation. And I could be wrong, but
7 can I throw it out and we can --

8 MR. BARNEBEY: Yeah. Go ahead.

9 MR. SWANSON: Why -- part of his litigation is
10 about defamation. Part of his litigation is about
11 what's going on with the bond, right?

12 MR. BARNEBEY: That -- let me -- only about
13 the bond. It's not about defamation.

14 MR. SWANSON: Is that not part of this
15 litigation?

16 MR. BARNEBEY: No.

17 MR. MOORE: No. He has raised issues that he
18 has claims out there for defamation or public
19 records, but --

20 MR. BARNEBEY: He hasn't filed on any of
21 those --

22 MR. SWANSON: So then -- so let me do it this
23 way. Let me ask it this way. I'll ask a question
24 of counsel in a shade meeting because I can't ask
25 you this in a public meeting. How do we countersue

1 him for all the damages we've incurred because of
2 his litigation?

3 We've incurred damages, yes?

4 MR. MOORE: That would be -- that would be a
5 public meeting.

6 MR. SWANSON: That's a public meeting?

7 MR. BARNEBEY: That's a public meeting. We're
8 happy to talk to you about that on your own after
9 this meeting if you want.

10 MR. SWANSON: There's no way our -- commenters
11 can hear this?

12 MR. BARNEBEY: In open, in front of the
13 public. That would be a public discussion at this
14 point -- at this point.

15 MR. SWANSON: My brain doesn't work for
16 government. It just doesn't work.

17 MS. CARVALHO: So we're going to go back into
18 the public in a minute.

19 MR. BARNEBEY: I can totally relate -- I can
20 totally relate to that. I totally understand the
21 frustration. It's just --

22 MR. SWANSON: Frickin' brutal. Can't get
23 anything done.

24 MR. HUEBNER: Let's go back into the public,
25 and then I want to share something with --

1 MR. BARNEBEY: Okay.

2 MR. HUEBNER: -- as advice.

3 MR. BARNEBEY: Well --

4 MR. SWANSON: As advice for me?

5 MR. BARNEBEY: Is there any --

6 MR. HUEBNER: But it's good.

7 MR. BARNEBEY: Is there -- is there anything
8 else we need to talk about in this medium before
9 we -- before we terminate on the discussion? We
10 have a plan of action. We'll -- when we get back
11 into session, we'll schedule a shade meeting, which
12 we could cancel if we don't need it.

13 Anything we want to talk about on that --

14 MR. HEITZNER: I'm going to talk to Rusty and
15 ask him to talk to Dean Matt one more time. Say
16 that we'd like to meet with him on Thursday. It's
17 the day before we choose a supervisor.

18 It's also the last day potentially -- well,
19 it's potentially the last day that Rusty can be in
20 a meeting with us, because if he's on the board,
21 then we can't. That's -- and that -- before the
22 board makes any decisions, but I'm pretty confident
23 he's going to say no, but we'll see.

24 MR. BARNEBEY: Okay. With that, we can
25 terminate -- we're going to close the -- close the

1 attorney-client private session and go into public
2 session now.

3 (The private attorney-client portion of the
4 meeting was concluded, and the public portion of
5 the meeting continued at 10:32 a.m. as follows:)

6 MR. BARNEBEY: We're not in the public
7 session. Before we get to your one comment, I do
8 want to make one comment about -- about the
9 appointment that you tentatively have coming up for
10 a person.

11 You set up a procedure. Generally, you want
12 people to make application. This procedure, by the
13 way, is totally yours. You have no obligation to
14 appoint anybody that has filed. You have no
15 obligation -- you can appoint somebody totally off
16 the list of people that have filed, but you did
17 have a procedure to at least ask for people to
18 submit. But you don't have -- you don't have --
19 you're not limited by that list. You're not --
20 you're not restricted by that list.

21 MR. HEITZNER: So we asked -- we -- we put out
22 a procedure. We are not obligated to follow that
23 procedure?

24 MR. BARNEBEY: You're --

25 MR. SELEP: No. That's not what he's saying.

1 You're not obligated to vote for somebody that's --
2 that's applied. You're not obligated. That
3 doesn't mean -- so you could go write in a
4 candidate.

5 MR. BARNEBEY: Yes, you could. Yes, you
6 absolutely could. There's no -- no restriction.
7 You -- you select who the person is.

