

LAKE ASBURY MUNICIPAL SERVICE BENEFIT DISTRICT
Summary minutes of a conference call with the office of Governor Charlie Crist

September 4, 2009 10 A M

Topic:

Determine what was the specific intention of the Governor in his June 11, 2009 Veto of HB 713; legislation to allow the district to assess between \$100 - \$1,000 per lot per year, with a supermajority vote by the board to approve such assessment.

Call participants: Representative Bill Proctor; John Mitchell and Andrew Grayson, both of the Office of Policy and Budget – Environmental Policy; Carrie Thompson, Office of Legislative affairs; Carly Hermanson, Office of Legal Affairs; Wayne Flowers, Counsel to LAMSBD; Carl Kocher, LAMSBD Chair; and DeAnn Bjornson, LAMSBD Vice Chair

Mr. Mitchell expressed that as a matter of principal the Governor requires a referendum.

Discussion included the problems with applying that blanket statement to this particular legislation, including the points below.

Mr. Flowers voiced the fact that current law does not require a referendum to increase the assessment and the charter actually does not allow for the authority of such a referendum. There are the obvious time constraints, the cost and the concerns expressed by the Clay County Supervisor of Elections Office regarding the feasibility during a general election.

Mr. Mitchell conceded to being aware of the urgent need of the district to generate funds, and stated the “worthy” intention of the legislation. He stated the Governor’s office was sympathetic to our situation and regretted these issues could not have been vetted earlier. Mr. Grayson asked about the support in the community for the bill.

Ms. Bjornson referenced verbal and written communication with the Governor’s office prior to the veto demonstrating overwhelming support and virtually no formal objections, and stated she had made repeated requests to address any concerns and the opportunity to provide any additional support needed, should what had been given not be sufficient.

Mr. Kocher reiterated the widespread support for HB 713 and expanded upon difficulties with a referendum during a regular election as explained by the Supervisor of Elections.

Representative Proctor spoke of the drafting of HB 713, that he and Mr. Kocher researched all statutes, charter, and requirements, none of which require a referendum for the legislature to amend the assessment cap. He plainly asked for the Governor to provide us with specifically what he requires in order to support the bill. What referendum will meet the Governor’s concerns? Would a bona fide expression of the resident’s opinion satisfy the Governor?

Mr. Mitchell stated "that is what we are trying to determine".

Representative Proctor asked Mr. Mitchell to provide a draft including a referendum requirement that would be acceptable to the Governor.

Mr. Mitchell stated once again that it is simply a matter of principle with the Governor. There needs to be a referendum for any tax increase.

Representative Proctor again stated that is not a requirement of current law, and asked specifically what is the Governor trying to convey? He again explained that holding a referendum at this time does not follow the current law, a referendum at this point does nothing until the current law is changed, which was the intention of the bill.

Representative Proctor went on to state that there is nothing the residents can do at this time until we have specific directives from the Governor, including all legal requirements and particular needs.

Representative Proctor proceeded to ask again if an informal referendum would meet the requirements of the Governor. He reminded everyone of the crucial need for this legislation, as a matter of public safety. The referendum is indeed not statutorily required, but is the Governor's preference. He asked again if there is a referendum that we could hold now, before the bill is filed.

It was determined that Mr. Flowers would work with Representative Proctor to draft legislation to propose to the Governor. The legislation would include a provision that a future increase of the cap could be increased by referendum, without the need for legislative approval.

Respectfully submitted by
DeAnn Bjornson 9/14/09

A handwritten signature in black ink, appearing to read "Carl Kacher", is written over a horizontal line. Below the signature, the name "Carl Kacher" and the title "Chairman" are printed in a serif font.

Carl Kacher
Chairman