8 Now, you may want --

9 MR. HEITZNER: But I also want to remind
10 that -- this goes back to the shade meeting. We're
11 in public now, right?

12 MS. CARVALHO: We're in public.

13 MR. HEITZNER: Okay.

14 MS. CARVALHO: So you wanted to comment on
15 that. Was there anything --

16 MR. BARNEBEY: That was my -- that was my
17 comment that I wanted to make outside of the shade
18 meeting -- outside of the private meeting, just so
19 everybody was aware.

20 MR. HUEBNER: Could you run that by me one
21 more time?

22 MR. BARNEBEY: You are obligated -- you -- you
23 have -- you have the obligation to appoint
24 somebody. You don't have a procedure. You have --
25 you have asked for people to submit an -- submit

1 applications.

2 MR. SWANSON: You can vote for somebody else
3 that's not --

4 MR. BARNEBEY: But you can vote for somebody
5 that's not on that list. You can vote for somebody
6 that hasn't applied. You can vote -- you -- I
7 mean, there's -- it's your -- your process, so you
8 can do what you want.

9 MR. HUEBNER: What about the deadline and the
10 date that we originally established for ourselves?

11 MR. BARNEBEY: You're not bound by that.

12 MR. HUEBNER: So we can extend that or push
13 that out --

14 MR. BARNEBEY: Yes.

15 MR. HUEBNER: -- or adjust --

16 MR. SELEP: We already --

17 MR. HEITZNER: Or extend --

18 MR. HUEBNER: I understand. I'm just looking
19 for --

20 MR. SELEP: Yeah, but we're not -- so -- we --
21 we decided to follow a process that was the
22 precedent that was set. It goes all the way back
23 to Mark Wright, right?

24 The point is, you know, the resumes -- the
25 stack of resumes, how many of them there are -- we

1 asked for candidates. Those are candidates, right?
2 But you're not -- we're not restricted to only vote
3 for the candidates. You can go write in a choice.

4 MR. HUEBNER: Okay.

5 MR. SELEP: Which it's the same as a
6 presidential election. There's -- there's people
7 on the ballot. You can go write -- you can go
8 write Mickey Mouse. Mickey Mouse gets votes in the
9 state of Florida for every presidential election,
10 and I'm not so sure he'd be all that bad.

11 MR. MOORE: They don't count, though. Mickey
12 hasn't registered as a write-in.

13 MR. SELEP: He has to register as a write-in.

14 MR. BARNEBEY: All right. That was my
15 comment. I have nothing else at this time.

16 At this point -- oh, but we do -- oh, I'm
17 sorry.

18 MS. CARVALHO: You do have something else.

19 MR. BARNEBEY: All right. I do want to
20 announce that there's no action to be taken in
21 regard to the shade meeting, by the way, and so we
22 have closed the -- we have closed the shade
23 meeting. There was no action to be taken. And
24 we -- but except for the fact that we did talk
25 about having another shade meeting.

1 And, Vivian, do you have a timeframe -- date
2 to make sure we get it noticed properly? And then
3 I'll request it.

4 MS. CARVALHO: So we are on the 5th. A week
5 would be the 12th. We probably could have it
6 either May 14th --

7 MR. SELEP: May 14th would be wonderful.

8 MS. CARVALHO: -- or May 15th.

9 MR. BARNEBEY: My May 14th looks great too.
10 Or -- or when?

11 MS. CARVALHO: May 15th.

12 MR. BARNEBEY: Not as excited about that.
13 14th -- but I could be here for that too.

14 MR. SWANSON: Yeah, I --

15 MR. MOORE: 14th. The 15th I've got a flight.

16 MS. CARVALHO: Okay.

17 MR. BARNEBEY: Let's not do that.

18 MR. SWANSON: I know you don't like mornings.
19 Can you do something before, you know --
20 traditionally, we're here late in the day. Can you
21 do something mid -- kind of in between morning and
22 afternoon?

23 MR. HEITZNER: 9:00?

24 MR. SWANSON: That's great. That's perfect.
25 Okay.

1 MR. SELEP: Yeah, May 14th, I -- I have to be
2 done by 1:00. I get needles in my eye on the 14th.

3 MR. SWANSON: Why do you need to go do that?
4 That's what this process is.

5 MS. CARVALHO: So you said 9:00?

6 MR. SELEP: Pretty much.

7 MS. CARVALHO: 9:00?

8 MR. HEITZNER: Yeah, 9:00.

9 MR. SELEP: 9:00 is fine.

10 MR. BARNEBEY: 9:00.

11 MR. SWANSON: Save yourself some money.

12 MR. BARNEBEY: May the 14th, which is a
13 Thursday?

14 MS. CARVALHO: It's a Thursday, and I'm just
15 going to step out real quick --

16 MR. BARNEBEY: Got to make sure we've got a
17 room?

18 MS. CARVALHO: Yeah, I was going to say, as
19 soon as we leave here, I'll have to make sure we
20 notice that to go to paper by tomorrow. I can find
21 out the room's availability.

22 MR. SELEP: So fun day for me. Shade meeting
23 in the morning, then --

24 MR. SWANSON: Twice in one day?

25 MR. SELEP: -- injections in the afternoon.

1 MR. BARNEBEY: You know how to live, Greg.

2 MR. SWANSON: She said we were back -- we were
3 out of the shade.

4 MR. BARNEBEY: We are out of the shade.

5 MR. SWANSON: So then she's recording it now?

6 MR. BARNEBEY: We're still in the --

7 MR. HUEBNER: Just regarding your -- your
8 question earlier. I found Mark has been excellent
9 if I direct anything specific to -- about -- about
10 that directly to him, he will respond in such a way
11 that it either is addressed by the board at
12 sometime in the future. It's all handled legally
13 so that we're all informed, but it isn't a
14 breach --

15 MS. CARVALHO: Okay. It's available.

16 MR. HUEBNER: -- of Sunshine laws. So if you
17 have a specific issue, it takes a little longer,
18 and probably costs us a little bit of money. But
19 if you ask him, he will address it, and he'll give
20 you and answer and address it in a way that it gets
21 elevated legally. So he's --

22 MR. SWANSON: Yeah, I -- so for me, I mean,
23 we're sitting here in a shade meeting, talking
24 about litigation that we're currently experiencing
25 and a way to resolve it, and this is adjacent to

1 that. It's not like I'm talking about the fitness
2 center. I'm asking questions about --

3 MR. BARNEBEY: No, I understand.

4 MR. SWANSON: -- this guy and how we, you --
5 well, we already know what I think.

6 MR. BARNEBEY: Understood.

7 MR. SELEP: I'm real clear.

8 MR. BARNEBEY: It is an unfortunate --

9 MR. SWANSON: Yeah, nobody leaves meetings
10 with me and goes, "I didn't understand what he was
11 saying. I don't know where he stands."

12 MR. BARNEBEY: I -- I understand where you
13 stand. But I --

14 MR. SWANSON: You should have seen me 10, 15
15 years ago if you think I'm impatient and
16 hot-headed. I've learned to control it.

17 MR. BARNEBEY: All right. All right. Based
18 on all those --

19 MR. SWANSON: But I like to get stuff done.

20 MR. BARNEBEY: -- conversations -- I need to
21 read this, if you'll give me a second -- we are
22 going to request a attorney-client session with the
23 board of supervisors of the University Park
24 Recreation District. That's a meeting that will be
25 held under Florida Sunshine Law section 286.011(8),

1 and it would begin at 9:00 a.m., and lasting
2 approximately 90 minutes -- we're going to give it
3 90 minutes this time -- at the request of the
4 attorney of the District.

5 This meeting will be held in the business
6 offices located at 8301 The Park Boulevard,
7 University Park, Florida 34201.

8 This meeting shall commence at an open meeting
9 and then move into an attorney-client session
10 limited in attendance to the attorney -- district
11 attorneys Mark Barnebey and Fred Moore, and
12 district manager Vivian Carvalho, who will be
13 meeting in private with the board of supervisors of
14 University Park Recreation District, Steve
15 Heitzner, Scott Huebner, Greg Selep, and Steve
16 Swanson, and potentially the replacement
17 supervisor -- who I can't name yet because he
18 hasn't been appointed, or she hasn't been
19 appointed -- and a court reporter who will
20 transcribe the full proceedings to be made a part
21 of the public record for release at the conclusion
22 of the litigation for the purpose of discussing
23 settlement negotiations or strategy sessions
24 related to the litigation expenditures in the court
25 case of Dean Matt versus University Park Recreation

1 District SC2024-000- -- 0990.

2 And at the conclusion of the private portion,
3 then the meeting shall be reopened to the public,
4 and -- thank you.

5 Vivian, please notice that meeting.

6 MS. CARVALHO: Will do. Okay. There's no
7 other items to come before this board at this time?
8 Is there a motion to --

9 MR. SELEP: I've got one thing.

10 MS. CARVALHO: Okay.

11 MR. SELEP: So we've been working on the DEC
12 for the town hall --

13 MR. HEITZNER: Can we do this?

14 MR. SWANSON: Can we talk about this?

15 MR. BARNEBEY: In general terms, yes. You
16 can't take action on it, but --

17 MR. SELEP: Yeah. No. There is no -- there
18 is no action.

19 MR. HEITZNER: So since it's --

20 MR. SWANSON: We're all here --

21 MR. HEITZNER: -- since we're all here, since
22 it's on the table now, we can talk about it?

23 I want to re-ask you guys, are we prepared to
24 have this town hall? We don't know the status of
25 litigation. We don't know the status of the bond.

1 We don't know the status of the assessments. We
2 don't know the status of the kitchen. I just want
3 to make sure that if we have the town hall, we're
4 not getting more --

5 MR. SWANSON: What was the date again? The
6 12th?

7 MR. HEITZNER: It's next week.

8 MR. SELEP: So I sent -- so we've worked on
9 the DEC. I worked with Crouch. The financial
10 piece of the DEC -- I'm sorry?

11 MR. HEITZNER: It needs re-work.

12 MR. SELEP: Well, it has been reworked. It
13 has been reworked. I sent the DEC to Vivan this
14 morning.

15 MS. CARVALHO: Oh, okay. So since the --

16 MR. HEITZNER: I'm scheduled -- I'm scheduled
17 to meet with John and Sidney this afternoon to go
18 through that, but I'm just going to ask whether
19 you -- you know, given all the conversations, given
20 the unknowns, whether or not we want to have the
21 town hall at this point.

22 MR. SELEP: So here's the dilemma. We're --
23 we're running in -- we're still running up against
24 the August 1st date, so let me ask the question
25 back to you. Are you willing to vote on an

1 assessment without having a town hall meeting on
2 the kitchen?

3 MR. HEITZNER: So I'm willing to vote on the
4 need to put it into the budget knowing that we can
5 pull it out.

6 MR. SELEP: That's not the question. So we've
7 already -- we've done that. He's going to -- he's
8 going to work it into the -- he's going to work a
9 budget, right? But you're going to vote on
10 actually moving the -- you're going to have to vote
11 on moving the assessment forward if you're going to
12 want to do the kitchen in 2027 if the bond doesn't
13 come through. That's August 1st. If you don't
14 have the town hall meeting before August 1st,
15 you're voting on a community assessment without --
16 without --

17 MR. HEITZNER: How do we -- how do we think we
18 will gain alignment on that in the town hall
19 meeting?

20 MR. SELEP: You're not going to -- well,
21 you're going to present it.

22 MR. SWANSON: Are we looking for people to
23 give us a thumbs-up or thumbs down?

24 MR. SELEP: We're -- we've opened it -- we've
25 said we'd take questions, so...

1 MR. SWANSON: Well, that's different than a
2 vote.

3 MR. SELEP: It's not a vote, but it's a
4 feedback. Even if 25 people jump up and said, "Oh,
5 my god, you're nuts," or if 25 people say -- jump
6 up and say, "Oh, my god, put a shovel in the ground
7 tomorrow. Let's go," I mean, it's feedback.

8 The -- you can still -- so you could still, if
9 you -- if you decided coming out of that meeting
10 you wanted to do a survey, you could -- you could
11 still go do that post May 12th before August 1st.

12 If you keep pushing the meeting out, the piece
13 to socialize the kitchen, you're -- you know,
14 you're running up -- you're running up against
15 August 1st. If the bond doesn't come through and
16 you miss the assessment, you're not building a
17 kitchen in 2027.

18 MR. HEITZNER: So I think that some of the
19 questions that will come up that we're not going to
20 have answers to is: How does this impact the rest
21 of the projects?

22 Because we're going to have to go into this --
23 the town hall meeting and say we're going to --
24 we're going to show you this fantastic kitchen
25 design, which we think is the right one. It's

1 considerably more expensive than originally
2 anticipated given that we've -- we have added some
3 things to the kitchen, i.e., a break room for
4 employees, bathrooms for employees, things like
5 that. We've added some things. It's -- it's more
6 expensive. It's going to have impact on the other
7 projects because we're not going to have as much
8 money left after the irrigation and the kitchen as
9 we thought.

10 How does it impact -- somebody stands up and
11 says, "So when do I get my activities center?"
12 Don't have the answer to that question because we
13 don't have the funding right now.

14 I'm -- I'm just -- I'm just playing this out,
15 and --

16 MR. SELEP: No --

17 MR. SWANSON: Sure. No, I agree. I guess
18 I -- what is our desired outcome? What's a
19 positive outcome for us from the town hall?

20 MR. HEITZNER: Communication.

21 MR. SELEP: That's all it is.

22 MR. HEITZNER: And they have --

23 MR. SWANSON: That's not an outcome. That's
24 just something we're presenting. We're
25 communicating to them. Are we hoping -- what is

1 the outcome we're hoping for from the people that
2 are in attendance at the town hall?

3 MR. SELEP: Enough -- enough positive input
4 for the board to move ahead.

5 MR. HEITZNER: Well, and --

6 MR. SWANSON: And if 150 people are there --

7 MR. HEITZNER: -- and some more transparency.

8 MR. SWANSON: If there's 150 people that show
9 up, which is a fraction of the community, and we
10 get a negative feedback from the vocal people, does
11 that mean we stop?

12 MR. SELEP: We don't know what we're going to
13 get.

14 MR. SWANSON: No, I know that. But it's a
15 hypothetical.

16 MR. SELEP: But we're --

17 MR. SWANSON: That's -- this entire thing is
18 hypothetical.

19 MR. SELEP: -- it would also be recorded, also
20 be posted, so it's not just the 150 people that
21 show up. It's all the people that view it off of
22 the webpage.

23 MR. HEITZNER: So if -- the people in the room
24 have the ability to give their feedback. We need
25 to have a feedback mechanism for people that are

1 not in the room, I guess.

2 MR. HUEBNER: Can I ask you a question, Greg?

3 MR. SELEP: Uh-huh.

4 MR. HUEBNER: We know we have this irrigation
5 bill we have to pay. Are we talking about
6 assessing for the irrigation and the kitchen
7 together on this next tax --

8 MR. SELEP: That's --

9 MR. HUEBNER: -- as an alternative?

10 MR. SELEP: Maybe we should send the DEC --

11 MS. CARVALHO: No, it's not -- as of right
12 now, it is only irrigation.

13 MR. SELEP: It's only irrigation.

14 MS. CARVALHO: The alternate is this kitchen.

15 MR. SELEP: Is -- the alternative would be to
16 assess also for the kitchen.

17 MS. CARVALHO: Correct.

18 MR. HUEBNER: So to your -- to your earlier
19 statement, from one -- a previous meeting, I was
20 under the impression we have to have the money in
21 hand, or financing in hand, or the means to pay for
22 it in hand before we start a capital project.

23 MR. SELEP: Correct.

24 MR. HUEBNER: So we can't -- if we don't
25 assess this at this time -- that's the decision of

1 this board -- for the kitchen and the irrigation
2 together, we can't start building the kitchen in
3 2027 because we don't have it -- the funding
4 figured out?

5 MR. SELEP: That's exactly my point.

6 MR. HEITZNER: Okay. So -- but what -- so --

7 MR. HUEBNER: So that's a much bigger
8 question.

9 MR. HEITZNER: So -- so what is -- if the bond
10 doesn't go through, we have to assess for the
11 irrigation. The next question --

12 MR. SELEP: Is what do you --

13 MR. HEITZNER: -- is do we move forward with
14 this kitchen? If we do, we're going to have to
15 assess at the same time. That's what they need to
16 know. It doesn't mean that's what we're doing, but
17 that's what we're trying to communicate.

18 MR. HUEBNER: I think it's worth presenting
19 the kitchen to the community. And I'm concerned
20 about presenting the uncertainty of the -- how
21 we're paying for things. If we involve them in
22 that decision-making process, is that going to help
23 us?

24 I believe that visibility always is helpful,
25 but it could create more division within the

1 community. I'm waffling.

2 MR. SELEP: So it's -- what you guys need to
3 see -- you guys need to see the DEC. It's 27 or -8
4 pages. It needs input from you.

5 MR. SWANSON: Is it ready to be seen? Can
6 Vivan share it?

7 MR. SELEP: Yeah. She's got it. But there's
8 going to be tweaks to the financial slides.

9 MR. SWANSON: Sure.

10 MR. SELEP: But --

11 MR. SWANSON: I'd love to see it.

12 MR. SELEP: -- but the intention -- the
13 intention doesn't change.

14 And then, take a look at -- there's "financing
15 possibilities" slide that lays out -- lays out
16 what -- what the possible outcomes are. Take a
17 look at that slide, and provide feedback.

18 MR. HUEBNER: Is that slide similar to what
19 Dick Crouch presented to us in a meeting? I hope
20 not.

21 MR. SELEP: It's not. It's -- let me -- let
22 me rephrase, Scott. Intent is the same. It's not
23 written in that -- in that language. It's English.

24 MR. HUEBNER: Okay. I believe there are
25 alternatives, so...

1 MR. SELEP: Well, take a look -- take a look
2 at the slide.

3 MS. CARVALHO: I'll send it to you guys.

4 MR. HUEBNER: Thank you.

5 MR. HEITZNER: So, do we want to move forward
6 or not move forward with the town hall?

7 MR. SELEP: I think you need to look at the
8 DEC first, decide how close -- how close you think
9 we are to ready.

10 MR. HEITZNER: So we can decide -- we can all
11 do that. We can decide on the -- on Friday in our
12 meeting --

13 MR. SELEP: Are we moving or not moving?

14 MR. HEITZNER: Yeah. Well, we still have
15 to -- we have to notice it. It's got to be noticed
16 today, which is -- and -- but we can still --

17 MR. BARNEBEY: Continue it or reschedule it.

18 MR. HEITZNER: We've already done that once --

19 MS. CARVALHO: Yeah, if you want --

20 MR. HEITZNER: -- because it was supposed to
21 be right now.

22 MR. HUEBNER: I like the idea of presenting
23 the kitchen plan in the estimated cost, which will
24 be solid to the community. I don't have a problem
25 with presenting them with our challenge right now

1 financing it. I think I would like to be as
2 visible on all those things and see what kind of
3 buy-in we get, personally.

4 MR. SELEP: I agree.

5 MR. HUEBNER: Because if I find I'm wrong in
6 my position, I would change my vote. But right
7 now, I'm -- I am the way I am.

8 MR. HEITZNER: Okay. So, everybody, look at
9 the DEC.

10 MR. SWANSON: Vivian, can you send that to us
11 today?

12 MS. CARVALHO: Yeah, I'm -- I'm going to do
13 this all before I get back on the road.

14 MR. SELEP: And send -- send whatever feedback
15 you have --

16 MR. SWANSON: To Vivian.

17 MR. SELEP: -- to Vivian, and Vivian will send
18 it to me. I'm meeting with Crouch and Fade to
19 finalize the financial pieces. It's -- it's -- all
20 the words that are on the slide are correct. He
21 wants to change -- Crouch wants to change a couple
22 of the financial documents that are in there.

23 MR. HEITZNER: It just needs to be in
24 layman's --

25 MR. SELEP: It -- it is.

1 MR. HEITZNER: -- terms.

2 MR. SELEP: It is. It is.

3 MR. HEITZNER: All right. I haven't seen it
4 yet, so...

5 All right, well done.

6 MS. CARVALHO: Okay.

7 MR. SELEP: Well, my attempt --

8 MS. CARVALHO: If there's nothing else --

9 MR. SELEP: -- my attempt to meet with the HOA
10 communications group fell apart.

11 MS. CARVALHO: All right. So if there's
12 nothing else to come before the board in the
13 special meeting, do I have a motion to adjourn?

14 MR. HEITZNER: Motion to -- motion to adjourn.

15 MS. CARVALHO: All right, Steve. Is there a
16 second?

17 MR. SWANSON: Second.

18 MS. CARVALHO: All right, Steve Swanson. All
19 those in favor, state by saying "aye."

20 (Unanimous ayes.)

21 MS. CARVALHO: Any opposed?

22 This meeting is adjourned, and the time is

23 10:52 a.m.

24 (The special meeting and attorney-client session meeting
25 was concluded at 10:52 a.m.)

1 CERTIFICATE OF COURT REPORTER

2 STATE OF FLORIDA

3 COUNTY OF SARASOTA
4

5 I, Michelle Parks, Certified Verbatim Reporter, do
6 hereby certify that I was authorized to and did
7 stenographically report the University Park Recreation
8 District Board of Supervisors Special Meeting and
9 Attorney-client Session Meeting regarding Case No.
10 SC2024-0990, and that the foregoing transcript is a true
11 record of my stenographic notes.
12

13 I FURTHER CERTIFY that I am not a relative,
14 employee, or attorney, or counsel of any of the parties,
15 nor am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.
18

19 DATED this 27th day of May, 2026 at Sarasota
20 County, Florida.
21
22

23 24 _____
25 Michelle Parks, CVR